

COOK COUNTY SHERIFF'S MERIT BOARD



RULES AND REGULATIONS

Amended, July 20, 2023

***COOK COUNTY SHERIFF'S MERIT BOARD
COUNTY ADMINISTRATION BUILDING
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Robert F. Hogan

Hearing Officer

Rosemarie Nolan

Executive Director



THOMAS J. DART
Sheriff of Cook County, Illinois

INTRODUCTION

The Cook County Sheriff's Merit Board was established in conformance with the provisions of Chapter 55 of the Illinois Compiled Statutes. The Board by virtue of the authority vested in them by Statute may conduct test(s) which may consist of a written examination, physical ability test and any other examination or process the Merit Board deems necessary to establish a Certified Roster of Applicants for the positions of Correctional Officer and Deputy Sheriff. The Merit Board further conducts promotional examinations for positions within the Cook County Sheriff's Police Department, Cook County Department of Corrections and the Cook County Court Services Department. Those qualifying for consideration for promotion in these Departments are certified and referred to the Sheriff who upon further review will affect the actual hiring and promotion of individuals as needed from the Certified Roster of Applicants. The Board has statutory authority to conduct hearings on disciplinary matters involving Police Officers, Police Sergeants, Police Lieutenants, Correctional Officers, Correctional Sergeants, Correctional Lieutenants, Correctional Captains, Deputy Sheriffs, Deputy Sergeants and Deputy Lieutenants subsequent to their one (1) year probationary period. The Board's jurisdiction applies when the Sheriff files written charges requesting demotion in rank or separation from service.

The Merit System affords Employees of the Cook County Sheriff's Office certified, tenured status. It gives the Board discretionary rights to select and conduct tests for Applicants as well as establish requisites of education, training, and experience. The Board is empowered to change, modify or replace these provisions by Resolution on majority vote of the Board.

CHAPTER 55

ILLINOIS COMPILED STATUTES

DIVISION 3-7

ADMINISTRATIVE PROCEDURES

RULES AND REGULATIONS

COOK COUNTY SHERIFF'S MERIT BOARD

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ARTICLE I

ADMINISTRATIVE MATTERS

A. Offices and Employees

The Merit Board, its staff and records will be maintained in an office in the City of Chicago, Illinois.

B. Confidential Matters of the Board

The files of the Board relating to all personnel matters except to the extent disclosure is required pursuant to the Freedom of Information Act ILCS 140/ of the Cook County Sheriff's Police Department, the Cook County Department of Corrections and/or the Cook County Sheriff's Court Services Department will be deemed confidential.

C. Public Notice of the Board and Agenda

Except in the event of a bona fide emergency, 48 hours' notice shall be given of a meeting to be held that includes date, time and location of meeting. Notice shall be given to all Members of the public body, shall be posted on the bulletin board in the Office of the Merit Board, on the website and provided to any news media who has requested notice of meetings. In response to any and all emergencies, including but not limited to Executive Orders by the State of Illinois, Cook County, the City of Chicago, the Public Notice will identify a telephone number and a weblink to ensure the public has access to Merit Board meetings. Notice of Canceled Meetings will be posted on the website.

D. Regular Meetings of the Board

A Regular Meeting of the Board will be held at its office in Chicago, Illinois, on the *third* Thursday in January, April, July, and October. All meetings will be conducted under the provisions of the Illinois Open Meetings Act. The Board may postpone the Quarterly Meeting to an alternate date as decided by the Chairman, but no later than the last day of the same month. At the beginning of each calendar year, the Merit Board will approve and post the schedule for the Regular Quarterly Merit Board Meetings that includes dates, times, and location of the meetings.

E. Special Meetings of the Board

A Special Meeting of the Board may be requested by the Chairman or any three (3) Board Members specifying the date, time and place of such meeting at least 48 hours' notice shall be given of a meeting to be held that includes date, time, and location of a meeting.

F. Quorum

A quorum consisting of at least forty percent (40 %) of the Board or three (3) Board Members are mandated by Statute to conduct any and all business of the Board. A quorum of the Merit Board must be physically present at the meeting location. If a quorum of the Merit Board is present, a majority of the Merit Board may allow individual Members to fully participate by video or audio conference. In response to any and all emergencies, including, but not limited to, Executive Orders by the State of Illinois, Cook County, the City of Chicago, each Merit Board Member participating in a meeting by video or audio conference is considered present at meeting for purposes of determining a quorum and participating in all proceedings. All Members of the Merit Board who are participating in the meeting, regardless of their physical location shall be:

- i. Verified, able to hear one another, and able to hear discussion and testimony
- ii. All votes and attendance shall be conducted by a roll call and each Member's vote on each issue and attendance shall be identified and recorded.
- iii. At least one Member of the public body must be physically present at the regular meeting location, unless physical presence is "unfeasible due to the disaster".

G. Voting

On all matters, the concurrence of at least four (4) Members of the Board or majority whichever is relevant shall be necessary to render a decision. Any such decision will constitute a decision of the entire Board.

H. Change in Procedures, Rules and Regulations

The Board at any meeting may amend, adopt, or rescind any Procedure, Rule and/or Regulation; provided, however, that written notice will be given to each Board Member of any proposed amendment, adoption or recession of any such Procedure, Rule or Regulation. Amendment, adoption and/or rescission will be by Board Resolution.

I. Officers of the Board

The Officers of the Board will consist of a Chairman, Vice-Chairman, and Secretary.

The Chairman will preside at all meetings and will perform all duties required of him by these Procedures, Rules and Regulations.

The Vice-Chairman will preside at meetings in the absence of the Chairman.

The Secretary will keep or direct to be kept the minutes and records of the Board.

The term of each Officer will be for the tenure prescribed in 55 ILCS 5/3-7002.

