

## ILLINOIS STATE POLICE DIRECTIVE PER-103, CODE EMPLOYEE DISCIPLINARY RULES

<b>RESCINDS:</b> PER-103, 2011-009, revised 01-28-2011.	<b>REVISED:</b> 09-22-2014 <b>2014-069</b>
<b>RELATED DOCUMENTS:</b> PER-009, PER-015, PER-030, PER-032, PER-033, ROC-002	<b>RELATED CALEA STANDARDS:</b> 26.1.1, 26.1.3, 26.1.4, 26.1.5, 26.1.6, 26.1.8, 52.1.1, 52.2.1, 52.2.7

### I. POLICY

The Illinois State Police (ISP) will establish rules of conduct and regulations by which code employees of the Department will conduct themselves both on and off duty.

### II. AUTHORITY

- II.A. 5 ILCS 420, "Illinois Governmental Ethics Act"
- II.B. 5 ILCS 430, "State Officials and Employees Ethics Act"
- II.C. 20 ILCS 2605/2605-10, et seq., "Department of State Police, Powers and duties, generally"
- II.D. 20 ILCS 415/8b-16 et seq., "Personnel Code"
- II.E. 25 ILCS 170, "Lobbyist Registration Act"
- II.F. The Rules of the Department of Central Management Services (CMS)
- II.G. Executive Order Number 3 (1998)
- II.H. Executive Order Number 9 (1999)
- II.I. Title VII of the U.S. Civil Rights Act
- II.J. 775 ILCS 5/1-101, et seq., "Illinois Human Rights Act"

### III. DEFINITIONS

- III.A. Gift - any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to State employment. A gift does not include:
  - III.A.1. A certificate or award publicly presented in recognition of public service
  - III.A.2. A commercially reasonable loan made in the ordinary course of the lender's business
  - III.A.3. Intra-family, intra-office, and intra-governmental gifts
  - III.A.4. Items with a value of \$50 or less in the aggregate per year from a single source per calendar year
  - III.A.5. Widely attended gatherings such as luncheons, speaking engagements, educational seminars, or other events that an employee is assigned or requested to attend, provided it is determined to be beneficial for the ISP to be represented by an employee or it is a customary or necessary aspect of the employee's duties to attend
- III.B. Prohibited Source - any person or entity who:
  - III.B.1. Is seeking official action by the ISP
  - III.B.2. Does business or seeks to do business with the ISP

- III.B.3. Conducts activities regulated by the ISP
- III.B.4. Has interests that may be substantially affected by the performance or non-performance of the official duties of ISP employees
- III.B.5. Is registered, or required to be registered, under the Lobbyist Registration Act, except an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors.

III.C. Equal Employment Opportunity terms – the following terms shall have the meaning as described in ISP directives PER-009 “Equal Employment Opportunity,” PER-032, “Discrimination and Harassment,” and PER-033, “Sexual Harassment,” as amended:

- III.C.1. Discrimination
- III.C.2. Harassing Conduct
- III.C.3. Harassment
- III.C.4. Retaliation
- III.C.5. Sexual Harassment

**IV. RESPONSIBILITY**

The responsibility of every code employee of the ISP is to conform to the Rules of Conduct found in Section VI. of this directive. Failure to comply with the Rules of Conduct contained in Section VI. of this directive may subject the employee to the disciplinary process as provided for in:

- IV.A. The CMS Personnel Rules
- IV.B. The applicable bargaining unit contract
- IV.C. ISP directive PER-030, “Complaint and Disciplinary Investigations”

**V. PROCEDURES**

- V.A. Scope
  - V.A.1. These rules are to be used as an aid to determining and administering uniform, reasonable, and fair employee discipline.
  - V.A.2. The rules and regulations set forth obviously cannot cover every type of employee misconduct and are not intended to, but illustrate typical types of offenses and suggest reasonable methods for addressing them and documenting their occurrence.

V.B. Assistance

The Office of Labor Relations and Special Projects (OLR), the Division of Internal Investigation (DII), and the Equal Employment Opportunity Program Manager will provide assistance in the interpretation and application of these rules.

V.C. Supervisory Procedures

Supervisors will observe the following procedures when it is determined that code employee disciplinary action is to be imposed.

- V.C.1. Review and follow the requirements of ISP directive PER-030 and PER-032.

