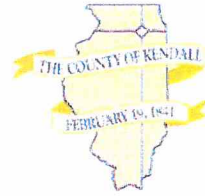




Kendall County
Merit Commission
1102 Cornell Lane Yorkville Illinois 60560
Phone: 630-553-7500 Fax: 630-553-1972
www.co.kendall.il.us



MERIT COMMISSION

Public Safety Center, 2nd floor Conference Room
October 11, 2019
3:00pm

MEETING AGENDA

1. Call meeting to order
2. Pledge of Allegiance
3. Roll call and determination of quorum
4. Approval of the agenda
5. Public comments
6. Approval of minutes from April 12, 2019 Meeting
7. Old Business
 - a. Feedback on promotional testing for patrol and corrections divisions
8. New Business
 - a. Start entry level Patrol testing (Consider for Approval)
 - b. Lateral transfers
 - c. Preference points weight scale for promotions and new hires
 - d. Promotional exam weight scale, percentage of written v. assessment.
 - e. Drug testing for new hires
 - f. Set 2020 meeting dates
 - g. Any other new business
9. Executive Session (if needed)
10. Public Comment
11. Next meeting date – TBD
12. Adjournment

Kendall County Sheriff's Office Merit Commission
Public Safety Center, Conference Room
1102 Cornell Lane, Yorkville IL
April 12, 2019
Meeting Minutes

Call to Order – Janice Hightower

Pledge of Allegiance

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

Others Present: Mike Peters, Tracy Page, Jason Langston, Joe Gillespie, Bobby Richardson

Approval of Agenda - Member Marrone made a motion to approve the agenda, second by Member Delong. With all in favor, the motion carried.

Approval of Minutes- Member Janice made a motion to approve the February 2, 2018 meeting minutes second by Member Delong. With all in favor, the motion carried.

Items of business-

Chief Deputy Mike Peters pointed out the Corrections Eligibility List and the timeline from how long it takes from the time of advertisement to testing, as well as the time it takes to go through the hiring process to the academy date. Chief Deputy Peters explained the need to begin advertising for the entry-level corrections position, as well as schedule a written test date about seven weeks out upon approval. Tracy Page explained where open positions are advertised, that being: social media, local Kendall County Record and Chronicle, online police websites (Blue Line, PoliceOne), and the testing agency advertising. Tracy Page further explained that there are approximately sixty to one hundred applicants each time there is an open position, depending on the year and other outside factors. Chief Deputy Peters advised there would be one open position; however, there are two current open applications in the background process. Tracy Page mentioned that new hires are sworn-in approximately two days before the beginning of the academy in order to get new hire paperwork completed, to get them fitted for uniforms, and to complete some in-house training. Chief Deputy Peters explained that corrections deputies can work in the jail prior to going to the academy and have to complete the academy within the first six months of being hired. Rob Delong made a motion to start corrections testing, second by Don Marrone. All in favor, motion passes to begin corrections testing.

No need for executive session.

Old business-

Tracy Page stated internal emails were sent to accept Intent to Test for both Operations Sergeant and Corrections Sergeant. Those who have stated they are intending to test are currently in the sixty day study period. Eleven deputies are testing for Patrol Sergeant and thirteen are testing for Corrections Sergeant. Written testing dates were set for May 15th for Patrol Sergeant and July 17th for Corrections Sergeant. Chief Deputy Peters mentioned he would provide members with a copy of the CBA and the Merit Commission Rules, which explains the promotional testing procedure. Tracy Page explained the interview process for new hires, which consists of three command staff members and all questions asked are the same for each applicant.

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

Next Meeting Date- July 12, 2019

Everbridge notification system was mentioned as a way to notify members and Tracy Page advised she would create the group in order to notify members that information was sent to their emails.

Adjournment- Rob DeLong made a motion, second by Don Marrone to adjourn the Merit Commission meeting. With all in agreement, the meeting adjourned at 3:15pm

Respectfully submit by
Megan Hanna

HIRING TIMELINE

SLEA				
10/21/19	01/13/20	WEEK 1		CONTACT TESTING COMPANY
10/28/19	01/20/20	WEEK 2		
11/04/19	01/27/20	WEEK 3		ADVERTISE
11/11/19	02/03/20	WEEK 4		
11/18/19	02/10/20	WEEK 5		
11/25/19	02/17/20	WEEK 6		
12/02/19	02/24/20	WEEK 7		WRITTEN EXAM/POWER TEST
12/09/19	03/02/20	WEEK 8		NOTIFY TOP 25 APPLICANTS FOR INTERVIEW
12/16/19	03/09/20	WEEK 9		
12/23/19	03/16/20	WEEK 10		INTERVIEWS
12/30/19	03/23/20	WEEK 11		
01/06/20	03/30/20	WEEK 12		COMPLETE BACKGROUND PAPERWORK TOP 10
01/13/20	04/06/20	WEEK 13		BACKGROUND
01/20/20	04/13/20	WEEK 14		
01/27/20	04/20/20	WEEK 15		BACKGROUND/POLYGRAPH
02/03/20	04/27/20	WEEK 16		BACKGROUND/DETECTIVE INTERVIEW
02/10/20	05/04/20	WEEK 17		
02/17/20	05/11/20	WEEK 18		NOTIFY APPLICANT OF COMPLETION OF BACKGROUND
02/24/20	05/18/20	WEEK 19		
03/02/20	05/25/20	WEEK 20		MENTAL HEALTH EVAL
03/09/20	06/01/20	WEEK 21		
03/16/20	06/08/20	WEEK 22		PHYSICAL EXAM
03/24/20	06/16/20	WEEK 23		ACADEMY P.O.W.E.R. TEST
03/26/20	06/18/20	WEEK 24		SWEARING IN
03/30/20	06/22/20	WEEK 25		ACADEMY START



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New Hire Testing Procedure

Weeks 1-2 - Contact the testing company to determine the

- date and location for the written exam (6-7) weeks out
- Advertisement and Application requirements

Weeks 3-5 – Advertise with, but not limited to:

- Website
- Local media
- Local Colleges and Universities

Week 6 – By week

Week 7 – Exam

- Testing company administers written exam
- Testing company receives proof of a successful completion of the POWER test

Weeks 8-9

- List will be finalized, to include preference points
- Interview dates will be decided
- Top 20-25 candidates will be notified of their interview date/time

Weeks 10-11 – Interviews will be conducted by a panel of three Command level personnel.

This will be pass (70%)/fail and will not change the position on the eligibility list.

Week 12 – Background packet

- The top 10 applicants will complete the background packet
- They will also submit their fingerprints for the background

Weeks 13-17 – Backgrounds will be completed by Investigations, until the top 3 persons have successfully passed the full background.

- Weeks 13-14 – general background information to be obtained
- Week 15 – Polygraphs will be scheduled
- Week 16 – Background interviews to be conducted with Detectives
- Week 17 – Backgrounds to be finalized and assessed for pass/fail, by the Sheriff

Week 18 – Applicants will be notified of their background check pass or fail

Week 19 – by week, used for scheduling Week 20.

Weeks 20-21 – Mental Health evaluations, provided there is an open position to be filled.

Week 22 – Physical Exam, provided there is an open position to be filled.

Week 23 – by week, used to schedule Swearing in ceremony.

