



Labor Committee

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09500HB1719ham001

LRB095 08361 HLH 33084 a

1 AMENDMENT TO HOUSE BILL 1719

2 AMENDMENT NO. _____. Amend House Bill 1719 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 3-8013 and 3-8014 as follows:

6 (55 ILCS 5/3-8013) (from Ch. 34, par. 3-8013)

7 Sec. 3-8013. Disciplinary measures. Disciplinary measures
8 for actions violating either the rules and regulations of the
9 Commission or the internal procedures of the sheriff's office
10 may be taken by the sheriff. Such disciplinary measures may
11 include suspension of any certified person for reasonable
12 periods, not exceeding a cumulative 30 days in any 12-month
13 period. However, on and after June 1, 2007, in any sheriff's
14 office with a collective bargaining agreement covering the
15 employment of department personnel, such disciplinary measures
16 and the method of review of those measures shall be subject to

1 mandatory bargaining, including, but not limited to, the use of
2 impartial arbitration as an alternative or supplemental form of
3 due process.

4 (Source: P.A. 86-962.)

5 (55 ILCS 5/3-8014) (from Ch. 34, par. 3-8014)

6 Sec. 3-8014. Removal, demotion or suspension. Except as is
7 otherwise provided in this Division, no certified person shall
8 be removed, demoted or suspended except for cause, upon written
9 charges filed with the Merit Commission by the sheriff. Upon
10 the filing of such a petition, the sheriff may suspend the
11 certified person pending the decision of the Commission on the
12 charges. After the charges have been heard, the Commission may
13 direct that the person receive his pay for any part or all of
14 this suspension period, if any.

15 The charges shall be heard by the Commission upon not less
16 than 14 days' certified notice. At such hearing, the accused
17 certified person shall be afforded full opportunity to be
18 represented by counsel, to be heard in his own defense and to
19 produce proof in his defense. Both the Commission and the
20 sheriff may be represented by counsel. The State's Attorney of
21 the applicable county may advise either the Commission or the
22 sheriff. The other party may engage private counsel to advise
23 it.

24 The Commission shall have the power to secure by its
25 subpoena both the attendance and testimony of witnesses and the

1 production of books and papers in support of the charges and
2 for the defense. Each member of the Commission shall have the
3 power to administer oaths.

4 If the charges against an accused person are established by
5 the preponderance of evidence, the Commission shall make a
6 finding of guilty and order either removal, demotion, loss of
7 seniority, suspension for a period of not more than 180 days,
8 or such other disciplinary punishment as may be prescribed by
9 the rules and regulations of the Commission which, in the
10 opinion of the members thereof, the offense justifies. If the
11 charges against an accused person are not established by the
12 preponderance of evidence, the Commission shall make a finding
13 of not guilty and shall order that the person be reinstated and
14 be paid his compensation for the suspension period, if any,
15 while awaiting the hearing. The sheriff shall take such action
16 as may be ordered by the Commission. However, on and after June
17 1, 2007, in any sheriff's office with a collective bargaining
18 agreement covering the employment of department personnel,
19 such disciplinary measures and the method of review of those
20 measures shall be subject to mandatory bargaining, including,
21 but not limited to, the use of impartial arbitration as an
22 alternative or supplemental form of due process and any of the
23 procedures laid out in this Section.

24 The provisions of the Administrative Review Law, and all
25 amendments and modifications thereof, and the rules adopted
26 pursuant thereto, shall apply to and govern all proceedings for

1 the judicial review of any order of the Commission rendered
2 pursuant to this Section. The plaintiff shall pay the
3 reasonable cost of preparing and certifying the record for
4 judicial review. However, if the plaintiff prevails in the
5 judicial review proceeding, the court shall award to the
6 plaintiff a sum equal to the costs paid by the plaintiff to
7 have the record for judicial review prepared and certified.
8 (Source: P.A. 86-962.)".