



95TH GENERAL ASSEMBLY

State of Illinois

2007 and 2008

HB1542

Introduced 2/22/2007, by Rep. Lisa M. Dugan

SYNOPSIS AS INTRODUCED:

65 ILCS 5/10-2.1-17

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

Amends the Illinois Municipal Code. In non-home rule units of government, effective June 1, 2007, makes collective bargaining mandatory with respect to removal or discharge of an officer or member of the fire or police department. Effective immediately.

LRB095 07174 HLH 27305 b

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. In non-home rule units of government, such
18 bargaining shall be permissive rather than mandatory unless
19 such contract term was negotiated by the employer and the labor
20 organization prior to or at the time of the effective date of
21 this amendatory Act, in which case such bargaining shall be
22 considered mandatory; except that effective June 1, 2007, in
23 non-home rule units of government, such bargaining shall be

1 considered mandatory.

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

24 The age for retirement of policemen or firemen in the
25 service of any municipality which adopts this Division 2.1 is
26 65 years, unless the Council or Board of Trustees shall by

1 ordinance provide for an earlier retirement age of not less
2 than 60 years.

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

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