Week 24 – Swearing in, this may include starting In House Training

Week 25 – Academy start date

Kendall County Sheriff's Merit Commission
Kendall County Sheriff's Office
Corrections Division
Promotional List
2019

Last Name	First Name	Exam	Assessment	Written & Assessment
Curry	William	78.30	95.7	87.00
Weiler	Robert	79.00	88.6	83.80
Lenard	Anthony	85.70	70	77.85
Nemenoff	Andrew	77.20	83.8	80.50
Velez	Nancy	71.20	81.9	76.55
Krantz-Lee	Pam	71.00	79	75.00
Hansen	Keith	81.90	65.7	73.80
Thompson	Van	76.20	67.6	71.90
Goodspeed	Tom	70.00	67.1	68.55

List posted on 08/26/2019

List effective date 09/01/19

List is good for two years from the effective date

List expires on 08/31/21

* Overall score includes education and military points

Kendall County Sheriff's Merit Commission
Kendall County Sheriff's Office
Operations Division
Promotion List
2019

Last Name	First Name	Exam	Assessment	Assessment & Written
Mrozek	Michael	89%	69.58%	79.29%
French	Craig	86%	72.29%	79.15%
Harl	Bryan	81%	68.54%	74.77%
Pavlik	Frank	91%	64.17%	77.59%
Vaclavik	Kevin	94%	52.92%	73.46%
Schmitt	Zachary	82%	56.67%	69.34%
Hagerty	Thomas	84%	46.67%	65.34%
Brautigam	Todd	73%	52.50%	62.75%
Kailus	Casey	75%	46.88%	60.94%

List certified on 08/01/2019
Good for two years from the date of certification

The current promotional exam point system has been

Written 50%

Assessment 50%

Then preference points for military, education, are added

We would like to place more emphasis on the assessment, and make it

Written 30%

Assessment 70%

Kendall County Sheriff

Merit Commission

1102 CORNELL LANE, YORKVILLE IL 60560

630-553-7500

PATROL DEPUTY

Eligibility List

Effective December 14, 2018 - June 14, 2020

Smith, Michael

Lee, James

Marcinowski, Forrest

Mielke Jacquelyn

Rolskis, Ignas

Mulligan, Tyler

Cheffer, Eric

Conely, Shane

Brant, Mason

Reichardt, Ryan

Albarran, Nicholas

To be appointed a patrol deputy from this list the candidates still need to successfully pass an oral interview, background investigation, polygraph, psychological exam and also a medical exam. The medical exam could include an eye exam, and screen for the use of drugs and alcohol.

Expires 06/14/20

Kendall County Sheriff's Office
2018 Deputy Sheriff-Police
Applicant Contact Information Roster

Last Name	First Name	
Smith	Michael	Hired 01/03/19
Lee	James	Hired 03/28/19
Marcinowski	Forrest	
Mielke	Jacquelyn	Hired 03/28/19
Rolskis	Ignas	Hired 06/20/2019
Mulligan	Tyler	Hired 03/28/19
Cheffer	Eric	
Brant	Mason	
Reichardt	Ryan	
Albarran	Nicholas	Hired 03/28/19

Kendall County Sheriff

Merit Commission

1102 CORNELL LANE, YORKVILLE IL 60560

630-553-7500

CORRECTIONS DEPUTY Eligibility List

Effective July 10, 2019 - January 10, 2021

Name

Cass	Todd
Limberg	Christopher
Steffen	Philip
Simpson	Sara
Guido	Nicholas
Aloisio	Kyle
Lynch	Philip
Haseltine	Stanley
Gackowski	Kirsten
Knippen	Curtis
Chavez	Fernando
Rojas	Julian
Hansen	Chase
Zamora	Erik

To be appointed a corrections deputy from this list the candidates still need to successfully pass an oral interview, background investigation, polygraph, psychological exam and also a medical exam. The medical exam could include an eye exam, and screen for the use of drugs and alcohol.

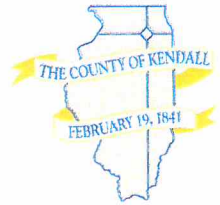
Expires 01/10/21



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Preference Points for Entry Level Exam Applicants

Currently the two exams that are ranked are the written test and the oral interview. Both must be passed with a 70%. The final ranking is then based off of their written test score plus the following preference points (since the interview is pass/fail)

- 1) **Military:** 7/10ths of one percentage point will be added for each 6 months or fraction thereof of active military or naval service not exceeding 30 months (3.5%).
- 2) **Associate's Degree:** 1/2 of one percentage point will be added.
- 3) **Bachelor's Degree:** one percentage point will be added.
- 4) **Master's/Doctorate's Degree:** one and 1/2 percentage points will be added.
- 5) **Cadet/Auxiliary:** Persons who have participated in the Kendall County Sheriff's Office Police Explorer or Auxiliary Deputy program: one percentage point will be added.

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 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

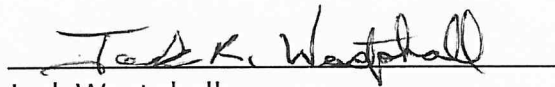
1. In addition to the minimum standards denoted above, a candidate for promotion must:
 - a. File a formal application with the Commission
 - b. Successfully complete and pass any written, oral, or promotional examinations for said rank as prescribed by the Commission
 - c. Be adjudged by the Commission 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.

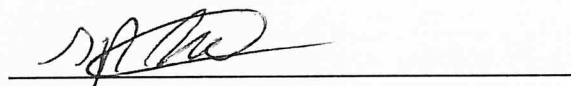
B. PROBATIONARY PERIOD: All qualified applicants appointed by the Sheriff must successfully complete a probationary period. The length of the probationary period shall be as stipulated in the collective bargaining agreement that governs the rank/position appointed. If no collective bargaining agreement 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

Drug and Alcohol-Free Workplace/Substance Abuse Testing

1036.1 PURPOSE AND SCOPE

In the interests of employing personnel who are fully fit and capable of providing the best service for the citizens of Kendall County and for the safety and well-being of employees, a screening program has been implemented regarding drug and alcohol use by employees of the Kendall County Sheriff. The Sheriff has the responsibility to provide a safe work environment as well as a paramount interest in protecting the public by ensuring its employees are physically and emotionally fit to enforce the law. Therefore, the Kendall County Sheriff will not condone the following behavior: Use of controlled substances, abuse of legal drugs or alcohol, sale, purchase, transfer, use or possession in the workplace of alcohol, illegal drugs or drugs obtained illegally or working under the influence of drugs or alcohol. Violations of these policies shall result in disciplinary action up to and including termination.

1036.2 POLICY

The Kendall County Sheriff will ensure its employees are physically and mentally fit to serve and protect the public. An employee will not be allowed to work if his or her ability to perform has been impaired by the use of alcohol or any controlled substance. Accordingly, the Sheriff maintains a drug free workplace in compliance with the Drug-Free Workplace Act (30 ILCS 580/1 et seq.) and prohibits the use or possession on or off duty of any controlled substance or cannabis by any employee unless:

- (a) Possession is required in the course of their official duties.
- (b) The controlled substance or cannabis has been legally prescribed for the employee.

1036.3 DEFINITIONS

- (a) Collector: A certified individual with contractual responsibility for coordinating the collection and forwarding of specimens for testing. The Kendall County Sheriff's Office will utilize a Third Party Drug Testing Administration Service, which will manage the practices and guidelines of quality Drug and Alcohol testing for employers of the Kendall County Sheriff's Office.
- (b) Drugs: "Drugs" shall mean any controlled substance listed in the Controlled Substance Act, 720 ILCS 570/102 and cannabis for which the person tested does not submit a valid pre-dated prescription. The term "drug" includes both abused prescription medications and illegal drugs of abuse. In addition, it includes "designer drugs" which may not be listed in the Controlled Substances Act but which have adverse effects on perception, judgment, memory or coordination. .
- (c) Drugs Tested: Will be in accordance with the SAMHSA certified clinic or hospital facility, which administers a 10 Panel Drug screen.

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- (d) **Medical Review Officer:** A licensed physician that has been certified as a Medical Review Officer (MRO) by the Federal Department of Transportation and the Federal Department of Health and Human Services. The MRO has knowledge of substance abuse testing with contractual responsibility for interpreting and verifying drug testing results.
- (e) **Employee Assistance Program:** A program provided by the County of Kendall to ensure the physical and psychological health of all employees.
- (f) **Impairment:** A condition in which the employee is unable to properly perform his/her duties due to the effects of a drug in his/her body. Where impairment exists (or is presumed), incapacity for duty shall be presumed.
- (g) **Positive Test Result:** A positive confirming test result is one where the specimen tested contained drug or drug metabolite concentrations. A positive test for alcohol would be any alcohol concentration of .02 or greater.

