

Civil Service Board of the Metropolitan Water Reclamation District of Greater Chicago Standing Order

The Civil Service Board is a three-person administrative body created by the Metropolitan Water Reclamation District (MWRD) Act. (See 70 ILCS 2605/4.2) The current members are:

Mr. John S. Kendall, Chairman
Ms. Mazie A. Harris, Vice Chairman
Mr. Donald Storino, Secretary

Meetings

The Civil Service Board meets monthly. The regular meeting schedule, agendas, and minutes are posted at www.mwrdd.org under Departments/Human Resources/Civil Service Board.

Appearances

Parties may appear before the Civil Service Board by representing themselves, or through an attorney licensed to practice law in Illinois. Non-attorney representation is not allowed. Attorneys representing parties other than MWRD must file an appearance on the attached form with the Clerk of the Civil Service Board.

Filing Documents with the Clerk of the Civil Service Board

1. All documents to be filed with the Civil Service Board shall be deemed filed when received by the Clerk of the Civil Service Board, either in person, via email, or via U.S. Mail. Documents received after 4:30 p.m. Central Time shall be deemed filed on the following business day. The Clerk of the Civil Service Board shall serve a file-stamped copy of any properly filed document upon all parties.
2. Clerk of the Civil Service Board
100 E. Erie St.
Chicago, IL 60611
Email: clerkofthecivilserviceboard@mwrdd.org
Phone: 312-751-6582
3. All documents filed with the Clerk of the Civil Service Board must be signed by the parties or their counsel.

Communication with the Civil Service Board

Neither a party nor their counsel shall communicate, directly or indirectly, with any member of the Civil Service Board in connection with any substantive issue except upon notice and opportunity for all parties to participate.

Pre-hearing Identification of Witnesses and Exhibits

By the date ordered by the Civil Service Board, the parties shall exchange a list of witnesses they may call at hearing and exchange copies of any exhibits they may use at hearing. Additional limited written discovery may be allowed in special circumstances, but only upon prior leave of the Civil Service Board. No depositions are allowed.

Subpoenas

Parties may request the issuance of a subpoena by submitting the attached form to the Clerk of the Civil Service Board along with the appropriate attendance and mileage fees. The requesting party must serve a copy of the subpoena on the opposing party or, if represented, on their counsel, and shall be responsible for its service on the subpoenaed person by personal service or certified mail, except that counsel for MWRD may accept service for its active employees. An employee whose testimony is requested by a party other than MWRD must be subpoenaed in order to be eligible for regular wages and/or overtime. (See Personnel Rule 12.05)

Hearings

Hearings are public and transcribed by a court reporter. For discharge and involuntary demotion cases, the hearing shall take place within 120 days after charges are filed against the employee, unless the Civil Service Board continues the hearing for good cause shown and with the consent of the employee. (See 70 ILCS 2605/4.14) The Civil Service Board generally refers to relevant portions of the Illinois Rules of Civil Procedure and the Illinois Rules of Evidence as non-binding, persuasive authority.

References

The following documents are attached to this standing order:

- a. Appearance Form
- b. Subpoena Form
- c. Section 4.14 of the MWRD Act (70 ILCS 2605/4.14)
- d. MWRD Personnel Rule 12

ENTERED: 1-16-19

CIVIL SERVICE BOARD OF THE
METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO


Chairman


Vice Chairman


Secretary

**BEFORE THE CIVIL SERVICE BOARD
OF THE METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO**

IN THE MATTER OF:

)
)
) No.
)

APPEARANCE

The undersigned, _____, hereby enters its appearance as the attorney for _____ in the above-captioned matter and requests that copies of all documents and papers to which he is entitled be served on the undersigned in lieu of service upon _____.

Dated: This ____ day of _____, 20

Signed,

METROPOLITAN WATER RECLAMATION DISTRICT
OF GREATER CHICAGO
100 EAST ERIE STREET CHICAGO, IL 60611

IN THE MATTER OF:)
)
) No.
)

CIVIL SERVICE BOARD SUBPOENA

TO:

YOU ARE HEREBY COMMANDED TO APPEAR to testify before the Civil Service Board of the Metropolitan Water Reclamation District of Greater Chicago at the above address on: _____, 20 at : AM in the above matter.

YOU ARE COMMANDED ALSO to bring the following:

Your failure to appear in response to this Subpoena will subject you to punishment for contempt of the CIVIL SERVICE BOARD of the Metropolitan Water Reclamation District of Greater Chicago.

WITNESS: _____.

Member of the Civil Service Board

Name:
Attorney for:
Address:
Telephone:

I served this Subpoena by handing a copy to _____ on _____.

I paid the witness \$ _____ for witness and mileage fees.

Subscribed and Sworn to before
me this _____ day of _____, 20 .

