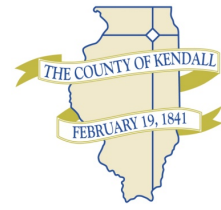




***KENDALL COUNTY  
MERIT COMMISSION***  
Kendall County Public Safety Center  
1102 Cornell Lane, Yorkville IL 60560  
Friday, April 9, 2021 @ 3:30pm



**MEETING AGENDA**

1. Call to Order
2. Roll Call: Shawn Flaherty, Rob DeLong, Don Marrone, Jamal Williams and Cara Brummel
3. Approval of Agenda
4. Approval of minutes from April 23, 2020 Meeting
5. Old Business
  - a. Lateral transfer discussion
6. Items of Business
  - a. Nomination and vote for the position of Merit Commission Chair
  - b. Nomination and vote for the position of Merit Commission Vice-Chair
  - c. Nomination and vote for the position of Merit Commission Secretary
  - d. Approval to begin promotional testing for both the Patrol and Correctional Divisions
  - e. Approval of using C.O.P.S. and F.I.R.E. Personnel testing Service for both the Patrol and Correctional Sgt. Promotional testing
  - f. Approval to start testing for entry level Correction Deputies upon the depletion of the list or the expiration of the current list, with the ability to choose either a third party vendor or keeping it in-house for applications and testing
  - g. Approval to start testing for entry level Patrol Deputies upon the depletion of the list or the expiration of the current list, with the ability to choose either a third part vendor or keeping it in-house for applications and testing.
  - h. Approval to Amend the Sheriff Merit Commission Rules --- Allow Lateral Transfers.
  - i. Set 2021 Meeting Dates
7. New Business
8. Public Comment
9. Executive Session
10. Adjournment

**Kendall County Sheriff's Office Merit Commission**  
**Public Safety Center, Conference Room**  
**1102 Cornell Lane Yorkville, IL**  
**April 23, 2020**  
**Remote Meeting Minutes**

Call to Order — Shawn Flaherty called the meeting to order at 10:04am

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

Pledge of Allegiance

Others in Attendance: Chief Deputy Mike Peters, Commander Bobby Richardson, Commander Jason Langston, Deputy Commander Mitch Hattan, Commander Jeanne Russo, Sheriff Baird and Tracy Page

Approval of Agenda – Member Delong made a motion to approve the April 23, 2020 agenda, seconded by Member Westphall. With all in favor, the motion carried.

Approval of the Minutes – Member Westphall motioned to approve the October 11, 2019 minutes. This was seconded by Member Delong. With all in favor, the motion carried.

Items of Business

Old Business

Commander Jason Langston discussed lateral transfers. Chief Peters added to the discussion on lateral transfers that the Patrol Deputies agreed to add lateral transfers to the union contracts. Corrections division is still in negotiations. Previous meeting lateral transfers was already accepted for both divisions. This meeting will be to discuss the exemption of tests such as the POWER test.

New Business

Chief Peters talked on the process for patrol deputies and to move forward on testing for entry level and work with Cops and Fire Personnel Testing Agency. Member Westphall made a motion to approve using Cops and Fire Personnel Testing Agency for the entry level patrol testing, second by Member Marrone. All in favor, motion passes.

Chief Peters asked that once the corrections list is depleted to move forward with entry level testing for the Corrections division. Member Westphall made a motion to approve moving forward with entry level testing for the corrections division once the current list is depleted or ten weeks out from the expiration date which ever one comes first and also the choice in vendor. Second by Member Delong. All in favor, motion passes.

Chief Peters asked for the approval that the physical agility test for lateral transfer applicants be waived. Motion made by Flaherty to waive physical agility requirement for lateral, second by member Delong. All in favor, motion passes.

Chief Peters explained that because of the COVID-19 pandemic junior colleges and testing agencies that administer the POWER test are temporarily closed and potential applicants cannot get their card prior to the application. Applicants will now need to have it prior to a conditional job offer. Member Flaherty made two motions first to waive the requirement of having a valid POWER card at the time of application for the 2020 testing cycle. Second by member Westphall. All in favor, first motion passes. Member Flaherty made a second motion to authorize the Kendall County Sheriff's Office to administer the POWER test in lieu of an applicant getting a card. Second by member Delong. All in favor, motion passes.

No public comment. Teams meeting was located on the website

No other new business

Comment – At Member Flaherty's request Chief Peters provided a update on how the Sheriff's Office is dealing with the pandemic

No need for executive session.