1036.4 PROHIBITION OF DRUGS IN THE WORK PLACE

- (a) The concealment, manufacture, distribution, dispensation, transportation, promotion, sale, purchase, possession or use of the following items or substances by employees of the Kendall County Sheriff's Office is strictly prohibited while on duty or during working hours including lunch hour and in the work place at any time except in accordance with duty requirements.
 - 1. Illegal Drugs or Controlled Substances as defined (720 ILCS 550/3; 720 ILCS 570/100).
 - 2. Alcoholic beverages.
 - 3. Drug paraphernalia.
 - 4. Over the counter drugs and legally obtained pharmaceuticals, to the extent that they mentally and/or physically impair the employee.
- (b) Violations of these prohibitions shall result in disciplinary action up to and including termination.
- (c) Employees subject to recall to work overtime or unscheduled hours on less than eight hours notice shall not be subject to discipline for any impairment due to alcohol or legal drugs, provided, they notify their Supervisor of their condition.
- (d) Any employee convicted of a criminal drug statute violation occurring in the workplace shall notify the employee's supervisor or any member of the command staff no later than five (5) days after such conviction, unless the conviction has been sealed, expunged or impounded under Section 5.2 of the Criminal Identification Act.

1036.5 TYPES OF DRUG TESTING

- (a) **Pre-Employment Testing :** All successful applicants who are not currently employees of the Kendall County Sheriff's Office must be tested prior to being hired or their effective appointment date.

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- (a) Testing should be performed on those individuals selected from an eligibility list and provided a conditional job offer.
- (b) All Pre-employment drug tests will be conducted at the discretion of the Sheriff and, if applicable, in accordance with the Sheriff's Merit Commission rules.
- (b) Change in Status Testing: Drug testing conducted because of a proposed change in personnel status or a change in assignment.
- (c) Monitoring : Periodic drug testing of an individual employee pursuant to an agreement of the parties.
- (d) Random Testing: Drug testing which shall occur on any scheduled work day where covered employees have an equal statistical chance of being selected for testing.
- (e) Sufficient Cause or Reasonable Suspicion Testing: When there is suspicion to believe that an employee uses illegal drug or is physically or mentally impaired due to being under the influence of alcohol, the use of illegal drugs or the abuse of prescription drugs, the Sheriff shall have the right to order an employee to report immediately for drug and/or alcohol testing. Reasonable suspicion is a suspicion based upon specific objective facts and reasonable inferences drawn from those facts. The facts for determining reasonable suspicion shall be based upon the following.
 - (a) Observable phenomena, such as direct observation of use and/or the physical symptoms of impairment resulting from using or being under the influence of alcohol or controlled drugs which may include but not limited to slurred speech, alcohol on breath, lack of coordination, irrational behavior, excessive absenteeism, etc.
 - (b) Information provided by an identifiable third party, which is independently investigated by the Sheriff or designees to determine the reliability or validity of the allegation. Information from anonymous sources alone shall be insufficient grounds to order a test.
- (f) Verified Positive Test: Certification by a Medical Review Officer that the specimen tested positive for the presence of one or more of the targeted drugs for which there was no presentation of legitimate medical explanation and where the specimen was properly processed.
- (g) Accidents/Injury Testing: When an employee is involved in an on-the-job accident or injury involving significant damage to County property or personal injury to anyone, the Supervisor shall conduct a preliminary investigation promptly and, as part of the investigation, shall evaluate the Officers appearance and behavior and shall promptly report his/her findings to the Sheriff or designee. The Sheriff or his designee may immediately require Drug or Alcohol testing. The failure of a Supervisor to conduct and report the findings of the inquiry shall be cause for discipline. Any employee required to take a post-accident alcohol test shall not use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever is first.
- (h) Return to Duty Testing: An employee who tests positive may not return to duty until the employee passes a drug test administered under this part and the Medical Review Officer has determined the employee may return to duty. Any individual who has at

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any time been employed by the Sheriff's Office but whom, for whatever reason, (i.e. injury, military leave, etc.) has not worked in their assigned duty classification for the Sheriff's Office for a period of 90 consecutive calendar days must undergo testing for drug use. If a notice of a positive test result is received from the Medical Review Officer Following said testing, then the employee will be subject to disciplinary actions.

- (i) Officer Involved Shooting Testing: Each employee involved in an officer-involved shooting will be ordered by the Sheriff or his designee to submit to drug and alcohol testing as soon as practical, but not later than the end of the employee's shift or tour of duty. An employee is considered to have been involved in an officer-related shooting whenever the employee discharges his or her firearm, causing injury or death to a person or persons during the performance of his or her official duties or in the line of duty.

1036.6 RESPONSIBILITIES

- (a) The Kendall County Sheriff will develop and maintain a drug testing policy which specifically governs drug testing requirements.
- (b) Testing Agency - The Kendall County Sheriff will contract a licensed medical facility and licensed clinical laboratory to conduct the drug test. The contracted agency shall conform to the SAMHSA standards (substance abuse and mental health service administration) of the Federal Guidelines issued by the Department of Health and Human Services, Alcohol, Drug Abuse and Mental Health Administration.
- (c) Medical Review Officer (MRO) - The purpose of the MRO is to take the responsibility from the employer to determine if the drug-screen finding was due to a prescription medication prescribed by a physician or taken illegally. The MRO is a licensed physician that has been certified as an MRO by the Federal Department of Transportation and the Federal Department of Health and Human Services. The MRO process maintains confidentiality between the testing laboratory, the employee and the employer. The MRO program is an added benefit for employers concerning issues with the ADA-Americans with Disability Act and the EEOC-Equal Employment Opportunity Council.
- (d) Drug Program Coordinator
 - (a) The Kendall County Sheriff's Office Human Resource Manager will act as the Drug Program Coordinator.
 - (b) The Kendall County Sheriff's Office Human Resource Manager will be the primary contact for all verified positive test results.
 - (c) The Kendall County Sheriff's Office Human Resource Manager will maintain all statistical records including numbers of employees tested, test results and the notification to employees of final test results.
 - (d) The Kendall County Sheriff's Office Human Resource Manager will oversee the random selection of Employees to take the drug test. A test list shall also be kept and maintained. No test lists will be maintained other than by the Kendall County Sheriff's Office Human Resource Manager .

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- (e) The Sheriff or designee will be notified and will determine based on the information provided if a reasonable cause test will be conducted.

1036.7 RANDOM DRUG TESTING

(a) Covered Employees

- (a) All sworn and non-sworn employees of the Kendall County Sheriff's Office will be subject to random drug testing. Random drug testing shall be ordered by the Sheriff or designee. The Sheriff will be permitted to conduct monthly random drawings with a maximum of 3 to 4 employees tested per drawing. All employees may be subject to consecutive random tests throughout the calendar year.
- (b) The selection of the employees to be tested shall proceed as follows: The assigned badge numbers of all employees shall be selected blindly up to four (4) employees a month (depending on funding) from the entire employee pool.
- (c) Prior to a random selection by the Third Party Administrator, the Sheriff's Office will update the random eligibility list. Kendall County Sheriff's Office Human Resource Manager will receive via fax or email a list of the employees who were previously participating in the random program. The list of names must be verified and signed, noting that the list is correct and/or noting corrections, additions, or deletions, and returned to testing agency by either fax or email.

1036.8 PROCEDURES FOR TESTING

(a) General Requirements

1. Drug testing is a mandatory four (4) step process: collection of specimen, laboratory analysis, MRO review and reporting. Test procedures outlined shall conform to the SAMHSA Standards of the Federal Guidelines issued by the Department of Health and Human Services, Alcohol, Drug Abuse and Mental Health Administration.
2. In the event there is any conflict between the procedures set forth in this section and the SAMHSA Standards, the SAMHSA standards shall control.
3. Special procedures, including possible disciplinary action, apply to employees who refuse to comply fully with the drug testing program or when there is reason to believe the employee may substitute or alter the specimen.
4. Chain of custody requirements will prevail during the handling and processing of specimens and the reporting of drug test results.
5. The program will provide for the maximum protection of employee's right to privacy during collection of specimens and communications about drug test results and medical evaluations.