J. Minutes and Records

The Board will keep and maintain written records of Board meetings. The actions and decisions of the Board will be maintained in these records. Pursuant to PA 93-523 closed *meetings* will be audio recorded. Public Act 97-0504 mandates that all Members of a public body take the Illinois electronic FOIA/OMA electronic training. The Member is required to provide the public body (*Board*) with a certificate of completion of training. In accordance with 2021 IL Criminal Justice Reform Bill, Public Act 01-141. The Local Records Act is amended by adding section 25 as follows: Police misconduct records. Notwithstanding any other provision of law to the contrary, all public records and nonpublic records related to complaints, investigations, and adjudications of police misconduct shall be permanently retained and may not be destroyed.

K. Personnel Matters

The Board will further be advised in writing of all separations, i.e. resignation, termination, retirement, deceased for Sheriff's Office employees that have disciplinary cases before the Merit Board.

L. Assistance to Other Governmental Agencies

The Board *may* provide requesting governmental agencies having duties similar to the Sheriff's Merit Board, information, specialized or technical assistance requested by such agencies. Reciprocity and mutual benefit may be considered and that such information or assistance will not adversely affect the operations of the Sheriff's Department, Merit Board or its staff. Compliance with personnel privacy provisions, both those mandated by law and those established by labor contracts will be strictly adhered to.

ARTICLE II

ENTRY LEVEL APPLICATION PROCESS

A. Application Availability

Application distribution and Job Opportunity posting periods will be prescribed by the Board.

B. Applicant Requirements

Applicants will be required to state or provide the following:

1. Position Desired
2. Applicants Legal Name
3. Home Address, Telephone Number, Cell Number and Email Address
4. Social Security Number
5. Date of Birth and Age at Time of Application
6. United States Citizenship information
7. High School / G.E.D. or advanced education with a minimum 60 credit hours.
8. Summary of criminal convictions, if any
9. Credit Card in the amount of \$25.00 payable to the Cook County Collector unless the Merit Board determines the application fee is waived for a period.
10. Valid Driver's License or State Identification Card, acceptable to the Board
11. Possess a Valid Illinois Firearms Owner's Identification Card (F.O.I.D.) or qualify to obtain an F.O.I.D. Card prior to being Certified by the Sheriff's Merit Board.

The above provisions must adhere to the mandates of the Board. Any suspensions or revocations of required documents may result in the rejection of an application or decertification by the Board. It will be incumbent upon the applicant to have required document(s) available to the Board as requested during the application process.

C. Application Standards

Applications may not be rejected due to inadvertent omissions, deficiencies or intentional misrepresentations that may be corrected during the certification process.

ARTICLE III

APPOINTMENT STANDARDS

A. Standards for Appointment to the Cook County Sheriff's Police Department

Applicants for appointment to the position of Police Officer in the Cook County Sheriff's Police Department, in addition to meeting the standards prescribed in the Illinois Compiled Statutes, Chapter 55 Division 3-7 Section 5/3 -7008 Applicants must also:

1. Be a *Certified* Sworn member who has served/completed one (1) year of continuous service with the Cook County Sheriff's Office at the time of the promotional examination for the position of Police Officer.
2. Possess a minimum of sixty (60) credit hours or an Associate Degree from an accredited college or university acceptable to the Board at the time of the promotional examination for the position of Police Officer or;
3. Possess a minimum of two (2) years of Honorable Active Military Duty in the United States Military acceptable to the Board at the time of the promotional examination for the position of Police Officer.
4. Be in good physical condition through the meeting of current fitness standards and successfully passing written, physical, and other tests and examinations as shall be prescribed by the Board or required by Illinois State Law.
5. Possess such prerequisites of training, education and experience and meet such standards of intelligence, reasoning and judgment as the Board shall from time to time prescribe.
6. Be subject to a thorough investigation of background, reputation, and character if so, required by the Board.
7. be acceptable to the Board after oral interview, if so, required by the Board.

B. Intergovernmental Agreements

Intergovernmental Agreements between the Cook County Sheriff's Office and a local governmental unit or municipal corporation in the State of Illinois authorized by the Sheriff may allow for consideration to be given by the Merit Board to Certify entry level Police Officers that are certified as a Law Enforcement Officer by Illinois Law Enforcement Training Standards Board (50 ILCS 705) Illinois Police Training Act).

The Merit Board may conduct tests for whom the Sheriff requests in writing that such tests be completed which may consist of criminal background investigation, written examinations, physical ability test, and any other examination or process the Merit Board deems necessary to establish a Certified Roster of Applicants for the positions of entry level Police Officer.

Those qualifying for consideration for entry level Police Officer positions are certified and referred to the Sheriff who upon further review will affect the actual hiring of individuals as needed from the Certified Roster of Applicants. The Sheriff's Office will ensure that all other Illinois Law Enforcement Training Standards Board requirements are met.

C. Standards for Appointment to the Cook County Department of Corrections

Applicants for appointment to the position of Correctional Officer in the Cook County Department of Corrections in addition to meeting the standards prescribed by the Illinois Compiled Statutes, Chapter 55 Division 3-7. Applicants must also:

- 1. Be no younger than twenty-one (21) years of age at the time their application is received by the Board or twenty (20) years of age and complies with the educational mandates established in 55 ILCS 5/3-7008. Applicants twenty (20) years of age must have successfully completed sixty (60) college credit hours in general education coursework or an Associate Degree from an accredited College or University.**
- 2. Required Academic Credentials:**
 - a. Possess credentials acceptable to the Board which represent that the applicant is a High School graduate or possesses an equivalent General Education Degree (G.E.D) or alternatively a minimum of sixty (60) credit hours in general coursework or an Associate Degree from an accredited College or University.**
 - b. Applicants presenting documents issued by a *foreign nation* are required to submit supporting documentation acceptable to the Board from an agency authorized to confirm the validity of such documents.**
- 3. Be able to attain a passing score set by the Board for the current entry level examination.**
- 4. Be in good physical condition through the meeting of current fitness standards and successfully passing written, physical, and other tests and examinations as may be prescribed by the Board or required by Illinois State Law.**
- 5. Possess such prerequisites of training, education and experience and meet such standards of intelligence, reasoning and judgment as the Board may from time to time prescribe.**
- 6. Be acceptable to the Board following a thorough investigation of background, reputation, and character.**
- 7. Be acceptable to the Board after oral interview, if so, required by the Board.**

