

Further, plaintiff's comments to Anderson he wanted to find out what she told the investigating officers at the department about his actions on March 24 were made in order to make sure he was not caught in a lie while attempting to cover up for his inexcusable actions that night. Asking a fellow department employee to either cover for him or perhaps lie for him would have an adverse affect on department morale.

There was evidence to support the Commission's findings various rules were violated by plaintiff. These violations are not simply part of the violation of sick leave policies. If plaintiff only called in sick when he was not, we would have a case of sick leave abuse. However, plaintiff also told others both within and without the department he was going to call in sick when they could see he was not, continued partying for several more hours after his call, asked a fellow employee not to "rat" on him, and asked the same fellow employee to cover for him by aligning the stories they each told investigators. There is more in this case than an abuse of sick leave. There is an attempt to cover it up and the abuse was flaunted in public.

Interestingly, there is another separate violation which may have occurred the same evening which the Commission found not proved but plaintiff now appears to admit. Originally, the sheriff's complaint against plaintiff alleged plaintiff violated Rule of Conduct 22, which prohibits consumption of alcoholic beverages within eight hours prior to beginning a shift. Plaintiff denied this charge at the hearing before the Commission and the evidence on the subject was conflicting. However, in his brief written for this appeal, plaintiff states the "trigger event" for this entire matter was his decision to go to The Place and "consume alcohol in the presence of others who knew he was scheduled for duty."

Plaintiff argues spending an evening drinking in a bar may have been an unfortunate choice of things to do while too ill to perform his duties as a sheriff's deputy but a choice which was not spelled out as forbidden. We find this choice to be implausible rather than unfortunate, as anyone too ill to go to work would also be too ill to spend approximately six hours in a tavern.

Defendants also contend the Commission's findings as to the proper discipline were not contrary to the manifest weight of the evidence. Plaintiff argues the Commission was limited to applying the provisions of the collective-bargaining agreement which limit discipline for a first offense of abuse of sick leave to a suspension for the days in which sick leave was abused; in this case, one day. We do not disagree with plaintiff's contention regarding discipline for abuse of sick leave. However, we have already found various rules violations were proved besides abuse of sick leave. Therefore, the Commission was not bound to follow the collective-bargaining agreement but was entitled to apply the discipline spelled out in the sheriff's department rules and regulations as discipline for violations of these other rules that were not set forth in the collective-bargaining agreement but in the sheriff's department rules.

In determining the proper discipline for rules violations, the Commission may properly consider a prior disciplinary record. See *Davis v. City of Evanston*, 257 Ill.App.3d 549,