(b) Notification of Collection

1. Employees to be tested will be contacted in person and told to report to the testing facility within 4 hours. An employee will be compensated at his or her regular straight time rate for time spent for testing unless circumstances dictate

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the employee work beyond the regularly scheduled workday at which time the employee will be compensated at their overtime rate.

(a) Automatic Excuse from Testing: An employee who is unavailable for any of the following reasons will automatically be excused from testing:

1. Any vacation day, holiday, compensatory day, personal day or sick day regularly scheduled and approved prior to the test notification.
2. Service-connected injury leave, authorized leave of absence, suspension from duty, military leave or weekend drills.

(c) Collection and Analysis Procedures

1. The employee will report to the collection site and present their department photo identification or driver's license. Verification will be done by the collector. If the employee fails to produce valid identification, the test administrator will contact the Sheriff's Office and request a representative proceed to the collection site for appropriate identification. The Sheriff's Office representative must provide their photo identification to the collector.
2. Written and verbal directions will be given regarding collection procedures. A medical review report and/or consent form will also be completed by the employee.
3. The employee is required to follow collection procedures exactly and to participate fully in the Chain of Custody procedures. Refusal to participate, or any other unusual circumstances or behavior will be noted on the Chain of Custody form by the collector.
4. The analysis and MRO review will be conducted in accordance with the SAMHSA certified clinical laboratory or hospital facilities procedures

(d) Independent Testing

1. When an employee has been tested pursuant to the rules established herein and there are confirmed positive results, the employee may request that a portion of the original specimen be submitted for an independent test. The employee shall be notified of his/her right to do so and request and complete the independent test within ten (10) days of notice. The independent test shall be at the employee's expense, shall use equivalent testing and chain-of-custody process required, (SAMHSA certified lab and SAMHSA chain of custody procedures).

(e) Confidentiality of Test Results

1. The results of drug and alcohol tests will be disclosed to the person tested and the Kendall County Sheriff's Office Human Resource Manager. In the case of a verified positive test, the Sheriff shall be notified of the results; and such other officials as may be designated by the Sheriff on a need to know basis consistent with the other provisions of this policy, including treatment needs, diagnosis, and use of Employee Assistance Program and investigation of disciplinary action, may be notified.

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1036.9 REQUEST FOR ASSISTANCE AND EMPLOYEE ASSISTANCE

- (a) Kendall County has available to all employees an Employee Assistance Program (EAP). The abuse of drugs and alcohol, as well as emotional stress such as might be caused by drugs and alcohol, poses a serious threat to both the County and its employees. It is the responsibility of both the County and the employee to maintain a safe, healthful and efficient working environment.
- (b) Employees are encouraged to voluntarily seek treatment, counseling and/or other support and assistance for an alcohol or drug related problem. There shall be no adverse employment action taken against an employee who voluntarily seeks assistance solely for having done so, provided, however if an employee tests positive under this policy disciplinary action shall be administered. All provisions of Employee Assistance program apply.
- (c) The Sheriff may require in addition to, or instead of any discipline, participation in a rehabilitation program evaluation and compliance with the recommendations of that program.

1036.10 SPECIFIC RESPONSIBILITIES

- 1. Without limiting the Sheriff general management authority, specific orders to submit to a drug test shall be conducted according to the following procedures:
 - 1. Identify those employees where a drug/alcohol screen is required.
 - 2. When necessary, initiate a preliminary investigation to determine the validity of an employee's admission that he/she is presently taking lawful drugs.
 - (a) If the preliminary investigation reveals that the drugs have been legally prescribed and are being properly consumed according to prescription directions, no further investigation will ensue.
 - (b) In all other instances, a formal disciplinary action will ensue when the test results disclose positive indicators and/or evidence of drug/alcohol usage by the employee.
 - 3. The Sheriff or designee shall notify employees in writing of the date and time of a drug/alcohol screen. Employees so notified shall be allowed a reasonable time not to exceed four hours to consult with counsel prior to administration of the screen and at the time of any questioning.
 - 4. The employee subject to a drug/alcohol screen will:
 - (a) Report on a date and time determined by the Office.
 - (b) Cooperate in the completion of all phases of the drug/alcohol screen in accordance with the instructions of the examining physician or his/her designee.
 - (c) Have in his/her possession his/her departmental identification card.
 - (d) Loose articles of clothing shall be removed, pockets emptied, no purses will be allowed. All employees will be required to secure all personal effects

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at the Sheriff's Office. Armed Sworn Deputies shall secure all firearms and duty belts in their vehicle prior to entering the testing facility.

5. Any employee who is taking legal medication that could affect perception, judgment, memory, coordination or other necessary ability to perform one's duties shall report, in writing, such fact and the nature of the illness or condition requiring the medication to the Sheriff or designee. Such information will be treated on a confidential basis.

1036.11 DISCIPLINARY ACTIONS

- (a) A determination by the Sheriff to initiate discipline up to and including termination of an employee on the basis of illegal drug use is warranted since such illegal drug use is inconsistent with the mission of the Kendall County Sheriff's Office and the nature of the employee's duties.
- (b) The Kendall County Sheriff's Office Policies, Procedures, and Code of Conduct are the sole authority for determining any disciplinary actions to be taken as a result of this policy.
- (c) If an employee who has tested positive is not terminated, the Sheriff may require such employee to submit to a random urinalysis or other appropriate drug tests during the twelve (12) month period following the date any employee tests positive in any test. Any such random tests shall occur at times and places designated by the Sheriff. The Sheriff can also mandatorily refer the employee to the Employee Assistance Program for evaluation, diagnosis and treatment and/or mandatory rehabilitation program for evaluation. If the out-patient program recommends in-hospital rehabilitation, then it will be mandatory for the employee to so comply. If an out-patient rehabilitation program is recommended after an in-patient rehabilitation program, the employee must comply with the recommendation in order to complete the rehabilitation program. Should the employee miss three (3) scheduled out-patient sessions for any reason, other than the fact that the employee is hospitalized, within a six (6) consecutive month period, said employee will be subject to immediate termination. Failure to accept or comply with the conditions set forth in this section shall be cause for discharge.
- (d) An employee who refuses to comply with an order to submit to drug testing (random or sufficient cause) shall be subject to discharge for insubordination, but such penalty may be avoided if after a period of reconsideration which shall not exceed one hour from the time of the order to take the test, the employee agrees to comply with the order and to submit to the test.
- (e) There is no requirement on the part of the Sheriff to keep an employee on active employment status who is receiving treatment under this policy if it is appropriately determined (re-determination by an independent physician and/or appropriately certified medical and/or psychological professional) that the employee's current use of alcohol or drugs prevents such individual from performing his/her duties or whose continuance on active status would constitute a direct threat to the property and safety of others. Such employee shall be afforded the opportunity to use accumulated sick leave, unpaid leave pending treatment or utilize the Family Medical Leave Act.

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- (f) In order to have an opportunity to again participate in a rehabilitation program, as opposed to being subject to immediate termination because of an alcohol and/or drug problem, an employee must have been alcohol and drug free for a four (4) year period after completion of the initial rehabilitation program. After an employee has remained alcohol and drug free for four (4) years, the employee is entitled to take part in the rehabilitation program again, but an employee may not so participate more than twice during his or her employment with the Sheriff's Office.
- (g) This shall no way limit discipline for other offenses arising out of related to or aggravated by alcohol or drug abuse, including but not limited to discipline or discharge because the employee's condition is such that he is unable to properly perform his duties due to the effects of drugs or alcohol, nor shall it limit the discipline to be imposed for selling, purchasing or delivering any illegal drug during the work day or while off duty or for using any illegal drug while on duty.
- (h) Regardless of the provisions stated above, if the Sheriff discovers (without using the Office drug testing procedures of this policy) that any employee has engaged in the behavior identified in this policy or any behavior that is unlawful, or in violation of any Office Policy, Procedure, Rule and Regulation, or the Code of Conduct, such employee may be subject to immediate termination.