D. Standards for Appointment to the Cook County Court Services Department

Applicants for Appointment to the position of Deputy Sheriff in the Cook County Court Services Department in addition to meeting the standards prescribed by the Illinois Compiled Statutes, Chapter 55 Division 3-7 Applicants must also:

- 1. Be twenty-one (21) years of age or older. Applicants may apply at twenty (20) years of age, however the Applicant's file will not be reviewed until the Applicant has turned twenty-one (21) years of age.**

2. **Required Academic Credentials:**
 - a. Possess credentials acceptable to the Board which represent that the applicant is a High School graduate or possesses an equivalent G.E.D. or alternatively a minimum of sixty (60) credit hours in general education course work or an Associate Degree from an accredited College or University.
 - b. Applicants presenting documents issued by a *foreign nation* are required to submit supporting documentation acceptable to the Board from an agency authorized to confirm the validity of such documents.
3. Be able to attain a passing score set by the Board for the current entry level examination.
4. Be in good physical condition through the meeting of current fitness standards and successfully pass written, physical, and other tests and examinations as may be prescribed by the Board or required by Illinois State Law.
5. Possess such prerequisites of training, education and experience and meet such standards of intelligence, reasoning and judgment as the Board may from time to time prescribe.
6. Be acceptable to the Board following a thorough investigation of background, reputation, and character.
7. Be acceptable to the Board after oral interview, if so, required by the Board.

E. Veteran's Preference for Appointment

Applicants for appointment to the Cook County Department of Corrections and/or the Cook County Sheriff's Court Services Department who have served Honorably in the Military Services of the United States of America for two (2) years of active duty, may file with their applicant *Personal History Questionnaire* a copy of their Honorable Service form (DD 214) or any other confirmable document acceptable to the Board to be considered for Veteran Preference. The Board will apprise the Sheriff's Bureau of Human Resources Office of those Applicants Certified by the Board who have proven Honorable Service in the Armed Forces of the United States.

F. Applicants/Personnel Recalled to Active Military Duty

Applicants who have been Certified and/or have applied for entry level positions as a Correctional Officer or Deputy Sheriff that have been recalled to Active Military Duty Status in the United States Military will have the term that they are so activated held in abeyance for purposes of the term of their Certification period.

Sheriff's personnel who have been Certified for promotion and/or have applied for Merit Board promotional examinations who have missed examinations due to recall to Active Military Duty Status in the United States Military will be given the opportunity to take any missed examination(s) upon their return. Candidates may be tested only if the current certification period has not expired.

Certified Military Documents acceptable to the Board, i.e.: orders to report for active duty and orders terminating the active-duty status must be presented to the Board within the period prescribed by Title 38, United States Code, Chapter 43, for consideration. Sheriff's personnel who have notified the Sheriff's Bureau of Human Resources Office of their Active Military Duty Status and have been on a Military Leave of Absence will be required to submit to the Board documents substantiating their active-duty Military status.

G. Standards for Appointment Certification

Upon completion of the application(s), written examination(s), physical ability test, background investigation, interview and any other testing mandated by the Board; Applicants who have been found to possess the prescribed requisites for certification will be so informed by the Board. The type of examinations/tests and number of examinations/tests are discretion of the Merit Board.

Thereafter, the Board may conduct oral interviews of Applicants as necessary and provide certified Applicant files to the Sheriff those Applicants deemed by the Board to be qualified for appointment consideration. Applicants are certified and eligible for appointment consideration for a two (2) year period from the date of certification. An Applicant certified for appointment that declines to accept appointment will be deemed to have withdrawn from their Merit Board Certified Status.

H. Physical Ability Test

The Merit Board will cause to be administered a Physical Ability Test to all Applicants who successfully complete the written examination. The Physical Ability Test as developed and administered by the Sheriff's Training Institute is intended to screen and identify Applicant(s) having the physical ability and endurance to address the challenges presented in training. The Physical Ability Test consists of the following three (3) physical requirements:

1. Sit Up Test
2. One (1) Repetition Maximum Bench Press
3. One and a Half (1.5) Mile Run

I. Applicant Notification

Applicants will be notified of Certification/Disqualified status in writing. Applicants disqualified during the Merit Board certification process or Cook County Sheriff's Office hiring process may elect to reapply for certification OR Appeal the decision of the Merit Board. Applicants requesting an Appeal may submit a letter addressing any issues the Applicant believes may have impacted the Merit Board decision to disqualify the Applicant. Appeals can be sent to the Merit Board's email address at Sheriff.MeritBoard@ccsheriff.org within five (5) business days from the date of notification.

ARTICLE IV

CLASSIFICATION OF RANKS

A. Cook County Sheriff's Police Department

1. Police Lieutenant
2. Police Sergeant
3. Police Officer
4. Individuals serving in positions outside the above classified ranks will be exempt from merit classification.

B. Cook County Department of Corrections

1. Correctional Captain
2. Correctional Lieutenant
3. Correctional Sergeant
4. Correctional Officer
5. Individuals serving in positions outside the above classified ranks will be exempt from merit classification.

C. Cook County Sheriff's Court Services Department

1. Deputy Lieutenant
2. Deputy Sergeant
3. Deputy Sheriff
4. Individuals serving in positions outside the above classified ranks will be exempt from merit classification.

