



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
SPRINGFIELD

January 10, 1979

FILE NO. S-1405

COUNTIES:

**Merit System Employment
for Jailers in the
Office of Sheriff**

**Honorable Carl E. Hawkinson
State's Attorney
Knox County Courthouse
Galesburg, Illinois 61401**

Dear Mr. Hawkinson:

This responds to your letter wherein you ask whether jailers employed on a full-time basis in the office of the sheriff must be included in the merit system which is established by the county board pursuant to section 58.1 of "AN ACT to revise the law in relation to counties" (Ill. Rev. Stat. 1977, ch. 34, par. 859.1). It is my opinion that jailers need not be included in the merit system.

Section 58.1 reads in pertinent part:

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"The county board in any county having a population of less than 1,000,000 may, by ordinance, provide for all deputies other than special deputies, and all jail officers as defined in Section 3-1/2 of 'An Act to revise the law in relation to jails and jailers', as now or hereafter amended, employed on a full time basis in the office of Sheriff to be appointed, promoted, disciplined and discharged pursuant to recognized merit principles of public employment and for such employees to be compensated according to a standard pay plan approved by the board. * * * (Emphasis added.)

The underscored language in the section was added by Public Act 79-441. Prior to the addition of that language, I advised that section 58.1 did not apply to jailers. 1971 Ill. Att'y Gen. Op. 77, 81.

The primary object in construing a statute is to give effect to the legislative intent by adopting the construction which harmonizes best with the general purposes and objects of the Act. (People v. Talbot (1926), 322 Ill. 416, 422.) Section 58.1 is not mandatory in nature. The section does not require the county board to establish a merit system; the section merely authorizes the creation of a merit system. In view of the permissive nature of section 58.1, it would be inappropriate to construe Public Act 79-441 as a requirement that the county board must include jailers in the merit system established pursuant to section 58.1. Rather, the Act should be construed as authorizing the county board to include jailers in the merit

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system. It is, therefore, my opinion that jailers employed on a full-time basis in the office of the sheriff need not be included in the merit system which is established by the county board pursuant to section 58.1 of "AN ACT to revise the law in relation to counties."

Very truly yours,

A T T O R N E Y G E N E R A L