

1 AN ACT concerning local government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Municipal Code is amended by
5 changing Section 10-2.1-17 as follows:

6 (65 ILCS 5/10-2.1-17) (from Ch. 24, par. 10-2.1-17)

7 Sec. 10-2.1-17. Removal or discharge; investigation of
8 charges; retirement. Except as hereinafter provided, no
9 officer or member of the fire or police department of any
10 municipality subject to this Division 2.1 shall be removed or
11 discharged except for cause, upon written charges, and after an
12 opportunity to be heard in his own defense. The hearing shall
13 be as hereinafter provided, unless the employer and the labor
14 organization representing the person have negotiated an
15 alternative or supplemental form of due process based upon
16 impartial arbitration as a term of a collective bargaining
17 agreement. Such ~~In non home rule units of government, such~~
18 bargaining shall be ~~permissive rather than~~ mandatory unless the
19 parties mutually agree otherwise. Any such alternative
20 agreement shall be permissive. such contract term was
21 ~~negotiated by the employer and the labor organization prior to~~
22 ~~or at the time of the effective date of this amendatory Act, in~~
23 ~~which case such bargaining shall be considered mandatory.~~

1 If the chief of the fire department or the chief of the
2 police department or both of them are appointed in the manner
3 provided by ordinance, they may be removed or discharged by the
4 appointing authority. In such case the appointing authority
5 shall file with the corporate authorities the reasons for such
6 removal or discharge, which removal or discharge shall not
7 become effective unless confirmed by a majority vote of the
8 corporate authorities. The board of fire and police
9 commissioners shall conduct a fair and impartial hearing of the
10 charges, to be commenced within 30 days of the filing thereof,
11 which hearing may be continued from time to time. In case an
12 officer or member is found guilty, the board may discharge him,
13 or may suspend him not exceeding 30 days without pay. The board
14 may suspend any officer or member pending the hearing with or
15 without pay, but not to exceed 30 days. If the Board of Fire
16 and Police Commissioners determines that the charges are not
17 sustained, the officer or member shall be reimbursed for all
18 wages withheld, if any. In the conduct of this hearing, each
19 member of the board shall have power to administer oaths and
20 affirmations, and the board shall have power to secure by its
21 subpoena both the attendance and testimony of witnesses and the
22 production of books and papers relevant to the hearing.

23 The age for retirement of policemen or firemen in the
24 service of any municipality which adopts this Division 2.1 is
25 65 years, unless the Council or Board of Trustees shall by
26 ordinance provide for an earlier retirement age of not less

1 than 60 years.

2 The provisions of the Administrative Review Law, and all
3 amendments and modifications thereof, and the rules adopted
4 pursuant thereto, shall apply to and govern all proceedings for
5 the judicial review of final administrative decisions of the
6 board of fire and police commissioners hereunder. The term
7 "administrative decision" is defined as in Section 3-101 of the
8 Code of Civil Procedure.

9 Nothing in this Section shall be construed to prevent the
10 chief of the fire department or the chief of the police
11 department from suspending without pay a member of his
12 department for a period of not more than 5 calendar days, but
13 he shall notify the board in writing of such suspension. The
14 hearing shall be as hereinafter provided, unless the employer
15 and the labor organization representing the person have
16 negotiated an alternative or supplemental form of due process
17 based upon impartial arbitration as a term of a collective
18 bargaining agreement. Such ~~In non home rule units of~~
19 ~~government, such~~ bargaining shall be ~~permissive rather than~~
20 ~~mandatory unless~~ the parties mutually agree otherwise. Any such
21 alternative agreement shall be permissive. such contract term
22 ~~was negotiated by the employer and the labor organization prior~~
23 ~~to or at the time of the effective date of this amendatory Act,~~
24 ~~in which case such bargaining shall be considered mandatory.~~

25 Any policeman or fireman so suspended may appeal to the
26 board of fire and police commissioners for a review of the

1 suspension within 5 calendar days after such suspension, and
2 upon such appeal, the board may sustain the action of the chief
3 of the department, may reverse it with instructions that the
4 man receive his pay for the period involved, or may suspend the
5 officer for an additional period of not more than 30 days or
6 discharge him, depending upon the facts presented.

7 (Source: P.A. 91-650, eff. 11-30-99.)

8 Section 99. Effective date. This Act takes effect upon
9 becoming law.