ARTICLE V

PROMOTIONAL STANDARDS

A. Standards for Promotion in the Cook County Sheriff's Police Department

1. **To be eligible for the Police Officer examination:**
 - a. **must have served/completed a minimum of one (1) year of continuous service as a Merit Board Certified Sworn member with the Cook County Sheriff's Office at the time of the promotional examination.**
 - b. **must have served/completed a minimum of one (1) year of continuous service in the next immediate rank in the Cook County Sheriff's Police at the time of the promotional examination.**
 - c. **must not be on leave of absence to another agency unless such leave of absence is for the benefit of the Sheriff of Cook County.**
 - d. **must not be under suspension by order of the Board at the time of the promotional examination.**

2. **Examination**
 - a. **A written promotional examination will be given by the Board no less frequently than every two (2) years for each rank. Notice of an exhausted list of Certified Candidates by the Cook County Sheriff may be cause to conduct an examination prior to the two (2) year certification period.**
 - b. **All promotional examinations will be prepared to ensure that they are job related and in compliance with all Federal and State Statutes and any other applicable law.**
 - c. **A bibliography of study materials used in the formulation of all promotional examinations will be provided to Candidates to assist them in preparing for the promotional examination.**
 - d. **Candidates will receive a Promotional Announcement prior to the written promotional examination which will include the date, time and location relating to all elements of the process.**
 - e. **Requests for inspection, appeals or exceptions to the promotional examination or process will be made in writing directly to the Board who has the authority for final determination of all appeals. The requests will thoroughly relate the concern of the requestor(s).**
 - f. **Any employee on written request approved by the Executive Director or designee will be permitted to examine their written promotional examinations.**

3. **Compiling Scores for Each Promotional Examination**

Promotional Examination Scores for all ranks within the Sheriff's Police Department will be based entirely on the results of the written promotional examination administered for each respective position.

4. Certification Process

- a. Candidates must have taken and passed the written promotional examination for the respective rank offered by the Merit Board. The Board will determine the passing grade on each examination.**
- b. The Board or any Member thereof may conduct oral interviews of qualified Candidates. The Board will submit to the Cook County Sheriff a list of those officers found to be certified for promotion to the next respective rank.**
- c. The Board may certify for promotion more or fewer Candidates than there are vacancies existing in the various ranks.**
- d. Certification lists will be published alphabetically on SheriffNet.**

5. Duration of Certified Promotional Lists

A certified list to the Cook County Sheriff will remain in force for two (2) years from the date of certification or until a new list is available.

B. Standards for Promotion in the Cook County Department of Corrections

1. To be eligible for examination an Officer:

- a. must have served/completed a minimum of one (1) year of continuous service in the next immediate lower rank in the Cook County Department of Corrections at the time of the promotional examination.**
- b. must not be on leave of absence to another agency unless such leave of absence is for the benefit of the Sheriff of Cook County.**
- c. must not be under suspension by order of the Board at the time of the promotional examination.**

2. Examination

- a. A written promotional examination will be given by the Board no less frequently than every two (2) years for each rank. Notice of an exhausted list of Certified Candidates by the Cook County Sheriff may be cause to conduct a promotional examination prior to two (2) years.**
- b. All promotional examinations will be prepared to ensure that they are job related and in compliance with all Federal and State Statutes and any other applicable law.**
- c. A bibliography of reading materials used in the formulation of the examination will be provided to Candidates to assist them in preparing for the examination.**

3. Candidates will receive a Promotional Announcement prior to the written promotional examination which will include the date, times and location relating to all elements of the process.

4. **Requests for inspection, appeals or exceptions to the promotional examination or process will be made in writing directly to the Board who has the authority for final determination of all appeals. The requests will thoroughly relate the concern of the requestor(s).**
5. **Any employee on written request approved by the Executive Director or designee will be permitted to examine their written examination.**

6. Compiling Scores for Each Promotional Examination

Promotional examination scores for all ranks within the Cook County Department of Corrections will be based entirely on the results of the written promotional examination administered for each respective position.

7. Certification Process

- a. **Candidates must have taken and passed the promotional examination for the respective rank offered by the Board. The Board will determine the passing grade on each examination.**
- b. **The Board or any Member thereof may conduct oral interviews of qualified Candidates. The Board will certify to the Cook County Sheriff those officers found to be certified for promotion to the next respective rank.**
- c. **The Board may certify for promotion more or fewer Candidates than there are vacancies existing in the various ranks.**
- d. **Certification lists will be published alphabetically on SheriffNet.**

5. Duration of Certified Promotional Lists

A certified list provided to the Cook County Sheriff will remain in force for two (2) years from the date of certification, or until a new list is available.

C. Standards for Promotion in the Cook County Sheriff's Court Services Department

1. To be eligible for examination an Officer:

- a. **must have served/completed a minimum of one (1) year of continuous service in the next immediate lower rank in the Cook County Sheriff's Court Services Department at the time of the promotional examination.**
- b. **must not be on leave of absence to another agency unless such leave of absence is for the benefit of the Sheriff of Cook County.**
- c. **must not be under suspension by order of the Board at the time of promotional examination.**

2. Examination

- a. A written promotional examination will be given by the Board no less frequently than every two (2) years in each rank. Notice of an exhausted list of Certified Candidates by the Cook County Sheriff may be cause to conduct an examination prior to two (2) years.**
- b. All promotional examinations will be prepared to ensure that they are job related and in compliance with all Federal and State Statutes and Cook County Ordinances.**
- c. A bibliography of reading materials used in the formulation of the examination will be provided to candidates to assist them in preparing for the examination.**
- d. Candidates will receive a Promotional Announcement prior to the written promotional examination which will include the date, times and location relating to all elements of the process.**
- e. Requests for inspection, appeals or exceptions to the examination or process will be made in writing directly to the Board who has the authority for final determination of all appeals. The requests will thoroughly relate the concern of the requestor(s).**
- f. Any employee on written request approved by the Executive Director or designee will be permitted to examine their respective examinations.**

3. Compiling Scores for Each Promotional Examination

Promotional Examination Scores for all ranks within the Court Services Department will be based entirely on the results of the written examination administered for each respective position.

