

COOK COUNTY SHERIFF'S MERIT BOARD

STATE OF ILLINOIS)

) SS:

COUNTY OF COOK)

COOK COUNTY SHERIFF'S MERIT BOARD HEARING

)
SHERIFF OF COOK COUNTY,)

IN THE MATTER OF:

Petitioner,) DOCKET NO. 1719

vs)

Otis Nichols)

Respondent.)

DECISION

THIS MATTER COMING ON to be heard pursuant to notice, the board finds as follows:

1. The Respondent, Otis Nichols, hereinafter " Respondent", was appointed a correctional officer on May 29, 2001. Respondent's current position is as a Correctional Officer and involves duties and responsibilities to the public; and

2. Each member of the Cook County Sheriff's Merit Board, hereinafter "Board", has been duly appointed to serve as a member of the board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; and

3. The Board has jurisdiction of the subject matter of the parties in accordance with Chapter 55 of the Illinois Compiled Statutes; and

4. The Respondent was personally served with a copy of the Complaint and notice of hearing and appeared before the Board to contest the charges contained in the compliant.

5. Dr. Byron Brazier was the hearing officer.

Background: By a complaint dated July 2, 2013, Sheriff Tom Dart sought the termination of Correctional Officer Otis Nichols, Star number 6501. The complaint alleged that the respondent was absent from scheduled work shifts and the absences were unauthorized for a total 102 hours and in excess of 80 hours between April 15, 2012 and June 25, 2012. The complaint also alleges that the respondent had exceeded the number of available FMLA hours and was not eligible to be approved for another FMLA until July 23, 2012. The complaint further alleges that the respondent was counseled on April 19, 2012, April 26, 2012, and May 2, 2012 and stated that he did not plan to apply for and authorized status/leave.

Finally, the above actions violated the Rules and Regulations of the Cook County Department of Corrections, specifically:

Sheriff's Order 11.4.1.0 (February 20, 2013) Unauthorized Absences Section II, VIII B-1a,

General Order 3.8 Section III A-4

General Order 3.8 Section III D-7

Cook County Sheriff's Merit Board Rules and Regulations, Article X, paragraph B, section (3).

Issues Presented: Whether the actions of the Respondent violate the Sheriff's Order exceeding the 80 hours for unauthorized absences and any of the General orders and rules and regulations set forth above and what if any discipline is appropriate if a violation occurred.

Resolution of Issues Presented: After review of all testimony and evidence presented by the States Attorney and the Respondent's Attorney, for the dates between April 15, 2012 and June 25, 2012 the Merit Board finds that the respondent did violate the Sheriff's Order exceeding the 80 hours for unauthorized absences and the above General Orders.

Findings of Fact: Evidentiary hearings in this matter were heard on March 14, 2014, April 14, 2014, and May 28, 2014. The respondent was present and represented by counsel. The hearings were held and the charges and evidence was presented by the States Attorney and the Respondent's Counsel.

Sheriff's Order 11.4.1.0 (February 20, 2013) Unauthorized Absences Section II, VIII B-1a,

General Order 3.8 Section III A-4

General Order 3.8 Section III D-7

Cook County Sheriff's Merit Board Rules and Regulations, Article X, paragraph B, section (3).

The testimony presented by Sheriff demonstrated that Otis Nichols accrued 102 hours of unauthorized leave. This 102 hours of unauthorized leave was calculated from the audited time

clock records of the Sheriff's personnel office. It is clear that the respondent relied on the virtual time to make his decisions on whether he had the available time. The processing time between the audit record and the virtual time card, on which the respondent relied, is a mitigating factor. It is also clear, from the testimony of the respondent, that he had significant health challenges. Even though the respondent was counseled, his reliance on the virtual timecard is a matter to be considered.

Conclusions of Law: Given that the respondent's hours of unauthorized time, provided by the audited timecard, demonstrating that Mr. Nichols violated the above orders and the mitigating factors between the processing of audited time card and the virtual time card, it is the conclusion of the Merit Board that Correctional Officer Otis Nichols did violate the 80 hours of the Sheriff's unauthorized leave policy and the General Orders of the Sheriff's Department and the Merit Board's Rules and Regulations and should be suspended for 180 days as a correctional officer from the Cook County Sheriff Department effective July 2, 2013.

January 12, 2015

Otis Nichols - Correctional Officer - Docket Number 1719



James P. Nally, Chairman



Byron Brazier, Vice Chairman



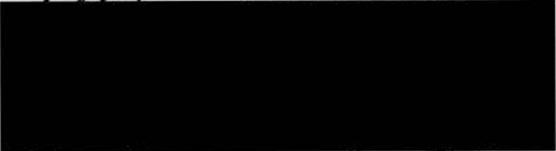
Brian Riordan, Board Member



John D'Alcandro, Board Member



Vince Winters, Board Member



John Rosales, Board Member



Judith Bae, Board Member



Kim R. Widup, Board Member

Jennifer