1036.12 COMPLIANCE

It is the responsibility of all employees, supervisors and administrative personnel to comply with all sections of this policy. All employees shall receive annual training and it will be posted on the employee bulletin board.

(55 ILCS 5/3-8010) (from Ch. 34, par. 3-8010)

Sec. 3-8010. Certification of applicants. The appointment of all personnel subject to the jurisdiction of the Merit Commission shall be made by the sheriff from those applicants who have been certified by the Commission as being qualified for appointment. A Commission may, by its rules and regulations, set forth the minimum requirements for appointment to any position. In addition, the Commission's review of any application may include examinations, investigations or any other method consistent with recognized merit principles, which in the judgment of the Commission is reasonable and practical for any particular classification. Different examining procedures may be set for the examinations in different classifications but all examinations in the same classification shall be uniform. However, the Merit Commission may by regulation provide that applicants who have served with another sheriff's office, a police department, or any other law enforcement agency, or who are graduate law enforcement interns as defined in the Law Enforcement Intern Training Act, may be exempt from one or more of the minimum requirements for appointment. Preference may be given in such appointments to persons who have honorably served in the military or naval services of the United States.

The sheriff shall make appointments from those persons certified by the Commission as qualified for appointment. If the sheriff rejects any person so certified, the sheriff shall notify the Commission in writing of such rejection.

The rules and regulations of a Commission shall provide that all initial appointees shall serve a probationary period of 12 months during which time they may be discharged at the will of the sheriff.

(Source: P.A. 92-83, eff. 7-12-01.)



Comprehensive Options
for Police Selection

C.O.P.S. and F.I.R.E.

Personnel Testing Service

Specializing in Law Enforcement and Fire Service Testing Options



Firefighter Individual
Readiness Evaluations

January 25, 2019

Kendall County Sheriff's Merit Commission
Attn: Tracy Page
Executive Assistant to the Sheriff

Dear Ms. Page,

We would greatly appreciate being considered for the opportunity to provide service to the Kendall County Sheriff's Merit Commission. I am submitting information regarding our Entrance Level Testing Program and additionally the information and cost of some of our other testing components you may need throughout your hiring process.

C.O.P.S. and F.I.R.E. Personnel Testing Service is one of the largest resources in Illinois specializing in municipal employee selection programs. Over 200 Illinois departments have been guided through the hiring and promotional programs incorporating our exams into their evaluation and selection procedures.

We provide firefighter, law enforcement, sheriff, and correction officer pre-employment evaluations consisting of entrance written and physical ability exams, group oral interviews, psychological assessments, and polygraph evaluations. At the promotional level, we offer written rank exams and assessment centers as well as a custom written exam developed from your operational procedures. All of the evaluation programs provided by C.O.P.S. and F.I.R.E. Personnel Testing Service receive high acclaim throughout the state from both the communities that we serve and the applicants participating in the evaluations.

Our reliable, content valid evaluations adhere to all required hiring guidelines and offer candidate selection with ease. Staff representatives are always available to help and assist you and as well the applicants. We function as your Hiring Board Customer Service Representatives and help you avoid expensive hiring mistakes by providing our expertise and extensive industry knowledge.

Please do not hesitate to reach out if you have any questions or if you are ready to establish testing dates. We feel confident we can provide to you a program that will meet all of your testing needs and provide you stellar hiring candidates.

Sincerely,

Carla Watson Purvis
Director

**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**

\$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 \$1.22) 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 \$30.00 you would have approx. $\$9.00 \times 40 = \360.00 credit towards testing cost

35 Candidates \times \$25.00 = \$875.00 written test cost – less \$360.00 credit from application purchases, final cost for written test \$515.00 This could be your approximate test cost if 40 applications were purchased at \$30.00 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.

NOTE: *The cost of the Written Exam is \$39.00 per applicant when NOT using the On-line Validation Program (Minimum \$975.00 = 25 candidates)*

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

**Cost Proposal for Pre-Employment Psychological Testing Services
for Deputy Sheriff and Corrections Candidates for Kendall County**

Psychological Assessment for Public Safety Personnel

\$450.00 per candidate

Leading Instruments, with specific regard to public safety criteria are utilized to provide test data while our staff psychologists specializing in the field of public safety candidate screening will analyze the data to determine if the applicant has the appropriate mental ability to pass the training program, emotional stability to withstand the stresses associated with being a public safety officer, and the psychological soundness to work within a public safety department. The Psychologist will conduct the clinical interview and present a conclusion to the appropriate hiring body in a written report.

Identify –

- Positive and negative characteristics that may enhance or be an unfavorable influence on their life behaviors
- Personality problems and emotional disorders
- Proclivity for violence, suicide, aggression and substance abuse
- Stress management characteristics

Psychological Assessments are conducted at our Schaumburg office.

Prices quoted cover all costs for your Hiring Board

References

Joliet, IL: Gael Dillon (815) 724-4122

Belvidere, IL: Fire Chief Al Hyser (815) 544-2242

Boone County Deputy Sheriff and Corrections: Sheriff Dave Ernest (815) 547-5549

Broadview, IL: Trustee John Tierney (708) 204-9818

Des Plaines, IL: Mary Nistler (847) 391-5345

Justice, IL: Commissioner Don McGuire (708) 341-0220

Maywood, IL: Commissioner Gloria Clay (708) 450 - 4488

Markham, IL: Commissioner Howard Freeman (708) 717-1205

Additional references available upon request



Dr. K.R. Juzwin, Psy.D

Education

- Psy.D., Clinical Psychology, Adler School of Professional Psychology, 1997
- M.A., Clinical Psychology, Ball State University, Muncie, Indiana, 1986
- B.A., Department of Psychology, Northern Michigan University, 1982
- Police Psychologist, Diplomate

Biography

Dr. Juzwin attained her doctorate in psychology from the Adler School of Professional Psychology in Chicago, and Master's in Clinical Psychology from Ball State University. Dr. Juzwin is a licensed clinical psychologist specializing in trauma, forensic trauma, and self-injury.

As Director of Diagnostic Testing for C.O.P.S. and F.I.R.E. Personnel Testing Service, Dr. Juzwin was instrumental in developing testing programs, implementing policies and procedures and training programs for Staff Psychologists and Doctoral Candidate Interns. She has been a guest speaker at many industry conferences regarding matters pertaining to the screening and hiring of Public Safety Employees.

Areas of teaching at Argosy include testing and assessment (objective, projective, and integrated battery assessment); ethics and the law, diagnostic and advanced practicum seminars and special topics courses. Special topics courses include self-injury, eating disorders, suicide assessment, clinical trauma, forensic trauma and police psychology. Primary areas of research include: self-injury, the multisymptomatic complex patient (NSSI, ED, trauma), high risk patients, personnel selection/pre-employment selection, and disaster/first responder mental health. Outside of C.O.P.S. and F.I.R.E. Personnel Testing, she is the consultant Director of the Self-Injury Recovery Services Program at Alexian Brothers Behavioral Health Hospital, working across the continuum of care. Other activities include forensic pre-employment research and evaluation of public service employees; and research, treatment and consultation regarding the management of high risk patients. She is a Mental Health responder for the Northern Illinois Critical Stress Debriefing team, IMERT/INVENT disaster field hospital and the FACT disaster response teams. She is active in critical incident response with first responders and law enforcement personnel.

