

Kendall County Sheriff's Office Merit Commission
Public Safety Center, Conference Room
1102 Cornell Lane Yorkville, IL
October 11, 2019
Meeting Minutes

Call to Order — Shawn Flaherty

Pledge of Allegiance

Committee Members Present: Don Marrone-present; Janice Hightower-absent; Rob Delong-present; Jack Westphall-present; and Shawn Flaherty-present. With three of five members present, a quorum is made to conduct business.

Others Present: Chief Deputy Mike Peters, Commander Bobby Richardson, Commander Jason Langston, Deputy Commander Mitch Hattan, and Michelle Staie

Approval of Agenda - Member Flaherty made a motion to approve the agenda, seconded by Member Westphall. With all in favor, the motion carried.

Approval of the Minutes – Member Westphall motioned to approve with an amendment to the second to last sentence where the sentence says “Don” and should say “Rob.” This was seconded by Member Flaherty. With all in favor, the motion carried.

No public comment.

Items of Business

Old Business

Due to the audio recorder malfunctioning, the old business is recorded from notes rather than the audio recorder. The docket to be discussed was reviewing the promotional testing for patrol and correction division. Chief Deputy Peters focused on the results of the results from the Correctional Sergeants testing that was completed shortly before this meeting. The pros and cons of the different testing styles were discussed, as well as how much value a formal interview, an interactive interview, and the paper test should hold for the overall total score. Member Flaherty motioned to ratify, Member Westphall seconded. With all in agreement, the motion passed.

New Business

Chief Deputy Peters explained the time between the written test and how long it could to get to the ratification process. Member Flaherty verifies that Chief Deputy Peters intention that the current list of candidates could expire before the Sheriff's Office can offer them a position. Chief Deputy Peters agrees that unless there is a sudden retirement, there would not be a position to offer so the list could expire. Member Flaherty mentions reaching out to the three on the list. Commander Langston replies that two have completed a background packet and are still interested in the Sheriff's Office. The Sheriff's Office has not reached out to the third, because no positions were currently available. The Sheriff's Office was looking for approval for patrol

testing starting around April 12th. Member Flaherty makes a motion to authorize patrol testing process at a date determined by staff, Member Westphall seconded. With all in favor, the motion carried.

Chief Deputy Peters explains why lateral transfers are useful to a law enforcement agency. The Merit Commission and the Sheriff's Office rules and regulations already allow for this, but Chief Deputy Peters wanted the Commissions opinion on the subject. Member Delong motioned to approve the lateral transfers per the rules and regulations, and Member Flaherty seconded. With all in agreement, the motion passed.

Member Flaherty brings up the promotional exam weighting scale. Chief Deputy Peters explained how changing the weighted scale for the exams to favor the assessment over the written test. Commander Richardson explained more deeply what an assessment really entails, and why the skills and answers in an assessment can be more telling of actual skill than a written test can produce. Member Westphall motions a 60 assessment/40 written, Member Delong seconded, Member Marrone favors 70/30, and Member Flaherty passed the motions 60/40. With a majority, the 60/40 motion carried.

Chief Deputy Peters discusses our current practice and policy for our new hires and drug use due to the upcoming law change. The Sheriff's Office would like to keep the current policy of zero tolerance for drug use of any kind regardless of the legality of certain drugs such as marijuana. Maintaining a zero tolerance policy will protect the officer, the Sheriff's Office, and the county from both injury and liability.

Member Flaherty proposes to set the new dates for next year: 2nd Friday at 3:00pm of January, April, July, and October. January 10th, April 10th, July 10th, and October 9th. Member Westphall seconded. With all in favor, the dates were approved.

No other new business

No need for executive session.

No public comment, it was noted that the doors were open.

Next Meeting Date – January 10, 2019 at 3pm

Adjournment – Member Westphall made a motion, second by Member Delong to adjourn the Merit Commission meeting. With all in agreement, the meeting adjourned at 3:50 pm

Respectfully submitted,
Michelle Staie
Recording Secretary

**RULES, REGULATIONS AND PROCEDURES
OF THE
KENDALL COUNTY SHERIFF'S OFFICE
MERIT COMMISSION**

Pursuant to its responsibility for the administration and operation of a merit system for all Deputy Sheriffs of the Kendall County Sheriff's Office, as authorized under the Sheriff's Merit Commission Act, and the Illinois Compiled Statutes Chapter 55 ILCS 5/3-8001 et. seq., the Merit Commission of the Kendall County Sheriff's Office (hereafter, "the Commission") adopts the following Rules, Regulations and Procedures.

