

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. 1742

vs)

Darcel Porch-Davis)

Respondent.)

DECISION

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

1. The Respondent, Darcel Porch-Davis, hereinafter " Respondent", was appointed a correctional officer on April 10, 2000. 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 8, 2013, Sheriff Tom Dart sought the termination of Correctional Officer Darcel Porch-Davis, Star number 6382. The complaint alleged that the respondent was absent from scheduled work shifts and the absences were unauthorized for a total 215 hours and in excess of 80 hours between April 23, 2012 and March 31, 2013. The complaint also alleges that the respondent was counseled by the attendance review unit regarding the unauthorized absences. At the counseling session, respondent was informed of the steps in the levels of progressive discipline related to our authorized absences. 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-1, VII C-1a.

Sheriff's order 11.4.1.1(effective date July 1, 2012), unauthorized absences section II, VIIC-1a

Sheriff's Order 07-3 Family and Medical Leave Absence Section VI N-1, O.

General Order 3.8 Section III A-4

General Order 3.8 Section III D-7

Sheriff's order 11.2.20.0 (effective date January 25, 2013) Section VIE-1b,vi

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 23, 2012 and March 31, 2013, the Merit Board finds that the respondent did violate the Sheriff's Order significantly exceeding the 80 hours for unauthorized absence policies and the above General Orders.

Findings of Fact: An evidentiary hearing in this matter began on May 19, 2014 and June 25, 2014. The respondent was present and represented by counsel. A hearings were held and the charges and evidence was presented by the States Attorney and the Respondent's Counsel.

The testimony presented by Sheriff demonstrated that Darcel Porch-Davis accrued a significant amount of unauthorized hour off. It is also clear, from the testimony of the respondent, that she had significant health challenges, for both her and her children. It is also clear that the respondent was counseled, understood that she was in an unauthorized leave status, and was given progressive discipline for her unauthorized hours off. It is also clear that the respondent did not have the necessary available time and did not follow the guidelines for use of intermittent FLMA, disability, or calling in one hour before her shift if she was going to be late or absent.

Conclusions of Law: Given that the respondent's excessive hours of unauthorized leave, it is the conclusion of the Merit Board that Correctional Officer Darcel Porch-Davis did substantially 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 separated as a correctional officer from the Cook County Sheriff Department effective April 3, 2014.

Darcel Porch-Davis - Correctional Officer - Docket Number 1742



James P. Nally, Chairman



Byron Brazier, Vice Chairman



Brian Jordan, Board Member



John Dalcandro, Board Member



Vince Winters, Board Member



John Rosales, Board Member



Judith Bae, Board Member
Jennifer



Kim R. Widup, Board Member

January 12, 2015