4. Certification Process

- a. Candidates must have taken and passed the promotional examination for the respective rank offered by the Board. The Board will determine the passing grade on each examination.**
- b. The Board or any Member thereof may conduct oral interviews of qualified Candidates. The Board will certify to the Sheriff those officers found to be qualified for promotion to the next respective rank.**
- c. The Board may certify for promotion more or fewer Candidates than there are vacancies existing in the various ranks.**
- d. Certification lists will be published alphabetically on SheriffNet.**

5. Duration of Certified Promotional Lists.

A certified list to the Cook County Sheriff will remain in force for two (2) years from the date of certification, or until a new list is available.

D. Probationary Period.

The probationary period for Merit Board appointed Cook County Sheriff's Police Sergeants, Police Lieutenants, Correctional Officers, Correctional Sergeants, Correctional Lieutenants, Correctional Captains, Deputy Sheriffs, Deputy Sergeants and Deputy Lieutenants will be for one (1) year from the date of appointment to the respective position.

The probationary period for Merit Board appointed Cook County Sheriff's Police Officers will be for one (1) year from the date of appointment to the respective position. "Date of Appointment" shall be defined as the date on which the employee graduates from the Sheriff's Police Training Academy.

E. Evaluation.

The entry level and promotional process will be evaluated and revised, if the Board so rules.

ARTICLE VI

RESIGNATIONS / REINSTATEMENTS / CERTIFICATION CHANGE

- A. Any Police Officer, Police Sergeant, Police Lieutenant, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain, Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant who resigns or is separated from the Cook County Sheriff's Office for any reason *will not be reinstated*.**
- B. Should a former Police Officer, Police Sergeant, Police Lieutenant, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain or Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant desire to be reinstated with the Cook County Sheriff's Department they must reapply and take the requisite examinations being administered at the time of application and meet the basic requirements for appointment as a Correctional Officer in the Cook County Department of Corrections or as a Deputy Sheriff in the Court Services Department as directed by the Sheriff's Merit Board.**
- C. Any person who is employed as a Deputy Sheriff or Correctional Officer will not be allowed to change their certification category unless:**
- 1. A written request is made to the Sheriff's Merit Board explaining the need for the change. Board approval of the requested change will result in the Certification in the prior position being rescinded.**
 - a. Certification change requires the approval of five (5) Members or a majority, whichever is relevant of the Board Members. When a Certification change is approved by the Board the member will not be subject to a new probationary period.**
 - b. Approval of the requested Certification change may subject the requester to further training as mandated by the Board or the Sheriff's Bureau of Human Resources.**

ARTICLE VII

LEAVE OF ABSENCE

Leaves of absence may be granted to any member of the Cook County Sheriff's Police Department, Cook County Department of Corrections, or Cook County Sheriff's Court Services Department irrespective of rank. The leave will be from the position and rank they hold at the time the leave is granted. Upon termination of the leave, the officer will be returned to the same rank they held at the time the leave was granted provided a vacancy still exists. Leaves of absence will not be granted to any Cook County Sheriff's Police Officer, Police Sergeant, Police Lieutenant, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain, Deputy Sheriff, Deputy Sergeant, and Deputy Lieutenant who has not completed their probationary period.

All leaves of absence, except for military service, will be for one (1) year or less, with the privilege of reapplying for a new leave of absence at the expiration of the first. Leaves of absence will be granted by the Sheriff. An officer on leave of absence who accepts a position other than that for which the leave is granted, without written approval of the Sheriff, will be deemed to have resigned. An officer who fails to return to their position following the granted leave or fails to request and be granted a new leave of absence before the expiration of the first leave will be deemed to have resigned.

Leaves of absence may be granted for the following reasons and purposes:

- 1. Illness of an employee properly certified by a physician acceptable to the Sheriff and the Board. However, the Board may require a member who has applied for such leave to submit to a physical examination by a physician of the Board's choosing.**
- 2. Required active duty in the military service of the United States of America, upon presentation of confirmed military documentation acceptable to the Board.**
- 3. Training in an institute of higher learning, when approved by the Sheriff and the Board.**
- 4. Other reasons acceptable to the Sheriff and the Board.**

ARTICLE VIII

DISCIPLINARY MEASURES

A. By the Sheriff

1. The Sheriff or designated representative, without filing charges with the Board, may suspend any Police Officer, Police Sergeant, Police Lieutenant of the Cook County Sheriff's Police Department, any Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain of the Cook County Department of Corrections or any Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Cook County Sheriff's Court Services Department for infractions of the Rules and Regulations. Such suspension may be ordered only if the employee has had an opportunity to respond to the Sheriff's decision.
2. The Sheriff or designated representative, without filing charges with the Board, may take reasonable disciplinary measures for infractions of the Rules and Regulations in addition to, or in place of, suspension.
3. The Sheriff or designated representative may recommend separation or demotion of any Police Officer, Police Sergeant, Police Lieutenant of the Cook County Sheriff's Police Department or any Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain of the Cook County Department of Corrections or any Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Court Services Department. However, charges against such person must be filed with the Board.
4. Nothing within this Article will be considered a limitation on the Sheriff's authority to file charges against any Police Officer, Police Sergeant, Police Lieutenant of the Cook County Sheriff's Police Department, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain of the Cook County Department of Corrections, or Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Cook County Sheriff's Court Services Department for infractions of the Rules and Regulations.