These adopted Rules, Regulations and Procedures supersede all other Rules, Regulations and Procedures previously adopted by the Commission.

**ARTICLE 1
ADMINISTRATION**

- A. MEMBERSHIP:** The Commission shall be composed of five members appointed by the Sheriff and approved by the Kendall County Board. Members of the Commission shall serve for six years upon their appointment. No more than three members shall be affiliated with the same political party.

- B. ORGANIZATION OF THE COMMISSION:** The officers of the Merit Commission shall be: Chairman, Vice-Chairman and Secretary. All officers shall be elected by a simple majority vote of the Commission. The term of office shall be two years or until the term of office as a member of the Commission shall expire, whichever period is shorter. The Chairman shall preside at all meetings and shall perform all duties required by these Rules, Regulations and Procedures. The Vice-Chairman shall preside at meetings in the absence of the Chairman. The Secretary shall keep the minutes and records of the Commission.

- C. OFFICE AND STAFF:** The Commission shall maintain an office in Yorkville, Illinois, where its staff, assistants, and clerks shall function and where its files and records shall be maintained.

- D. MEETINGS:** Regular meetings of the Commission shall be held quarterly unless no business or activity exists for consideration during any given quarter. Other meetings may be called, as necessary, by the Chairman. The Chairman shall also call other meetings upon the request of three members of the Commission, or at the request of the Sheriff and at least two members of the Commission. All meetings shall be conducted in compliance with the provisions of the Illinois Open Meetings Act (5 ILCS 120/1 et. seq.).

E. QUORUM: Attendance of at least three members of the Commission at meetings shall constitute a quorum. When considering changes or amendments to the Commission's Rules, Regulations and Procedures at least four members must be present to take action on any change or amendment.

1. Members of the Commission may attend meetings by video or audio conference subject to the following conditions:
 - a. A quorum of the members of the Commission must be physically present at the meeting location.
 - b. The member requesting to attend by video or audio conference must be unable to physically attend the meeting because of: (1) personal illness or disability, (2) employment purposes or business of the Commission or (3) a family or other personal emergency.
 - c. The member requesting to attend by video or audio conference must notify the recording secretary before the meeting, if practical.
 - d. A majority of the members of the Commission must approve the member's request to attend by video or audio conference.
 - e. Equipment must be available that will permit the member to participate in the meeting so that the member can hear and/or see the other members of the Commission and the other members of the Commission can hear and/or see the member attending by video or audio conference.
2. If a member of the Board attends a meeting by video or audio conference in accordance with these rules, the minutes of that meeting shall reflect that the member was present via video or audio conference.
3. Members attending by video or audio conference shall be permitted to participate in the meeting as if they were physically present to the extent permitted by the equipment used including the right to vote on any matters that come before the Commission.
4. Members attending by video or audio conference shall not be eligible for any per diem or stipend that would otherwise be authorized for members physically present at the meeting.

F. VOTING: On all matters brought before the Commission, the concurrence of at least three members of the Commission shall be necessary for a decision, and the action of such a majority shall be considered the act of the Commission. For changes to the Commission's Rules, Regulations and Procedures, all Commissioners must have received notice of proposed changes and the date of the meeting that such changes will be considered for action. At least four members must be present to act on proposed changes.

G. MINUTES AND RECORDS: The Commission shall:

1. Maintain such personnel records and files as are necessary to execute its responsibilities. These records and files shall be confidential except that the Sheriff (or his designees) may examine such files at any time, and any member of the Sheriff's Office shall be permitted on request to examine their personal graded written examination. The Commission shall comply with the provisions of the Illinois Personnel Record Review Act (820 ILCS 40/1 et. seq.).
2. Keep and maintain the minutes of all meetings. Commission agendas and meeting minutes shall be posted on the Kendall County government website.
3. Keep and maintain all other records and files necessary for the proper administration and operation of the Commission's business.
4. All Commission minutes and records shall be maintained in compliance with the Illinois Open Meetings Act (5 ILCS 120/1 et. seq.) and shall be disposed only pursuant to the provisions of the Illinois Local Records Act (50 ILCS 205 et. seq.).