Expertise

- Clinical: Testing & Assessment, Nonsuicidal Self-Injury, Eating Disorders, Suicide and trauma/PTSD
- Clinical Forensic: Pre-employment hiring, first responder culture, forensic personnel trauma, LE culture, CISM, disaster mental health
- Teaching: Testing & Assessment, Ethics & the Law, Special Topics
- Research: NSSI, ED, pre-employment, high risk personnel selection



Dr. Marc Oster, Psy.D

**Licensed Clinical Psychologist
Police Psychologist, Diplomate**

***C.O.P.S. and F.I.R.E. Personnel Testing Service
Staff Psychologist***

**Professor of Clinical Psychology, Illinois School of Professional Psychology at Argosy University, 2004-
Present**

Professor of Clinical Psychology, Adler School of Professional Psychology, 1987-2004

Courses taught included Psychological Testing, Psychopathology, and Forensic Psychology.

Private Practice, 1989- Present

**Drug Enforcement Administration, Psychologist Examiner for Pre-employment and Fitness for Duty,
1995-1999**

**C.O.P.S. and F.I.R.E. Personnel Testing Service, Psychologist Examiner for Pre-employment and Fitness
for Duty, 1999-Present**

Past-Fellow and Diplomate, American College of Forensic Examiners

President, American Society of Clinical Hypnosis (ASCH), 1988-2004

**In addition to the above I have over 100 publications, scientific presentations and other presentations,
including Newsweek, The Wall Street Journal, Prevention Magazine, Chicago Tribune, The
Smithsonian Magazine: and CNBC's American Medical Television JAMA Medical Rounds on topics
including psychology issues and medical hypnosis.**

Kendall County Sheriff's Merit Commission
Cost Proposal for Pre-Employment Polygraph Assessment Services
for Deputy Sheriff and Correction Officer Candidates

Polygraph Assessment Services for Public Safety Personnel - \$160.00 per candidate

Conducting a polygraph examination is a cost effective method of screening out high risk candidates who may have participated in various criminal behavior but avoided arrest and prosecution.

Reveal...

- Application omissions or untruths
- Employment related dishonesty
- Involvement with selling or using illegal drugs
- Participation in felony acts and gang relationships
- Inappropriate use of physical force
- Illegally taking or acceptance of items/services
- Sexual misconduct
- Domestic violence

Insure that only the most qualified candidates receive an appointment to serve and protect your community by taking the extra precaution of conducting a polygraph examination administered by our licensed polygraph experts.

Candidates are required to fill out an *Informed Consent and Legal Release*, an *In-depth 68 question Polygraph Questionnaire*, and *participate in a Polygraph Examination and interview with our Licensed Polygraph Experts*.

All polygraph assessments are conducted at our Schaumburg or Oswego office. You may receive a verbal report on a candidate within 24 hours (if desired) and a comprehensive written report containing a factual account of all the information developed during the polygraph procedure as well as the examiner's professional opinion of the examination results based on the analysis, interpretation and evaluation of the data within 3-5 business days. Prices quoted cover all costs pertaining to the polygraph assessment for your Hiring Board

Our firm has been providing polygraph assessments for over 16 years. This is a list of current communities that we have serviced in the past three years; those communities that we have * asterisked are communities that have been with us for over 10 years.

**Alsip* - Bellwood* - Belvidere* - Berkeley - Boone County Sheriff – Broadview
Calumet City*- Cary* –Crete* - Dolton – Elmwood Park *- Forest Park*- Fox Lake*
Fox Lake FPD – Franklin Park* - Freeport - Glenwood* - Hampshire*
Hoffman Estates - Huntley*- Island Lake* - Joliet – Justice – Lake County Sheriff
Lockport* - Maywood* - Minooka - Mount Vernon* - Naperville – New Lenox
North Aurora* - North Chicago – Oakbrook Terrace* Orland FPD – Orland Park*
Posen – Steger – Streator - Summit – University Park – West Dundee*
Will County Sheriff - Will County Forest Preserve – Woodstock***

References

**Joliet, IL: Gael Dillon (815) 724-4122
Bolingbrook, IL: Lt. Anthony Columbus (630) 226-8634
Hoffman Estates, IL, Police Lt. Felgenhauer (847) 882-1818
Naperville, IL: Kathy Mackenzie (630) 420-6690
Will County Sheriff's Office, IL: Beata Kiljan (815) 723-1648
Broadview, IL: Trustee John Tierney (708) 204-9818
Justice, IL: Commissioner Don McGuire (708) 341-0220
Mount Vernon, IL: Police Chief Chris Deichman (618) 242-2727
Belvidere, IL: Fire Chief Al Hyser (815) 544-2242
Orland Park, IL: Commander Anthony Farrell (708) 364-8112**

Additional references available upon request

Drug and Alcohol-Free Workplace/Substance Abuse Testing

1036.1 PURPOSE AND SCOPE

In the interests of employing personnel who are fully fit and capable of providing the best service for the citizens of Kendall County and for the safety and well-being of employees, a screening program has been implemented regarding drug and alcohol use by employees of the Kendall County Sheriff. The Sheriff has the responsibility to provide a safe work environment as well as a paramount interest in protecting the public by ensuring its employees are physically and emotionally fit to enforce the law. Therefore, the Kendall County Sheriff will not condone the following behavior: Use of controlled substances, abuse of legal drugs or alcohol, sale, purchase, transfer, use or possession in the workplace of alcohol, illegal drugs or drugs obtained illegally or working under the influence of drugs or alcohol. Violations of these policies shall result in disciplinary action up to and including termination.

1036.2 POLICY

The Kendall County Sheriff will ensure its employees are physically and mentally fit to serve and protect the public. An employee will not be allowed to work if his or her ability to perform has been impaired by the use of alcohol or any controlled substance. Accordingly, the Sheriff maintains a drug free workplace in compliance with the Drug-Free Workplace Act (30 ILCS 580/1 et seq.) and prohibits the use or possession on or off duty of any controlled substance or cannabis by any employee unless:

- (a) Possession is required in the course of their official duties.
- (b) The controlled substance or cannabis has been legally prescribed for the employee.

1036.3 DEFINITIONS

- (a) Collector: A certified individual with contractual responsibility for coordinating the collection and forwarding of specimens for testing. The Kendall County Sheriff's Office will utilize a Third Party Drug Testing Administration Service, which will manage the practices and guidelines of quality Drug and Alcohol testing for employers of the Kendall County Sheriff's Office.
- (b) Drugs: "Drugs" shall mean any controlled substance listed in the Controlled Substance Act, 720 ILCS 570/102 and cannabis for which the person tested does not submit a valid pre-dated prescription. The term "drug" includes both abused prescription medications and illegal drugs of abuse. In addition, it includes "designer drugs" which may not be listed in the Controlled Substances Act but which have adverse effects on perception, judgment, memory or coordination. .
- (c) Drugs Tested: Will be in accordance with the SAMHSA certified clinic or hospital facility, which administers a 10 Panel Drug screen.

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- (d) **Medical Review Officer:** A licensed physician that has been certified as a Medical Review Officer (MRO) by the Federal Department of Transportation and the Federal Department of Health and Human Services. The MRO has knowledge of substance abuse testing with contractual responsibility for interpreting and verifying drug testing results.
- (e) **Employee Assistance Program:** A program provided by the County of Kendall to ensure the physical and psychological health of all employees.
- (f) **Impairment:** A condition in which the employee is unable to properly perform his/her duties due to the effects of a drug in his/her body. Where impairment exists (or is presumed), incapacity for duty shall be presumed.
- (g) **Positive Test Result:** A positive confirming test result is one where the specimen tested contained drug or drug metabolite concentrations. A positive test for alcohol would be any alcohol concentration of .02 or greater.

