



OFFICE OF THE ATTORNEY GENERAL
STATE OF ILLINOIS

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Jim Ryan
ATTORNEY GENERAL

FILE NO. 99-004

CRIMINAL LAW AND PROCEDURE:
Part-Time Police Officers "Employed"
by a Unit of Local Government

Thomas J. Jurkanin, Ph.D.
Executive Director
Illinois Law Enforcement Training
and Standards Board
600 South Second Street, Suite 300
Springfield, Illinois 62704-2542

Dear Dr. Jurkanin:

I have your letter wherein you inquire whether the use of the terms "employment" and "employed" in the definitions of the phrases "probationary part-time police officer" and "part-time police officer" in the Illinois Police Training Act (50 ILCS 705/1 et seq. (West 1996)) implicitly precludes volunteers from serving in those positions. You have also inquired whether the Illinois Law Enforcement Training and Standards Board may, through the exercise of its rulemaking authority, specify qualifications for the position of part-time police officer. For the reasons hereinafter stated, it is my opinion that a person

Thomas J. Jurkanin, Ph.D. - 2.

qualifies as a part-time police officer based upon the number of hours that he or she serves in that capacity, not upon whether he or she is compensated for those services. Therefore, volunteers may be part-time police officers. Further, it is my opinion that the Illinois Law Enforcement Training and Standards Board has been expressly authorized to prescribe, by rule, the criteria for determining when a police officer is employed part-time.

With respect to your first question, section 2 of the Illinois Police Training Act (50 ILCS 705/2 (West 1997 Supp.)) provides, in pertinent part:

" * * *

'Probationary part-time police officer' means a recruit part-time law enforcement officer required to successfully complete initial minimum part-time training requirements to be eligible for employment on a part-time basis as a local law enforcement officer.

* * *

'Part-time police officer' means a law enforcement officer who has completed his or her probationary period and is employed on a part-time basis as a law enforcement officer by a participating unit of local government or as a campus policeman by a participating State-controlled university, college, or public community college.

* * *

"

(Emphasis added.)

The term "law enforcement officer" is defined to include "any police officer of a local governmental agency who is primarily responsible for prevention or detection of crime and the enforcement of the criminal code, traffic, or highway laws of this State or any political subdivision of this State". (50 ILCS 705/2 (West 1997 Supp.).)

The primary purpose of statutory construction is to ascertain and give effect to the intent of the General Assembly. (Kunkel v. Walton (1997), 179 Ill. 2d 519, 533.) Legislative intent is best evidenced by the language used in the statute. Burrell v. Southern Truss (1997), 176 Ill. 2d 171, 174.

Under the language quoted above, a part-time police officer is a person who (1) has completed his or her probationary period and (2) is "employed" on a part-time basis as (3) a law enforcement officer by a unit of local government or as a campus policeman. The term "employed" is not defined in the Illinois Police Training Act. It is well established, however, that undefined statutory terms must be given their ordinary and popularly understood meaning. (Texaco-Cities Service Pipeline Co. v. McGaw (1998), 182 Ill. 2d 262, 270.) The word "employed" most commonly means "* * * to make use of * * *" (Webster's New World Dictionary 459 (2nd ed. 1976)) or "* * * [t]o put to use or

service [,] * * * [t]o devote or apply * * * to some activity * * *". (American Heritage Dictionary 450 (2nd ed. 1985).)

Similarly, a probationary part-time police officer is a person who is (1) enrolled in an approved training course in order to (2) be eligible for employment on a part-time basis as (3) a local law enforcement officer. Although the term "employment" is not defined in the Illinois Police Training Act, that term generally means "* * * being employed * * *" (Webster's New World Dictionary 459 (2nd ed. 1976)) or "* * * [t]he act of employing[;] * * * the state of being employed * * *". (American Heritage Dictionary 450 (2nd ed. 1985).)

Based upon the generally accepted meaning of the words "employ" and "employment", it is clear that a person who volunteers his or her services may nonetheless be "employed" as a part-time police officer. Although these terms are often used to signify compensated employment, compensation is not a necessary element in the commonly understood sense. Consequently, it is my opinion that whether a person receives compensation for his services is irrelevant to determining whether that person may serve as a part-time police officer or probationary part-time police officer. Rather, the designation of a person as a part-time police officer should be based upon the number of hours the

Thomas J. Jurkanin, Ph.D. - 5.

particular officer is authorized to work, not upon the amount of compensation, if any, he or she receives.

Secondly, you have inquired whether the Illinois Law Enforcement Training and Standards Board may specify, through the exercise of its rulemaking authority, the qualifications for the position of part-time police officer. It is well established that administrative agencies possess only those powers that are expressly granted to them by statute, together with those powers that may be necessarily implied therefrom to effectuate the powers which have been granted. (Lake County Board of Review v. Property Tax Appeal Board (1988), 119 Ill. 2d 419, 427; Illinois Bell Telephone Co. v. Illinois Commerce Comm'n (1990), 203 Ill. App. 3d 424, 427.) Section 8.2 of the Illinois Police Training Act (50 ILCS 705/8.2 (West 1997 Supp.)) provides, in pertinent part:

" * * *

(a) A person hired to serve as a part-time police officer must obtain from the Board a certificate (i) attesting to his or her successful completion of the part-time police training course; (ii) attesting to his or her satisfactory completion of a training program of similar content and number of hours that has been found acceptable by the Board under the provisions of this Act; or (iii) attesting to the Board's determination that the part-time police training course is unnecessary because of the person's extensive prior law enforcement experience. * * *

* * *

(c) The part-time police training course referred to in this Section shall be of similar content and the same number of hours as the courses for full-time officers and shall be provided by Mobile Team In-Service Training Units under the Intergovernmental Law Enforcement Officer's In-Service Training Act in a manner prescribed by the Board.

(d) For the purposes of this Section, the Board shall adopt rules defining what constitutes employment on a part-time basis."
(Emphasis added.)


As used in the Act, the term "Board" refers to the Illinois Law Enforcement Training Standards Board. (50 ILCS 705/2 (West 1997 Supp.).)

Section 8.2 of the Illinois Police Training Act expressly authorizes the Illinois Law Enforcement Training Standards Board "to adopt rules defining what constitutes employment on a part-time basis" for the purpose of prescribing training requirements. A person may be qualified to serve as a part-time police officer only if he or she meets the statutory training requirements. Consequently, it is my opinion that under the plain and unambiguous language of section 8.2 of the Illinois Police Training Act, the Illinois Law Enforcement Training and Standards Board is authorized, through the exercise of its

Thomas J. Jurkanin, Ph.D. - 7.

rulemaking authority, to prescribe the criteria for determining when a police officer is employed on a part-time basis.

Sincerely,


JAMES E. RYAN
ATTORNEY GENERAL