H. CHANGES IN RULES, REGULATIONS AND PROCEDURES: No change in the Commission's Rules, Regulations and Procedures shall be made until the Sheriff has been notified of the proposed changes in writing and has been afforded an opportunity to formally comment on the proposed changes, and the requirements in Section F of this Article have been met. The Commission shall report adopted changes to the County Board.

I. ETHICS: Members of the Commission shall be subject to the provisions of the Kendall County Ethics Ordinance (Ordinance number 12-18).

ARTICLE II RANK STRUCTURE

- A. **RANK:** For the purpose of the administration and operation of the merit system of the Kendall County Sheriff's Office, the ranks in the Sheriff's Office as denoted by the Sheriff of Kendall County are:

Deputy Sheriff-Corrections
Deputy Sheriff- Police Officer
Sergeant - Corrections
Sergeant – Police Officer

- B. **POSITION:** Persons meeting the requirements of the qualifications and procedures stated in these Rules and Regulations can attain certification of tenure in these ranks.
- C. **EXEMPTION OF CERTAIN POSITIONS:** Personal assistants of the Sheriff shall be exempt from the Rules and Regulations of this Commission. Personal assistants of the Sheriff shall be defined as "Chief Deputy", "Undersheriff", "Administrative Assistant", "Jail Administrator" and any and all other equivalent positions consistent with the intent of the sheriff's merit system law, regardless of the title which is assigned by the Sheriff, and shall include, without limitation, the following titles: "Corrections Commander", "Corrections Deputy Commander", "Operations Commander" and "Operations Deputy Commander". While personal assistants of the sheriff shall be at will positions, any employee who is under the jurisdiction of the Commission at the time of his or her appointment as a personal assistant of the sheriff shall, upon termination of such appointment, be returned to the last highest merited rank achieved by the employee immediately prior to accepting the appointment as a personal assistant, at which time the employee shall be subject to the sheriff's merit system law and the jurisdiction of the Commission.
1. Time spent in the position of Sheriff or personal assistant to the sheriff shall count toward seniority provided the Sheriff or personal assistant to the sheriff came from a tenured position within the merit system.

ARTICLE III
APPOINTMENT TO THE SHERIFF'S OFFICE

A. ENTRY INTO MERIT SYSTEM: The rank of Deputy Sheriff is the sole point of entry into the Sheriff's merit system.

B. APPOINTMENT TO THE SHERIFF'S OFFICE: Applicants for certification for appointment to the Sheriff's Office as a Deputy Sheriff, in addition to meeting all standards prescribed by the Illinois Compiled Statutes, must;

1. Be no younger than 21 years of age.
2. Be a high school graduate, or have a certification of equivalency.
3. Possess a valid Illinois Drivers License at the time of application.
4. Must be a citizen of the United States, or an alien admitted for permanent residence or lawfully admitted for temporary residence who produces evidence of intention to become a citizen of the United States.
5. Successfully complete all examinations, physical, written and oral, as prescribed by the Commission.
6. Meet such mental, medical and physical standards as prescribed by the Commission.
7. Subsequent to successful completion of all examinations prescribed by the Commission, must be judged acceptable to the Sheriff following an investigation of background, reputation and character.
8. Be appointed from the certified list of qualified applicants by the Sheriff when a vacancy or vacancies exist.
9. Any qualified applicant who declines to accept an appointment will be replaced for said appointment by another qualified applicant. A refusal to accept an appointment may constitute grounds for removal from the list of certified applicants.

