

ARTICLE A

VACANCY DETERMINATION

I. Policy

- A. This procedure for Vacancy Determination applies to all Sworn and Unsworn Non-Exempt Positions.
- B. The Sheriff respects its relationships with its employees' legally recognized collective bargaining representatives and the provisions of the CBAs it has negotiated with such representatives. Those relationships are governed by the Illinois Public Labor Relations Act, 5 ILCS 315, *et seq.*, as amended, and the Employment Plan and the Sheriff's Employment Action Manual (SEAM) will be construed and administered consistent with that Act to the extent that the construction or administration does not conflict with the United States Constitution or federal civil rights laws. With respect to Shakman Non-exempt Employees, if a CBA is in conflict with the language in the Employment Plan or SEAM, the language in the CBA governs provided it does not permit or involve the use of Political Reasons or Factors. If any provision in a CBA allows for management discretion involving any Employment Action, such management discretion must be exercised subject to the Sheriff's Order regarding Unlawful Political Factors and Reasons, Reporting and Retaliation, and to procedures contained in the Sheriff's Employment Plan and SEAM. If the CBA does not contain a specific procedure or is otherwise silent, the relevant procedure in the Employment Plan or SEAM must be followed.

II. Factors for Determining Vacancies

- A. The determination of whether a Vacancy exists and will be filled is made by the Chief of Staff/Designee, Department Head/Designee, the Director of Personnel/Designee, and the Chief Financial Officer/Designee. Such determinations will be made based on a series of factors such as Attrition and Long Term Leaves of current employees, as well as budgetary allocations.
- B. Factors that may be considered in the determination of whether a Vacancy exists and will be filled include, but are not limited to:
 - i. Attrition;
 - ii. Whether the employee previously holding the position is on a leave of absence that is expected to continue for an extended period of time (i.e. Long Term Leave);

- iii. The requirements of the Consent Decrees and other statutorily and judicially-imposed obligations of the Sheriff;
- iv. The Sheriff's budgetary allocations;
- v. The Sheriff's Employment Plan and SEAM;
- vi. The relevant provisions of any applicable CBA; or
- vii. The Sheriff's Operational Needs.

III. Procedure

- A. The Director of Personnel/Designee shall maintain a Weekly Vacancy Report, which will contain a list of all existing vacancies in each Department, including the names of the employees formerly holding the positions, the date on which the position became available, the reasons for the employees' departure, and an indication of whether the employee is deemed to be in Long Term Leave status.
- B. The Director of Personnel/Designee shall forward a copy of the Weekly Vacancy Report to the Compliance Officer on a weekly basis.
- C. The Director of Personnel/Designee and the Department Head/Designee will confer with the Chief Financial Officer prior to determining if any vacancy listed on a Weekly Vacancy Report (see Appendix, Tab A) will be filled. The Compliance Officer may monitor this process.
- D. If the Chief Financial Officer/Designee agrees that a vacancy may be filled through the Sheriff's budgetary process, the Director of Personnel/Designee, in consultation with the Chief of Staff/Designee and Department Head/Designee, will notify the Undersheriff and request approval to proceed with the process of filling the vacancy. Once confirmed by the Undersheriff/Designee, the Director of Personnel/Designee and the Department Head/Designee may proceed to fill the Vacancy pursuant to the applicable procedures in the Plan or Articles in SEAM.
- E. In the event of a Vacancy for the position of Sheriff's Police Officer pursuant to the steps described in Article A, Section III.A-D, the Director of Personnel/Designee will notify the Executive Director of the Training Institute/Designee, who in turn will confer with the Illinois Law Enforcement Training Board to establish training dates for the Sheriff's Police Officer Training Academy.