Adjournment – Member Marrone made a motion, second by Member Westphall to adjourn the Merit Commission meeting. With all in agreement, the meeting adjourned at 10:32 am

Respectfully submitted,  
Tracy Page  
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 <sup>[JL1]</sup> (5 ILCS 120/1.02) 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 (5 ILCS 120/7a).
  - 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. MINUTES:** The Commission shall:

1. Keep and maintain the minutes of all meetings. Commission agendas and meeting minutes shall be posted on the Kendall County government website.
2. 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.I. 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.

**4.J. 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. An applicant may apply at age twenty (20), provided that no applicant shall be eligible for employment certification until their 21<sup>st</sup> birthday
2. Be a high school graduate, or have a certification of equivalency.
3. Possess a valid ~~Illinois Drivers~~ Driver's License at the time of ~~application~~ appointment.
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, or be appointed from a list of qualified lateral applicants when a vacancy or vacancies exists.
  9. Successfully pass a Police Officer's Wellness Evaluation Report (P.O.W.E.R.) test and provide a P.O.W.E.R card as required by the Commission for eligibility for appointment as a Deputy Sheriff assigned to the Operations Division or, successfully pass a Corrections Agility Test (C.A.T.) for eligibility for appointment as a Deputy Sheriff assigned to the Corrections Division. The P.O.W.E.R. test and/or C.A.T. requirement may be satisfied by presentation of a valid P.O.W.E.R. card evidencing the passing of the P.O.W.E.R. test within the 12-month period immediately preceding the date of the applicable entrance examination.
  10. Meet the ~~skill needs and standards~~ qualifications as prescribed by the Sheriff's Office (Job Description) for the rank being sought.
119. 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 phase 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

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~~ Deputy by the Illinois Law Enforcement Training and Standards Board.

A. Application Guidelines for Lateral Transfer Candidates

1. The Orientation and the physical agility examination shall be waived for transfer applicants who:
  - i. are currently employed as a Deputy Sheriff, Municipal Police Officer, a County Forest Preserve Police Officer, an Illinois State Police Trooper, or those who possess prior continuous law enforcement experience with a municipality, county, or state law enforcement agency as authorized in 55 ILCS 5/3-8010 or 5/3-8011; and,
  - ii. are in good standing in their department as of the date of certification by the Merit Commission; and,
  - iii. have two years of full-time, continuous experience with the same law enforcement agency where currently employed, the definition of which includes, but is not limited to, authority to make arrest and carry firearms; and,
  - iv. have successfully completed Illinois Basic Police Officer Training or the Basic Correctional Officer training as recognized by the Illinois Law Enforcement Training and Standards Board (ILETSB) or successfully completed Basic Police Officer or Basic Corrections Officer Training Program which can be transferred, accepted, and approved by ILETSB to obtain an Illinois Certification; and,
  - v. complete a Supplemental Transfer Application in addition to the Merit Commission's regular application.
  - vi. Existing Kendall County Corrections Deputies in good standing seeking appointment to the position of Law Enforcement Deputy; may apply at any time

and seek certification by the Commission to be placed upon the certified list of eligible applicants.

2. Once these requirements are met and the stated applicant evaluation criteria waived, all other standards for appointment delineated in the Merit Commission Rules shall apply and the procedures shall be as follows:

- i. Lateral transfer applicants may apply for consideration for appointment at any time.
- ii. Lateral transfer applicants must pass a written exam and complete an oral interview with either the Commission, the Sheriff, or their designee. Any applicants rejected will be so notified by the Commission or its designee.
- iii. After successfully passing the written exam and the interview, applicants must undergo a background investigation. Any candidates not passing this screening will be contacted by the Merit Commission or its designee. Those who do pass will be conditionally certified.
  - Those applicants who are deemed qualified by the Commission shall be certified for appointment and placed upon a list of lateral transfer applicants, for a period not to exceed eighteen (18) months.

**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, or uses cannabis or alcoholic beverages to excess.
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 [at any point](#) in his or her application.
6. Whose character and employment references are unsatisfactory.
7. For ~~other good and~~ sufficient [just](#) 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 [at any time](#) 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 [or the lateral transfer applicant list](#) provided by the

—Commission. Prior to appointment, the Sheriff shall conduct a background investigation, psychological and medical testing, [and a polygraph exam](#) that may disqualify candidates

— from appointment. [In addition, the appointee is in good standing with ILETSB.](#) 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 ~~y~~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 ~~2<sup>nd</sup> day of February, 2018:~~

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~~Shawn Flaherty Jack Westphall~~  
Chairman, Kendall County Merit Commission

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~~Shawn Flaherty TBD~~  
Secretary, Kendall County Merit Commission