1036.4 PROHIBITION OF DRUGS IN THE WORK PLACE

- (a) The concealment, manufacture, distribution, dispensation, transportation, promotion, sale, purchase, possession or use of the following items or substances by employees of the Kendall County Sheriff's Office is strictly prohibited while on duty or during working hours including lunch hour and in the work place at any time except in accordance with duty requirements.
 - 1. Illegal Drugs or Controlled Substances as defined (720 ILCS 550/3; 720 ILCS 570/100).
 - 2. Alcoholic beverages.
 - 3. Drug paraphernalia.
 - 4. Over the counter drugs and legally obtained pharmaceuticals, to the extent that they mentally and/or physically impair the employee.
- (b) Violations of these prohibitions shall result in disciplinary action up to and including termination.
- (c) Employees subject to recall to work overtime or unscheduled hours on less than eight hours notice shall not be subject to discipline for any impairment due to alcohol or legal drugs, provided, they notify their Supervisor of their condition.
- (d) Any employee convicted of a criminal drug statute violation occurring in the workplace shall notify the employee's supervisor or any member of the command staff no later than five (5) days after such conviction, unless the conviction has been sealed, expunged or impounded under Section 5.2 of the Criminal Identification Act.

1036.5 TYPES OF DRUG TESTING

- (a) **Pre-Employment Testing :** All successful applicants who are not currently employees of the Kendall County Sheriff's Office must be tested prior to being hired or their effective appointment date.

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- (a) Testing should be performed on those individuals selected from an eligibility list and provided a conditional job offer.
- (b) All Pre-employment drug tests will be conducted at the discretion of the Sheriff and, if applicable, in accordance with the Sheriff's Merit Commission rules.
- (b) Change in Status Testing: Drug testing conducted because of a proposed change in personnel status or a change in assignment.
- (c) Monitoring : Periodic drug testing of an individual employee pursuant to an agreement of the parties.
- (d) Random Testing: Drug testing which shall occur on any scheduled work day where covered employees have an equal statistical chance of being selected for testing.
- (e) Sufficient Cause or Reasonable Suspicion Testing: When there is suspicion to believe that an employee uses illegal drug or is physically or mentally impaired due to being under the influence of alcohol, the use of illegal drugs or the abuse of prescription drugs, the Sheriff shall have the right to order an employee to report immediately for drug and/or alcohol testing. Reasonable suspicion is a suspicion based upon specific objective facts and reasonable inferences drawn from those facts. The facts for determining reasonable suspicion shall be based upon the following.
 - (a) Observable phenomena, such as direct observation of use and/or the physical symptoms of impairment resulting from using or being under the influence of alcohol or controlled drugs which may include but not limited to slurred speech, alcohol on breath, lack of coordination, irrational behavior, excessive absenteeism, etc.
 - (b) Information provided by an identifiable third party, which is independently investigated by the Sheriff or designees to determine the reliability or validity of the allegation. Information from anonymous sources alone shall be insufficient grounds to order a test.
- (f) Verified Positive Test: Certification by a Medical Review Officer that the specimen tested positive for the presence of one or more of the targeted drugs for which there was no presentation of legitimate medical explanation and where the specimen was properly processed.
- (g) Accidents/Injury Testing: When an employee is involved in an on-the-job accident or injury involving significant damage to County property or personal injury to anyone, the Supervisor shall conduct a preliminary investigation promptly and, as part of the investigation, shall evaluate the Officers appearance and behavior and shall promptly report his/her findings to the Sheriff or designee. The Sheriff or his designee may immediately require Drug or Alcohol testing. The failure of a Supervisor to conduct and report the findings of the inquiry shall be cause for discipline. Any employee required to take a post-accident alcohol test shall not use alcohol for eight (8) hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever is first.
- (h) Return to Duty Testing: An employee who tests positive may not return to duty until the employee passes a drug test administered under this part and the Medical Review Officer has determined the employee may return to duty. Any individual who has at

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any time been employed by the Sheriff's Office but whom, for whatever reason, (i.e. injury, military leave, etc.) has not worked in their assigned duty classification for the Sheriff's Office for a period of 90 consecutive calendar days must undergo testing for drug use. If a notice of a positive test result is received from the Medical Review Officer Following said testing, then the employee will be subject to disciplinary actions.

- (i) Officer Involved Shooting Testing: Each employee involved in an officer-involved shooting will be ordered by the Sheriff or his designee to submit to drug and alcohol testing as soon as practical, but not later than the end of the employee's shift or tour of duty. An employee is considered to have been involved in an officer-related shooting whenever the employee discharges his or her firearm, causing injury or death to a person or persons during the performance of his or her official duties or in the line of duty.

1036.6 RESPONSIBILITIES

- (a) The Kendall County Sheriff will develop and maintain a drug testing policy which specifically governs drug testing requirements.
- (b) Testing Agency - The Kendall County Sheriff will contract a licensed medical facility and licensed clinical laboratory to conduct the drug test. The contracted agency shall conform to the SAMHSA standards (substance abuse and mental health service administration) of the Federal Guidelines issued by the Department of Health and Human Services, Alcohol, Drug Abuse and Mental Health Administration.
- (c) Medical Review Officer (MRO) - The purpose of the MRO is to take the responsibility from the employer to determine if the drug-screen finding was due to a prescription medication prescribed by a physician or taken illegally. The MRO is a licensed physician that has been certified as an MRO by the Federal Department of Transportation and the Federal Department of Health and Human Services. The MRO process maintains confidentiality between the testing laboratory, the employee and the employer. The MRO program is an added benefit for employers concerning issues with the ADA-Americans with Disability Act and the EEOC-Equal Employment Opportunity Council.
- (d) Drug Program Coordinator
 - (a) The Kendall County Sheriff's Office Human Resource Manager will act as the Drug Program Coordinator.
 - (b) The Kendall County Sheriff's Office Human Resource Manager will be the primary contact for all verified positive test results.
 - (c) The Kendall County Sheriff's Office Human Resource Manager will maintain all statistical records including numbers of employees tested, test results and the notification to employees of final test results.
 - (d) The Kendall County Sheriff's Office Human Resource Manager will oversee the random selection of Employees to take the drug test. A test list shall also be kept and maintained. No test lists will be maintained other than by the Kendall County Sheriff's Office Human Resource Manager .

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- (e) The Sheriff or designee will be notified and will determine based on the information provided if a reasonable cause test will be conducted.

1036.7 RANDOM DRUG TESTING

(a) Covered Employees

- (a) All sworn and non-sworn employees of the Kendall County Sheriff's Office will be subject to random drug testing. Random drug testing shall be ordered by the Sheriff or designee. The Sheriff will be permitted to conduct monthly random drawings with a maximum of 3 to 4 employees tested per drawing. All employees may be subject to consecutive random tests throughout the calendar year.
- (b) The selection of the employees to be tested shall proceed as follows: The assigned badge numbers of all employees shall be selected blindly up to four (4) employees a month (depending on funding) from the entire employee pool.
- (c) Prior to a random selection by the Third Party Administrator, the Sheriff's Office will update the random eligibility list. Kendall County Sheriff's Office Human Resource Manager will receive via fax or email a list of the employees who were previously participating in the random program. The list of names must be verified and signed, noting that the list is correct and/or noting corrections, additions, or deletions, and returned to testing agency by either fax or email.

1036.8 PROCEDURES FOR TESTING

(a) General Requirements

1. Drug testing is a mandatory four (4) step process: collection of specimen, laboratory analysis, MRO review and reporting. Test procedures outlined shall conform to the SAMHSA Standards of the Federal Guidelines issued by the Department of Health and Human Services, Alcohol, Drug Abuse and Mental Health Administration.
2. In the event there is any conflict between the procedures set forth in this section and the SAMHSA Standards, the SAMHSA standards shall control.
3. Special procedures, including possible disciplinary action, apply to employees who refuse to comply fully with the drug testing program or when there is reason to believe the employee may substitute or alter the specimen.
4. Chain of custody requirements will prevail during the handling and processing of specimens and the reporting of drug test results.
5. The program will provide for the maximum protection of employee's right to privacy during collection of specimens and communications about drug test results and medical evaluations.

(b) Notification of Collection

1. Employees to be tested will be contacted in person and told to report to the testing facility within 4 hours. An employee will be compensated at his or her regular straight time rate for time spent for testing unless circumstances dictate

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the employee work beyond the regularly scheduled workday at which time the employee will be compensated at their overtime rate.