B. By the Board

The Board, after hearing written charges pursuant to their authority in Chapter 55 of the Illinois Compiled Statutes, may upon the finding of the charges being proven order any of the following disciplinary measures as prescribed in 55 ILCS 5/3-7012.

1. Separation.
2. Reduction in rank.
3. Suspension for a period not to exceed a total of one hundred and eighty (180) days.
4. Or any other such sanctions prescribed by the Rules and Regulations of the Board which in the opinion of the Members thereof the offense(s) may merit.

ARTICLE IX

DISCIPLINARY PROCEDURES

A. Complaints

In all cases where the Sheriff desires to discipline a Police Officer, Police Sergeant, Police Lieutenant of the Cook County Sheriff's Police Department, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain of the Cook County Department of Corrections, or Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Cook County Sheriff's Court Services Department beyond the measures prescribed by Article VIII, Section A of these Rules and Regulations (except in the case of probationary employees), the Sheriff will file with the Board a written Complaint, setting forth a plain and concise statement of the facts upon which the Complaint is based and the specific section or sections of these Rules and Regulations which the employee is charged with violating.

B. Notification of Hearing

1. On receipt of a Complaint from the Sheriff, the Board will send a letter to the named employee enclosing a copy of the Complaint. The letter will advise of the filing of the complaint, the charges contained in the Complaint and the time and place of the hearing therefore. Said letter will constitute no less than ten (10) days' notice to the named employee. The letter will be sent by registered or certified mail, return receipt requested to the residence address on record of the accused employee. Delivery of the letter to the respondent's residence, as affirmed by the return receipt, will constitute service of the complaint on the accused employee. If service by registered or certified mail is not effectuated, the Board may provide for alternative methods of service.
2. A copy of the Merit Board schedule will be emailed to the Sheriff and will constitute notice to the Sheriff of the date, time and place of the hearing on the Complaint.

C. Scheduling Order

1. At the preliminary hearing, the Hearing Officer shall enter, with the assistance of the parties:
 - a. Dates of completion of any pre-hearing discovery, including document production and written discovery response.
2. Disclosure of expert witnesses shall be consistent with Illinois Supreme Court Rule 213(f) within thirty (30) days of hearing.

D. Respondent

1. Upon receipt of the Complaint, the individual named in the Complaint will have twenty-eight (28) days in which to file an answer or otherwise plead.
2. The individual named in the Complaint will serve one (1) copy of such answer or other pleading(s) to both the Sheriff and the Merit Board.

E. Merit Board Hearings

- 1. Except as otherwise provided by Illinois law, no Deputy Sheriff, Deputy Sergeant, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain, Police Officer, Police Sergeant, Police Lieutenant shall be removed, demoted or suspended except for cause, upon written charges filed with the Merit Board by the Sheriff and after a hearing before the Board in compliance with 55 ILCS 5/3-7012.**
- 2. All Merit Board proceedings, including hearings and pre-hearing statuses, will be presided over by a Merit Board Member or by a Hearing Officer appointed pursuant to 55 ILCS 5/3-7004.**
- 3. The Sheriff and the Respondent Employee may be represented by counsel at all Merit Board proceedings.**
- 4. Unless otherwise excused by presiding Merit Board Member or Hearing Officer, all parties must appear either in person or through counsel on each date the matter is set for status or hearing. Failure to appear as set forth may result in dismissal of charges or a finding of default.**
- 5. For all Merit Board proceedings, the Sheriff's Office is authorized to have a designated representative present throughout that hearing. The Merit Board permits the Sheriff's Office designated representative to also act as a witness in the proceedings. The identity of the designee must be disclosed prior to the commencement of the hearing.**
- 6. The parties will be able to call witnesses and present evidence at the hearing, as well as making opening statements and closing arguments.**
- 7. At the hearing, the charging party (the Sheriff's Office) will first present evidence and testimony supporting the charges in the Complaint. Thereafter, the respondent may present evidence and testimony in their defense. All parties have the right to cross-examine any witness presented by the opposing party. The presiding Merit Board Member or Hearing Officer will also have the right to examine and recall witnesses.**
- 8. All witnesses will be sworn in by the Court Reporter prior to testimony.**
- 9. The Merit Board permits witnesses to testify via videoconference e.g. Skype, Cisco Webex, etc. The calling party must file a notice of intention to present a witness by video conference prior to the hearing. Prior to the hearing, the parties are required to discuss whether or not they agree that the witness may be sworn in remotely. If there is not an agreement, the witness must be sworn in by a Notary or Court Reporter present at the witness' location, at the calling party's expense.**
- 10. The hearing will be transcribed by a certified Court Reporter assigned by the Merit Board. No other recordings will be permitted at the hearing.**
- 11. Subsequent to the close of evidence, but prior to closing arguments, each party will be required to submit proposed findings of facts, with citation to the record supporting each fact. Proposed findings of fact must be filed with the Merit Board within twenty-one (21) days after the party's receipt of notice of the availability of the transcript.**

12. The parties shall bear the cost of the transcript. However, two (2) copies of the transcript will be made available in the Merit Board offices for review. The review must take place in the Merit Board office, and no photocopies shall be made of any portion of the transcript. If the parties wish to have their own copy of the transcript; they must purchase a copy directly from the Court Reporter.
13. At his or her discretion, the presiding Merit Board Member or Hearing Officer may request that each party submit conclusions of law in addition to the findings of fact.
14. In any and all emergencies, including, but not limited to, Executive Orders of the State of Illinois, Cook County, the City of Chicago, Merit Board proceedings may be considered telephonically or by a videoconference platform, in person or a combination of those means; Witnesses or parties are not required to appear in-person but may be conducted with some or all participants. (See Appendix A for Merit Board Rules and Procedures for Videoconference proceedings).
15. In accordance with 5ILCS 120/2 (c) (1) 7 (4) Merit Board proceedings of the Sheriff's Merit Board are not open to the public.