NOTARY PUBLIC

EXHIBIT B

(70 ILCS 2605/4.14) (from Ch. 42, par. 323.14)

Sec. 4.14. No employee in the classified civil service of the sanitary district shall be involuntarily demoted or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. For discharge actions, such charges shall be filed with the civil service board within 30 days from the date of suspension under the charges, and the charges shall be promptly investigated by or before the civil service board, or by or before some officer or officers appointed by the civil service board to conduct such investigation. Both involuntary demotion and discharge hearings shall be public and the employee shall be entitled to call witnesses in his or her defense and to have the aid of counsel. Such hearings shall take place within 120 days after charges are filed against the employee, unless the civil service board continues a discharge or involuntary demotion hearing for good cause shown and with the consent of the employee. After the hearing is completed, the civil service board shall enter a finding and decision. A decision shall be deemed to have been served either when a copy of the decision is personally delivered or when a copy of the decision is deposited in the United States mail, addressed to the employee at his last known address on file with the human resources department. The finding and decision of the civil service board or of such investigating officer or officers, when approved by said civil service board, shall be final, except for the judicial review thereof as herein provided, and shall be certified to the appointing officer, and shall be forthwith enforced by such officer. Nothing in this Act shall limit the power of any officer to suspend a subordinate for a reasonable period not exceeding thirty days; however, if charges are filed against a suspended employee, the suspension shall be extended until the civil service board enters its finding and decision regarding the charges unless prior to this time the board enters an order approving an agreement between the sanitary district and the employee that the suspension should terminate at an earlier date. Every such suspension shall be without pay: Provided, however, that the civil service board shall have authority to investigate every such suspension and, in case of its disapproval thereof, it shall have power to restore pay to the employee so suspended. For discharge actions, if the civil service board enters a finding and decision denying discharge, the employee shall be returned to the classification held at the time charges were filed. For involuntary demotion actions, if the civil service board enters a finding and decision granting an involuntary demotion, the employee shall be demoted to the employee's most recent former classification. In the course of any investigation provided for in this Act, each member of the civil service board and any officer appointed by it shall have the power to administer oaths and shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers.

Either the sanitary district or the employee may file a written petition for rehearing of the finding and decision of the civil service board within 21 calendar days after the finding and decision are served as provided in this Section. The petition shall state fully the grounds upon which application for further investigation and hearing is based. If a petition is denied by the civil service board, the decision shall remain in full force and effect and any further appeal by either party shall be in accordance with the provisions of the Administrative Review Law.

The provisions of the Administrative Review Law, and all amendments and modifications thereof, and the rules adopted pursuant thereto, shall apply to and govern all proceedings for the judicial review of final administrative decisions of the civil service board hereunder. The term "administrative decision" is defined as in Section 3-101 of the Code of Civil Procedure.

(Source: P.A. 99-481, eff. 9-22-15.)

EXHIBIT C

RULE 12

HEARINGS AND APPEALS

[Entire Rule Revised by Amendment No. 406, 10/15/09]

12.01 Complaints to the Director of Human Resources: Excluding suspensions, demotions and denials of leave requests under Rules 9.021 and 9.05, any employee or candidate for employment may challenge any adverse decision affecting his or her employment by filing a written complaint with the Director of Human Resources stating all reasons and facts in support of the complaint. The complaint must be signed and filed with the office of the Director of Human Resources within fourteen (14) calendar days of the date complainant receives oral notice of the adverse decision or within fourteen (14) calendar days of the date a written adverse decision is served upon the complainant. A written adverse decision shall be deemed to have been served upon the complainant either when the decision is personally delivered to the complainant or deposited in the United States mail, addressed to the complainant at the last known address on file with the Human Resources Department. Before any complaint may be filed under this Rule, all preliminary steps, to the extent mandated by these Rules, the MWRDGC Administrative Procedures Manual, any applicable collective bargaining agreements, and the official regulations of the Executive Director, must first be utilized and exhausted.

Employees of the Human Resources Department may bypass the requirements of this Rule and appeal directly to the Civil Service Board under Rule 12.02, provided they have already received an adverse decision from the Director of Human Resources pursuant to any other Rule contained herein.

The Director of Human Resources shall investigate all complaints filed in compliance with the requirements of this Rule and shall serve a written decision upon the complainant. [Amendment No. 462, 04/22/16]

12.02 Appeals to the Board: Any employee or candidate for employment may challenge a written adverse decision made by the Director of Human Resources by filing a written appeal with the Civil Service Board stating all reasons and facts in support of the appeal. The appeal must be signed and filed with the Civil Service Board within fourteen (14) calendar days of the date the Director of Human Resources' adverse decision is served upon the complainant. The Director of Human Resources' written decision shall be deemed to have been served upon the complainant either when the decision is personally delivered to the complainant, or when the decision is deposited in the United States mail, addressed to the complainant at the last known address on file with the Human Resources Department.

