

HB0642



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB0642

by Rep. John M. Cabello

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-2.1-17

from Ch. 24, par. 10-2.1-17

Amends the Illinois Municipal Code. Provides that the chief of the fire department or chief of the police department may be removed or discharged by the board of fire and police commissioners if the municipality has such a board or the appointing authority if the municipality does not have a board (currently, removed or discharged only by the appointing authority). Effective immediately.

LRB100 05607 AWJ 15621 b

A BILL FOR

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 bargaining shall be mandatory unless the
18 parties mutually agree otherwise. Any such alternative
19 agreement shall be permissive.

20 If the chief of the fire department or the chief of the
21 police department or both of them are appointed in the manner
22 provided by ordinance, they may be removed or discharged by the
23 board of fire and police commissioners if the municipality has

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

22 The age for retirement of policemen or firemen in the
23 service of any municipality which adopts this Division 2.1 is
24 65 years, unless the Council or Board of Trustees shall by
25 ordinance provide for an earlier retirement age of not less
26 than 60 years.

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

8 Nothing in this Section shall be construed to prevent the
9 chief of the fire department or the chief of the police
10 department from suspending without pay a member of his
11 department for a period of not more than 5 calendar days, but
12 he shall notify the board in writing of such suspension. The
13 hearing shall be as hereinafter provided, unless the employer
14 and the labor organization representing the person have
15 negotiated an alternative or supplemental form of due process
16 based upon impartial arbitration as a term of a collective
17 bargaining agreement. Such bargaining shall be mandatory
18 unless the parties mutually agree otherwise. Any such
19 alternative agreement shall be permissive.

20 Any policeman or fireman so suspended may appeal to the
21 board of fire and police commissioners for a review of the
22 suspension within 5 calendar days after such suspension, and
23 upon such appeal, the board may sustain the action of the chief
24 of the department, may reverse it with instructions that the
25 man receive his pay for the period involved, or may suspend the
26 officer for an additional period of not more than 30 days or

1 discharge him, depending upon the facts presented.

2 (Source: P.A. 95-356, eff. 8-23-07.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.