F. Final Merit Board Decisions

1. The Merit Board will issue a Final Decision after the conclusion of the hearing, in compliance with Illinois law.
2. For cases presided over by a Hearing Officer:
 - a. The Hearing Officer shall issue a recommended order within 21 days of the conclusion of the hearing. The recommended order shall include findings of fact and a determination of whether cause for discipline has been established by the Sheriff. The Hearing Officer shall also recommend whether discipline should be imposed and the level of discipline. Any Hearing Officer may issue the recommended order.
 - b. Within twenty-one (21) days after receipt of service of the recommended order, the Sheriff and the respondent may file with the Board written exceptions to any part of the order.
 - c. Exceptions shall be supported by argument and served on all parties at the time they are filed. If no exceptions are filed, the recommended order shall become the order of the Board without further review.
 - d. Paragraph F. 2a-c does not apply to cases presided over by Merit Board Members.
3. Any Merit Board Member not presiding over the hearing will review the evidence and hearing transcript prior to the time the Merit Board issues its Final Decision.
4. The decision of the Merit Board is not final until the Merit Board has voted to adopt the Final Decision at a meeting compliant with the Illinois Open Meetings Act, 5ILCS 120/1, et seq.
5. The Final Order is to be mailed to the respondent employee by registered certified mail return receipt requested. A copy of the notice will be emailed to the Sheriff and the respondent's attorney.
6. If any party wishes to seek administrative review of the Final Order, they must do so within thirty-five (35) days of service of the Final Review, pursuant to provisions of the Administrative Review Law.

G. Subpoenas

1. At any time before a hearing commences, a party may ask the Merit Board to issue witness or document subpoenas. The subpoena will be issued upon proper application to the Board.
2. Application for witness subpoenas must include the name and address of the individual or individuals the party seeks to call at the hearing.
3. Subpoenas issued by the Board may be served by an adult person designated by the party requesting the subpoenas. Subpoenas will not be issued to anyone residing outside the State of Illinois.

H. Interrogatories / Depositions / Pre-Trial Memorandum / Proposed Findings of Fact and Conclusions of Law

1. Each party appearing before the Board for administrative hearings will be allowed to propound a maximum of twenty (20) interrogatories including subsections.
2. The presiding Merit Board Member or Hearing Officer will have the sole authority to allow supplemental interrogatories.
3. Each party will be allowed to make a reasonable request to produce documents. The latitude of reasonableness will be determined at the discretion of the Hearing Officer.
4. Depositions are not permitted under any circumstances.
5. If a party wishes to consolidate cases, the party seeking to consolidate must file a motion before the Chairman of the Merit Board seeking to consolidate.

I. Filing of Documents

All documents may be filed with the Board personally, by messenger, or by U.S. mail to the Cook County Sheriff's Merit Board office at its address in Chicago, Illinois. All documents may also be sent via email to the Sheriff's Merit Board email at Sheriff.MeritBoard@ccsheriff.org. The filing date of any documents will be the date it was received in the Merit Board's office until midnight excluding weekends and holidays.

J. Forms of Papers

1. All papers filed in any proceeding will be type written or printed and will be on one side of the paper only.
2. If typewritten, the lines will be double spaced except that long quotations may be single spaced and indented.
3. All papers will not be any larger than eight and one half (8.5) inches by eleven (11) inches and will have margins of not less than one (1) inch.
4. The original of all papers filed will be signed in ink by the party filing the papers or by their designated counsel.
5. If papers are filed by an attorney, their name and address will appear thereon.

K. Continuances

1. In fairness to all parties, continuances will be granted sparingly and only for good cause shown, as determined by the Hearing Officer. An agreement by the parties will not result in an automatic continuance.

2. All records of the Merit Board will include a summary of the procedural history of the case, setting forth each date the parties appeared before the Merit Board and the reason for each continuance according to the following designations:

BA	-	By Agreement
MR	-	Motion Respondent
MS	-	Motion Sheriff
OC	-	Order of the Commissioner

3. In any proceeding before the Merit Board, a continuance from the first date on which the Respondent is required to appear before the Merit Board to the Merit Board's next available date will be designated as Order of the Commissioner (OC).

4. In any proceeding before the Merit Board, continuances for the purpose of obtaining discovery and/or from scheduled hearing dates will be designated as:

BA	-	By Agreement
MR	-	Motion Respondent
MS	-	Motion Sheriff
OC	-	Order of the Commissioner

All reasonable requests for discovery must be complied with. For purposes of this section compliance must occur within twenty-eight (28) days of the request for discovery. Failure of a respondent to comply in a timely manner with a reasonable discovery request could result in sanctions being ordered against responding party by the Hearing Officer.

ARTICLE X
RULES AND REGULATIONS
FOR THE CONDUCT OF MERIT EMPLOYEES OF THE
COOK COUNTY SHERIFF'S OFFICE

Any Police Officer, Police Sergeant, Police Lieutenant of the Cook County Sheriff's Police Department, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain of the Cook County Department of Corrections or Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Cook County Sheriff's Court Services Department who will be found in violation of any of the following will be subject to disciplinary action by the Sheriff and the Merit Board.