- V.C.2. Review the applicable disciplinary article(s) and other pertinent articles of the appropriate collective bargaining agreement, or the disciplinary sections of the CMS Personnel Rules.
- V.C.3. For code employees of collective bargaining agreements RC-14, RC-28, RC-29, RC-42, RC-62, RC-63, and VR-704:

- V.C.3.a. Non-criminal investigative interviews of code employees

**NOTE:** Before convening a non-criminal investigative interview, the code employee must be presented with the Notice of NON-CRIMINAL Investigatory Interview for CIVILIAN Employees, form ISP 1-224 (this form is available in the ISP Document Library at <http://maphome/documentlibrary/>).

- V.C.3.a.1) Employees not the subject of the investigation (a witness or an employee possessing pertinent information) can be denied union representation; however, where representation is requested and denied, statements made by the employee cannot be used for disciplinary purposes against the employee being interviewed. Employees in such circumstances must cooperate fully and cannot refuse to answer questions or provide written statements.
- V.C.3.a.2) Code bargaining unit employees who are the subject of a non-criminal investigation should, upon request, be afforded union representation. Any denial of such a request for union representation during the interview is a violation of the employee's union rights and will prevent the Department from successfully defending a union protest of discipline that might be imposed.

**NOTE:** When an investigatory interview is required, the employee is entitled to the presence of a union representative if he/she requests representation and if the employee has reasonable grounds to believe the interview may be used to support disciplinary action against him/her.

- V.C.3.b. If the supervisor is contemplating discipline other than an oral reprimand, he/she will schedule a pre-disciplinary meeting with the employee and his/her union representative at a mutually convenient time.
  - V.C.3.b.1) If an American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME) (RC-14, 28, 42, 62 or 63), Illinois State Employees Association (ISEA) (VR-704), or the Illinois Federation of Public Employees (IFPE) Local 4408 (RC-29) representative is not available at the work location, contact the OLR at 217/782-3255.
  - V.C.3.b.2) If the employee waives his/her right to representation during the pre-disciplinary meeting, the union representative still has the right to attend the meeting as an observer.
- V.C.3.c. The purpose of the pre-disciplinary meeting is to discuss the reasons for contemplated disciplinary action and to allow the employee and/or the union representative the opportunity to respond to such reasons prior to making a decision to take disciplinary action or a decision as to what level of disciplinary action is warranted.
- V.C.3.d. Prior to the meeting, provide the union representative and the employee a written confirmation of the meeting and attach a copy of the administrative charges (written statement provided by DII or OLR) as well as all documentation being used to support the administrative charges (including but not limited to, investigative conclusions, interview statements, time records, policies violated, etc.).
- V.C.3.e. If the supervisor desires to impose a written reprimand after the pre-disciplinary meeting is held, the supervisor must furnish the union (generally, the steward who attended the pre-disciplinary meeting) with a copy of the written reprimand.

Copies must be mailed to the appropriate union representative for the work location or to one of the following addresses:

IFPE Local 4408, AFT, AFL-CIO  
4 Lawrence Square  
Springfield, Illinois 62704-2523

AFSCME  
615 South Second Street  
Springfield, Illinois 62704-2503

ISEA Local 2002  
2945 Stanton Avenue, Suite A  
Springfield, Illinois 62703-6805

Copies must also be forwarded to the Public Safety Shared Services Center (PSSSC) for inclusion in the employee's personnel file and to the OLR.

V.C.3.f. If the supervisor desires to impose a suspension or discharge after the pre-disciplinary meeting is held, the supervisor must immediately notify the OLR.

V.C.3.g. To ensure that disciplinary actions are upheld, it is important to follow collective bargaining agreement provisions closely. If there are questions concerning discipline procedures, contact the OLR.

V.C.4. Disciplinary action for code employees not covered by collective bargaining agreements will be initiated in accordance with the CMS Personnel Rules.

**NOTE:** For information on disciplinary processes for code employees in the RC-19 or RC-20 bargaining units, the IUOE or the IBEW; and for other code union addresses, contact the OLR.

## VI. RULES AND REGULATIONS

Violation of any of the following Rules of Conduct may result in disciplinary action, up to and including termination. Employees will not:

VI.A. Use state property in an unauthorized manner, including but not limited to:

VI.A.1. State-owned vehicles

VI.A.2. Equipment

VI.A.3. Credit cards

VI.A.4. State vouchers

VI.B. Use or consume state time or property for personal or private purposes or use state employees for such purposes.

VI.C. Perform any act prohibited by 5 ILCS 430, "State Officials and Employees Ethics Act" (see ISP directive PER-015, "Political Activity").

VI.D. Intentionally falsify or cause the falsification of any personnel or working records/documents of the ISP.

VI.E. Possess explosives, firearms, or other dangerous weapons on state premises, or attempt to bring same onto state premises, unless such possession is required in the regular course of the employee's job and permission has been granted from the appropriate supervisor.