An employee may appeal a suspension under this Rule by filing a written appeal with the Civil Service Board stating all reasons and facts in support of the appeal. The appeal must be signed and filed with the Civil Service Board within fourteen (14) calendar days of the first day the employee serves the suspension.

An employee may appeal denials of Rule 9.021 or Rule 9.05 leave requests under this Rule by filing a written appeal with the Civil Service Board stating all reasons and facts in support of the appeal. The appeal must be signed and filed with the Civil Service Board within fourteen (14) calendar days of the denial of the Rule 9.021 or Rule 9.05 leave request.

The Civil Service Board shall enter a written finding and decision regarding all appeals filed in compliance with this Rule. The Civil Service Board's finding and decision shall be deemed to have been served either when a copy of the decision is personally delivered or when a copy of the decision is deposited in the United States mail, addressed to the complainant at the last known address on file with the Human Resources Department.

12.03 Hearing of Charges Against Employees: Charges shall be promptly investigated by or before the Civil Service Board, or by or before some officer or officers appointed by the Civil Service Board to conduct such investigation. Charges citing cause for discharge shall be filed with the Civil Service Board within thirty (30) days of the date of suspension under said charges. Both involuntary demotion and discharge hearings shall be public and the employee shall be entitled to call witnesses in his or her defense and to have the aid of counsel. Such hearings shall take place within one-hundred-twenty (120) days after charges are filed against the employee, unless the Civil Service Board continues a discharge or involuntary demotion hearing for good cause shown and with the consent of the employee.

After the hearing is completed, the Civil Service Board shall enter a finding and decision. The finding and decision of the Board or of the hearing officer or officers, when approved by the Board, shall be certified to the Executive Director, who shall forthwith enforce said decision. For discharge actions, if the Civil Service Board enters a finding and decision denying discharge, the employee shall be returned to the classification held at the time charges were filed. For involuntary demotion actions, if the Civil Service Board enters a finding and decision granting an involuntary demotion, the employee shall be demoted to the employee's most recent former classification.

A decision shall be deemed to have been served either when a copy of the decision is personally delivered or when a copy of the decision is deposited in the United States mail, addressed to the employee at the last known address on file with the Human Resources Department.

In the course of any investigation as provided in Rule 11 or in the course of any hearing, any member of the Board or any hearing officer shall have power to administer oaths and to secure by subpoena the attendance and testimony of witnesses and the production of books, papers, or other evidence. [Amendment No. 462, 04/22/16]

12.04 Petition for Re-Hearing: Either the District or the employee may file a written petition for rehearing of the finding and decision of the Civil Service Board within twenty-one (21) calendar days after the finding and decision is served as provided in 12.03. The petition shall state fully the grounds upon which application for further investigation and hearing are based. If a petition is denied by the Civil Service Board, the decision shall remain in full force and effect

and any further appeal by either party shall be in accordance with the provisions of the Administrative Review Law.

12.05 Compensation to Employees Testifying Before the Civil Service Board:
[Amendment No. 462, 04/22/16] An appearance by an employee as a witness before the Civil Service Board will generally be considered time worked and compensated as such when:

- (1) The employee's presence is requested by the District; or
- (2) The employee is required pursuant to a subpoena issued by the Civil Service Board to testify at a hearing, and the employee actually testifies, or does not testify, but attends the hearing and was reasonably anticipated to testify.

If the employee is required to appear as a witness during the employee's scheduled work time, the employee will be excused from work for the time the employee's presence is necessary, as determined and confirmed by the employee's supervisor, and will receive regular pay, and if applicable, reimbursement for mileage and parking.

If the employee is required to appear as a witness outside of the employee's scheduled work hours and the employee is eligible to receive overtime under the District's overtime policy or an applicable collective bargaining agreement, the employee will receive overtime pay for the time the employee's presence is necessary, as determined and confirmed by the employee's supervisor, and if applicable, reimbursement for mileage and parking.

An employee whose testimony is requested by a party other than the District must be subpoenaed in order to be eligible for regular wages and/or overtime. Whether a subpoena is issued by the District or a third party, any employee who testifies at a hearing or does not testify, but attends a hearing and was reasonably anticipated to testify must promptly submit copies of the subpoena and any check for subpoena fees to the Payroll Unit of the Finance Department to receive any applicable regular wages and/or overtime. If applicable regular wages and/or overtime are approved, the Payroll Unit shall deduct the subpoena fees from the employee's post tax earnings.

Subpoena fees for a witness' attendance shall be in accordance with the Circuit Courts Act, 705 ILCS 35/4.3 or any subsequent amendment thereto. Subpoena fees for mileage shall be in accordance with the District's current Standard Mileage Rate for personal vehicles used for District business.