(a) Automatic Excuse from Testing: An employee who is unavailable for any of the following reasons will automatically be excused from testing:

1. Any vacation day, holiday, compensatory day, personal day or sick day regularly scheduled and approved prior to the test notification.
2. Service-connected injury leave, authorized leave of absence, suspension from duty, military leave or weekend drills.

(c) Collection and Analysis Procedures

1. The employee will report to the collection site and present their department photo identification or driver's license. Verification will be done by the collector. If the employee fails to produce valid identification, the test administrator will contact the Sheriff's Office and request a representative proceed to the collection site for appropriate identification. The Sheriff's Office representative must provide their photo identification to the collector.
2. Written and verbal directions will be given regarding collection procedures. A medical review report and/or consent form will also be completed by the employee.
3. The employee is required to follow collection procedures exactly and to participate fully in the Chain of Custody procedures. Refusal to participate, or any other unusual circumstances or behavior will be noted on the Chain of Custody form by the collector.
4. The analysis and MRO review will be conducted in accordance with the SAMHSA certified clinical laboratory or hospital facilities procedures

(d) Independent Testing

1. When an employee has been tested pursuant to the rules established herein and there are confirmed positive results, the employee may request that a portion of the original specimen be submitted for an independent test. The employee shall be notified of his/her right to do so and request and complete the independent test within ten (10) days of notice. The independent test shall be at the employee's expense, shall use equivalent testing and chain-of-custody process required, (SAMHSA certified lab and SAMHSA chain of custody procedures).

(e) Confidentiality of Test Results

1. The results of drug and alcohol tests will be disclosed to the person tested and the Kendall County Sheriff's Office Human Resource Manager. In the case of a verified positive test, the Sheriff shall be notified of the results; and such other officials as may be designated by the Sheriff on a need to know basis consistent with the other provisions of this policy, including treatment needs, diagnosis, and use of Employee Assistance Program and investigation of disciplinary action, may be notified.

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1036.9 REQUEST FOR ASSISTANCE AND EMPLOYEE ASSISTANCE

- (a) Kendall County has available to all employees an Employee Assistance Program (EAP). The abuse of drugs and alcohol, as well as emotional stress such as might be caused by drugs and alcohol, poses a serious threat to both the County and its employees. It is the responsibility of both the County and the employee to maintain a safe, healthful and efficient working environment.
- (b) Employees are encouraged to voluntarily seek treatment, counseling and/or other support and assistance for an alcohol or drug related problem. There shall be no adverse employment action taken against an employee who voluntarily seeks assistance solely for having done so, provided, however if an employee tests positive under this policy disciplinary action shall be administered. All provisions of Employee Assistance program apply.
- (c) The Sheriff may require in addition to, or instead of any discipline, participation in a rehabilitation program evaluation and compliance with the recommendations of that program.

1036.10 SPECIFIC RESPONSIBILITIES

- 1. Without limiting the Sheriff general management authority, specific orders to submit to a drug test shall be conducted according to the following procedures:
 - 1. Identify those employees where a drug/alcohol screen is required.
 - 2. When necessary, initiate a preliminary investigation to determine the validity of an employee's admission that he/she is presently taking lawful drugs.
 - (a) If the preliminary investigation reveals that the drugs have been legally prescribed and are being properly consumed according to prescription directions, no further investigation will ensue.
 - (b) In all other instances, a formal disciplinary action will ensue when the test results disclose positive indicators and/or evidence of drug/alcohol usage by the employee.
 - 3. The Sheriff or designee shall notify employees in writing of the date and time of a drug/alcohol screen. Employees so notified shall be allowed a reasonable time not to exceed four hours to consult with counsel prior to administration of the screen and at the time of any questioning.
 - 4. The employee subject to a drug/alcohol screen will:
 - (a) Report on a date and time determined by the Office.
 - (b) Cooperate in the completion of all phases of the drug/alcohol screen in accordance with the instructions of the examining physician or his/her designee.
 - (c) Have in his/her possession his/her departmental identification card.
 - (d) Loose articles of clothing shall be removed, pockets emptied, no purses will be allowed. All employees will be required to secure all personal effects

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at the Sheriff's Office. Armed Sworn Deputies shall secure all firearms and duty belts in their vehicle prior to entering the testing facility.

5. Any employee who is taking legal medication that could affect perception, judgment, memory, coordination or other necessary ability to perform one's duties shall report, in writing, such fact and the nature of the illness or condition requiring the medication to the Sheriff or designee. Such information will be treated on a confidential basis.

1036.11 DISCIPLINARY ACTIONS

- (a) A determination by the Sheriff to initiate discipline up to and including termination of an employee on the basis of illegal drug use is warranted since such illegal drug use is inconsistent with the mission of the Kendall County Sheriff's Office and the nature of the employee's duties.
- (b) The Kendall County Sheriff's Office Policies, Procedures, and Code of Conduct are the sole authority for determining any disciplinary actions to be taken as a result of this policy.
- (c) If an employee who has tested positive is not terminated, the Sheriff may require such employee to submit to a random urinalysis or other appropriate drug tests during the twelve (12) month period following the date any employee tests positive in any test. Any such random tests shall occur at times and places designated by the Sheriff. The Sheriff can also mandatorily refer the employee to the Employee Assistance Program for evaluation, diagnosis and treatment and/or mandatory rehabilitation program for evaluation. If the out-patient program recommends in-hospital rehabilitation, then it will be mandatory for the employee to so comply. If an out-patient rehabilitation program is recommended after an in-patient rehabilitation program, the employee must comply with the recommendation in order to complete the rehabilitation program. Should the employee miss three (3) scheduled out-patient sessions for any reason, other than the fact that the employee is hospitalized, within a six (6) consecutive month period, said employee will be subject to immediate termination. Failure to accept or comply with the conditions set forth in this section shall be cause for discharge.
- (d) An employee who refuses to comply with an order to submit to drug testing (random or sufficient cause) shall be subject to discharge for insubordination, but such penalty may be avoided if after a period of reconsideration which shall not exceed one hour from the time of the order to take the test, the employee agrees to comply with the order and to submit to the test
- (e) There is no requirement on the part of the Sheriff to keep an employee on active employment status who is receiving treatment under this policy if it is appropriately determined (re-determination by an independent physician and/or appropriately certified medical and/or psychological professional) that the employee's current use of alcohol or drugs prevents such individual from performing his/her duties or whose continuance on active status would constitute a direct threat to the property and safety of others. Such employee shall be afforded the opportunity to use accumulated sick leave, unpaid leave pending treatment or utilize the Family Medical Leave Act.

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- (f) In order to have an opportunity to again participate in a rehabilitation program, as opposed to being subject to immediate termination because of an alcohol and/or drug problem, an employee must have been alcohol and drug free for a four (4) year period after completion of the initial rehabilitation program. After an employee has remained alcohol and drug free for four (4) years, the employee is entitled to take part in the rehabilitation program again, but an employee may not so participate more than twice during his or her employment with the Sheriff's Office.
- (g) This shall no way limit discipline for other offenses arising out of related to or aggravated by alcohol or drug abuse, including but not limited to discipline or discharge because the employee's condition is such that he is unable to properly perform his duties due to the effects of drugs or alcohol, nor shall it limit the discipline to be imposed for selling, purchasing or delivering any illegal drug during the work day or while off duty or for using any illegal drug while on duty.
- (h) Regardless of the provisions stated above, if the Sheriff discovers (without using the Office drug testing procedures of this policy) that any employee has engaged in the behavior identified in this policy or any behavior that is unlawful, or in violation of any Office Policy, Procedure, Rule and Regulation, or the Code of Conduct, such employee may be subject to immediate termination.

1036.12 COMPLIANCE

It is the responsibility of all employees, supervisors and administrative personnel to comply with all sections of this policy. All employees shall receive annual training and it will be posted on the employee bulletin board.