C. TESTING PROCEDURES

1. Types of Examinations: applicants may be required to submit to the following examinations including, but not limited to:

- a. Orientation
- b. Physical Agility
- c. Written Test
- d. Oral Interview

2. Scoring of Examinations: Applicants must pass all phases of the examinations independently. Scoring standards shall be set by the Commission. Failure to meet minimum passing requirements on any eliminates the applicant from further consideration in that testing cycle.
3. Ranking of Scores: Each applicant who has successfully advanced in the testing process by meeting at least the minimum passing requirements on all phases of examinations as prescribed by the Commission will receive a final numeric score calculated by using scores achieved on the written examination and the oral interview. All final scores are based on a maximum of 100%.
4. Quorum for Testing Procedures: A quorum of the Commission is required for conducting all oral interview examinations. The Commission reserves the right to assign or delegate any portion of other required examinations to the Sheriff and/or his designee(s) including those instances where a quorum of the Commission is not possible.

D. OTHER CONSIDERATIONS BY THE COMMISSION: In considering applicants, the Commission:

1. May give preference to persons who have honorably served in the military or naval services of the United States.
2. Is authorized to waive one or more of the requirements set forth herein for applicants who have served with another Sheriff's Office, police department or any other law enforcement agency, and who are certified as a Law Enforcement or Corrections Officer by the Illinois Law Enforcement Training and Standards Board.

E. PREA: The agency shall not hire or promote anyone who may have contact with inmates who:

1. Has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution (as defined in 42 U.S.C. 1997).
2. Has been convicted of engaging or attempting to engage in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; or

3. Has been civilly or administratively adjudicated to have engaged in the activity described in section 2 of this section.

F. RIGHT OF REFUSAL: The Commission may refuse to examine an applicant or, after examination to certify him as eligible if applicant:

1. Is found lacking in any of the established preliminary requirements for the position for which he or she applies.
2. Illegally, or to excess, uses controlled substances, cannabis or alcoholic beverages.
3. Has been convicted of a felony or any misdemeanor involving moral turpitude, or convicted of any offenses listed in the Illinois Police Training Act (50 ILCS 705/6(e))
4. Has been dismissed from any previous employment for good cause.
5. Has attempted to practice any deception or fraud in his or her application.
6. Whose character and employment references are unsatisfactory.
7. For other good and sufficient cause.

G. APPOINTMENT PROCEDURE: The responsibilities of the Merit Commission include:

1. Preparing and posting in a prominent location in the Public Safety Center a list of all qualified applicants at the completion of each entry screening process. The name of each qualified applicant shall remain on the posted list for a period of eighteen months.
2. Notifying all qualified applicants of their acceptance, and that they are being placed on the certified list of qualified applicants.
3. Nothing in these Rules shall diminish the authority of the Commission to certify for appointment or promote individuals who possess prior law enforcement experience as authorized in 55 ILCS 5/3-8010 or 5/3-8011.
4. The Sheriff shall appoint individuals from the certified list provided by the Commission. Prior to appointment, the Sheriff shall conduct a background investigation, psychological and medical testing that may disqualify candidates from appointment. The Sheriff shall notify the Commission in writing when a candidate is so disqualified. A candidate who is so disqualified may appeal to the Commission, in writing, within thirty days of having received notice of disqualification.

H. PROBATIONARY PERIOD: All qualified applicants appointed by the Sheriff must successfully complete a probationary period. The length of the probationary period shall be as stipulated in the collective bargaining agreement that governs the position appointed. If no collective bargaining agreement exists for the appointed position, the probationary period shall be twelve months. During this probationary period these persons are subject to removal by the Sheriff as at-will employees. The Commission shall be notified by the Sheriff in writing whenever an individual is discharged during that individual's probationary period.

I. CERTIFICATION OF TENURE: After successfully completing the entire probationary period, the Commission shall certify the individual as being tenured as a Deputy Sheriff.

ARTICLE IV PROMOTION

A. PROMOTION: To be eligible for promotion to the following ranks, an individual must have served continuously with the Kendall County Sheriff's Office for the minimum time period indicated for the particular rank sought, prior to taking the competitive examinations for that rank:

Sergeant – Corrections: Three years' service as Deputy Sheriff – Corrections
Sergeant – Police Officer: Three Years' service as Deputy Sheriff – Police Officer