**NOTE:** Code employees wishing to travel to and from work with a firearm, and who possess a lawful Concealed Carry License (CCL), may secure their firearm in a vehicle parked on state premises in accordance with the CCL law (430 ILCS 66-65).

- VI.F. Engage in disorderly conduct during working time or on state premises, including fighting, threatening, or abusing any person by word or act or engaging in, instigating, or causing any interruption or impeding of work.
- VI.G. Be insubordinate by refusing to carry out supervisory instructions or by refusing to follow the lawful directive or policy of the Department.
- VI.H. Consume or be under the influence of alcoholic beverages or narcotic or hallucinogenic drugs during working hours, or possession thereof, unless usage of such drugs is pursuant to a valid prescription for the employee.
- VI.I. Gamble on state premises.
- VI.J. Intentionally remove from state premises any property belonging to the state or property belonging to any person without appropriate authorization or authorization by the owner of the property.
- VI.K. Substantially misrepresent facts in obtaining employment with the state.
- VI.L. Intentionally or carelessly damage, deface, or waste state property or the property of others on state premises.
- VI.M. Knowingly permit another employee or non-employee to use one's state identification card or use state identification in an attempt to exert undue influence, obtain special privileges, favors, rewards, or to enhance prestige.
- VI.N. Fail to submit written notification to their supervisor within five working days of any arrest, indictment, conviction, warrant for arrest, suspension/revocation of a driver's license, or any knowledge regarding an investigation of the employee (except minor traffic offenses).
- VI.O. Sleep during working hours.
- VI.P. Fail to follow safety instructions or regulations that may result in the creation of hazardous circumstances to any person.
- VI.Q. Habitually or excessively be absent or tardy, abuse sick leave to include leaving work before quitting time, overstaying permitted rest or break periods, or be absent from work without authorization.
- VI.R. Negligently perform assigned duties.
- VI.S. Substantially misrepresent facts to a supervisor and/or investigator.
- VI.T. Refuse to answer questions or cooperate in an official work related investigation or refuse to testify or respond to questions in matters that relate narrowly, directly, or specifically to the performance of duties.
- VI.U. Submit false or misleading information in any verbal or written report or alter or destroy any official reports, records, or evidence.
- VI.V. Directly, or indirectly, accept or request anything of value as a gift from any prohibited source or in violation of any federal or state statute or regulation.
  - VI.V.1. This ban applies to, and includes, employees' spouses and members of employees' immediate family living with the employee.
  - VI.V.2. Nor will they purchase, or obtain control of, any abandoned, unclaimed, confiscated, or any other property being disposed of as a result of departmental enforcement action.
- VI.W. Knowingly purchase, or allow family members living in the same household to purchase, surplus property or vehicles relinquished by the ISP and sold at auction or sales conducted by the CMS.

VI.X. Disobey any federal, state or local laws and/or court decisions or court orders.

**NOTE:** Entering a plea of guilty or nolo contendere, stipulating to facts, or being found guilty of a violation of any law or if there is any other judicial determination supporting any punitive measure taken against the employee will be prima facie evidence of a violation of this directive.

VI.Y. Engage in conduct discrediting the integrity of the ISP or its employees or in a manner reflecting unfavorably upon the ISP. Such action constitutes conduct unbecoming an employee.

VI.Z. Engage in unsatisfactory work performance.

VI.AA. Be rude, discourteous, or disrespectful to members of the public or other ISP employees.

VI.BB. Engage in public criticism or ridicule of the ISP, its policies, or employees by speech, writing, or other expression where such speech, writing, or other expression is defamatory, obscene, unlawful, undermines the effectiveness of the ISP, interferes with maintenance of discipline, or is made with reckless disregard for truth.

VI.CC. Undertake any financial obligation that an employee knows or should know he/she will be unable to meet or failure to pay all just debts when due.

VI.DD. Unless the employee's position requires it, access, read, and/or divulge confidential information including, but not limited to, evidence, photographs, internal memoranda, mail, investigations, personnel files, or fail to treat official ISP business as confidential.

VI.EE. Engage in conduct that constitutes discrimination; harassment including, but not limited to, sexual harassment; harassing conduct; or retaliation as defined in ISP directives PER-009, PER-032 or PER-033.

VI.FF. Fail to report knowledge or observance of a rule, directive, or policy violation by another employee, a former employee, or any other individual whose acts might affect the ISP.

VI.GG. Use personally owned still or video cameras on department premises without specific advance approval by the employee's supervisor.

| Indicates new or revised items.

**-End of Directive-**