No Police Officer, Police Sergeant, Police Lieutenant of the Cook County Sheriff's Police Department, Correctional Officer, Correctional Sergeant, Correctional Lieutenant, Correctional Captain of the Cook County Department of Corrections or Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Cook County Sheriff's Court Services Department will:

- 1. Violate any Law or Statute of any State or of the United States of America.**
- 2. Violate any Ordinance of any County or Municipal Government.**
- 3. Violate any of the Sheriff's Executive Orders, General Orders, Special Orders, Directives, Rules and Regulations of the Cook County Sheriff's Department or Cook County Sheriff's Merit Board Rules and Regulations.**
- 4. Fail to immediately notify in writing the appropriate Department of the Cook County Sheriff's Office, of a change of name, residence and/or phone number.**
- 5. Have provided false or misleading information during the hiring process or disciplinary process.**
- 6. Have applied or been hired by the Sheriff's Department without having complied with all the standards for application, certification and appointment required by State Statute, the Cook County Sheriff's Merit Board and any other such Law or Regulation at the time of application.**

APPENDIX A

Merit Board Rules and Procedures for Videoconference Proceedings

1. Webex Platform

The Merit Board Trial will be conducted in-person with the exception of detainees, out-of-state witnesses, medical exceptions or upon prior agreement of the parties. The Merit Board status hearings will be conducted using the videoconferencing platform known as Cisco Webex (“Webex”). You can access the hearing via Webex using the website link or meeting number contained in the notice or invitation you received. If you need further instructions, please utilize the following link: <https://help.webex.com/en-us/>

2. Prior to the hearing date

It will be necessary for participants to have access to Webex on their electronic devices (computers or laptops, etc.). All participants must test functionality prior to their hearing date.

3. Participants / Webex Invitation

- a. Parties will ensure the attendance of any persons who will be participating. In order to do so, each party must provide to each such participant the Webex invitation to join the proceeding, including the website link or meeting number.
- b. Parties will receive a Webex invitation prior to the date of the proceeding.
- c. Parties will log on to Webex 15 minutes early to conduct a system check.
- d. It is the responsibility of each party to ensure the attendance of any persons who will be participating. Parties will provide to each participant the website link and Webex invitation.
- e. Parties can forward the Webex invitation at the time the participant is called to testify; OR
- f. Participants must join the hearing at the time set by the Merit Board, at which time they will be placed in a virtual “waiting room.” They will be invited into the hearing room from the waiting room when the parties are ready to proceed. If the matter is set for 9:00a.m., the participants need to remain available for the entire morning (from 9:00a.m. to noon).
- g. If participants receive a message “the host has restricted meeting access to those currently in attendance” the participants will not be allowed to join the meeting until they are notified.

4. Appearance on the Record

On the record, all parties will identify themselves and state their appearance via the Webex platform OR their agreement to proceed via the Webex platform.

5. Swearing In

Parties will agree that the remote swearing of the witness is valid for Trial. The Court Reporter will be present at the Merit Board Conference Room and the witness(es) will be sworn in via Webex.

6. Exhibits / Videos

- a. All properly disclosed exhibits must be labeled prior to filing. Exhibits with multiple pages must include page designations so that the specific pages can be referenced during the proceedings to easily direct the witness and Merit Board Member.
- b. All hard copies of labeled Exhibits / Videos (2 copies) must be forwarded to the Merit Board no later than two (2) business days prior to Trial.
- c. Parties are responsible for sharing their Exhibits with their Clients.
- d. Parties are expected to know how to utilize the Webex “share” function if they wish to publish exhibits for all Webex participants during the proceedings. Attorneys will share the Exhibits / Videos during the Trial via Webex:
 - i. “Share” is at the top of the Webex tool bar > user left click on “share content” > user left click on “share file” > user mouse wheel down on “libraries (list item) select the file or drive > Cisco Webex Meetings > User left click on “OK (button)” in “Webex Document Viewer” > User left click on “OK (button) in “Cisco Webex Meetings”;
 - ii. Clicking on the document and the tool bar on the left-hand side of the screen provides arrows to move to previous page, next page, zoom in/out, fit to viewer on pages of Exhibits.
 - iii. To remove the Exhibit, click on the top center of the Exhibit to remove the Exhibit > user left click on “Yes” in “Close Content Tab” will remove the content from all participants’ viewers > Yes
- e. Rebuttal exhibits can be offered during the Trial, but they need to be in an electronic format and emailed to the opposing party / opposing counsel and the presiding Merit Board Member as early as possible @ Sheriff.MeritBoard@cookcountyil.gov.
- f. Parties are encouraged to reach stipulations concerning exhibits and other evidentiary issues before the hearing to avoid the need to prepare, deliver or upload voluminous records.

7. Witnesses

- a. Parties should confer regarding witness order and direct witnesses to be available to testify according to their agreed schedule.
- b. For witnesses testifying, all chat capabilities should be turned off. Communications with a witness in any way during the witness’s testimony is prohibited.
- c. Parties must provide protentional witnesses electronic or paper copies of any labeled exhibits and audio or video recordings the party intends to utilize with them at least 24 hours before the Trial.

8. Objections

Objections will be made by raising your hand or a card and stating your objection.

9. Breaks

Reasonable breaks will be afforded to the parties to confer with their Client(s). To avoid disconnections please do not exit the Webex Meeting. Parties should allow additional time for Webex hearings and should anticipate the need to take more frequent breaks.

10. No Recordings

No one including any attorney, party, or witness) may record the proceedings in any manner. Doing so will be considered a violation of various statutes and rules. The only allowable record of the proceedings will be the Court Reporters' transcript of proceedings.

11. Decorum

- a. **Mute Audio - All parties must mute their microphone to assure their audio connection is muted until it is their turn to speak. The audio connection will be muted if the corresponding icon button is red. Your audio feed should be muted on entering the Trial. This will assure a clean record without interruption due to background noise.**
- b. **Parties should state their names for the record and other participants before beginning their presentation or examination.**
- c. **While speaking, background noise, including side conversations and paper shuffling, must be kept to a minimum to assure a clear record.**
- d. **All Participants must always have their camera on.**
- e. **Participants will be allowed to speak only when prompted.**
- f. **Participants should ask to sign off before signing off to make sure they do not have any other issues to resolve.**

The above procedures are evolving and may be modified or updated periodically. You may and are encouraged to schedule a pre-hearing conference to address any procedural and technology issues by emailing Sheriff.MeritBoard@ccsheriff.org.