1. In addition to the minimum standards denoted above, a candidate for promotion must:
 - a. File a formal application with the Commission
 - b. Successfully complete and pass any written, oral, or promotional examinations for said rank as prescribed by the Commission
 - c. Be adjudged by the Commission to be eligible for promotion and placed upon a list of persons certified as eligible for promotion.
 - d. Not be under suspension.
 - e. Not be on a leave of absence, except for military service.
2. All certified lists for promotions shall be valid for two years, or until the list is exhausted, whichever time period is shorter. If the list is no longer valid, the Commission will establish a new list when there is a need as determined by the Sheriff.
3. Whenever the Sheriff desires to fill a vacant rank under the jurisdiction and rules of merit system, the person selected shall be taken from the list of persons certified for promotion in accordance with Article IV of these Rules, Regulations and

Procedures. If the Sheriff rejects all persons so certified, the Sheriff shall state the reason for such refusal in writing to the Commission.

B. PROBATIONARY PERIOD: All qualified applicants appointed by the Sheriff must successfully complete a probationary period. The length of the probationary period shall be as stipulated in the collective bargaining agreement that governs the rank/position appointed. If no collective bargaining agreement exists for the appointed rank/position, the probationary period shall be six months. During this probationary period the promoted individual shall be subject to be returned to the individual's previously held tenured rank if, in the opinion of the Sheriff, the individual has failed to demonstrated the ability perform satisfactorily in the promoted rank. The Commission shall be notified by the Sheriff in writing whenever an individual returned to a previously held tenured rank during that individual's probationary period.

C. CERTIFICATION OF TENURE: After successfully completing the entire probationary period, the promoted individual shall be certified as tenured at the appropriate rank by the Commission.

Hereby adopted this 2nd day of February, 2018:



Jack Westphall
Chairman, Kendall County Merit Commission



Shawn Flaherty
Secretary, Kendall County Merit Commission

**On-line Application and Validation Plan with Recruiting and Advertising Assistance
Cost Proposal for the Kendall County Sheriff's Merit Commission
Corrections and Deputy Sheriff 2020**

\$20 per application purchased (this administrative fee is typically covered by the application cost to applicants) Suggested cost for applications is between \$25.00 and \$35.00 (depending on the established amount there is also a paypal processing fee, typically between .96 and \$1.26) Your hiring board will receive any amount over the cost of \$20.00 plus processing fee for your testing cost.
(minimum 50 application purchases) * **Special reduced minimum 40 applications**

Advertising Assistance and Recruiting: *No Fee for these services when using the On-line Application Program. We will develop and place your advertising. The only cost to your hiring board is the cost of the ad itself. The fee for placed ads will be included in your final billing statement. (The Blueline advertising cost is typically \$298.00 for a 30-day run) Additionally, we E-Blast your job information to over 9000 registered users seeking employment on our E-Commerce site: www.jobsource.copsandfiretesting.com*

Orientation Program: *There is no cost if conducted the day of testing*

Physical Ability – P.O.W.E.R. Test: Conducted on your site

\$28.00 per applicant (Minimum \$860.00)

Written Exam: Conducted on your site

\$25.00 per applicant when contracting for the On-line Application (Minimum \$1000)

* **Special reduced minimum \$750.00**

Normal rate if not using our Physical Ability test is \$28.00 special rate offered to you * \$25.00

If 40 applications are purchased at \$45.00 you would have approx. $\$23.50 \times 40 = \940.00 credit towards testing cost

35 Candidates x \$25.00 = \$875.00 written test cost – less \$940.00 credit from application purchases, final cost for written test would be a credit of **\$65.00**, which can be applied to the cost of your Blueline ad. This could be your approximate test cost if 40 applications were purchased at \$45.00 using our online application program and 35 applicants took the written exam. Applicants pay the purchase price using our secured e-commerce website www.jobsource.copsandfiretesting.com

Keep in mind if you sell 40 applications you would typically lose 15-20% of those individuals through attrition. (non-returned applications, incomplete applications, ineligible to test candidates, no show day of orientation and no-show day of test.) Your testing program will receive funds from ALL applications purchased.

Application of Preference Points and Initial and Final Eligibility Registers: \$450.00

Individual or Group Oral Interview: Conducted on your site \$1700.00 per 5-hour session (up to 25 applicants can be assessed in a one day)

Polygraph Analysis conducted at our office: \$160.00 per applicant

Psychological Assessment conducted at our office: \$450.00 per applicant