

Background: By a complaint dated March 10, 2014, Sheriff Tom Dart sought the termination of Correctional Officer Kahira Stockdale, Star number 7719. The complaint alleged that the respondent was absent from scheduled work shifts and the absences were unauthorized for a total 304 hours which is in excess of 80 hours between February 2012 through October 2012. The complaint also alleges that the respondent was counseled by the attendance review unit regarding the unauthorized absences. She was counseled multiple times and suspended for several of the dates presented.

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 Unauthorized Absences Section VIII B-1a,

Sheriff's order 11.4.1.1 Unauthorized absences section II, VII C-1a

General Order 3.8 Section III A-4

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 February 2012 and October 2012, the Merit Board finds that the respondent did violate General Order 3.8 Section III A-4, and the Cook County Sheriff's Merit Board Rules and Regulations, Article X, paragraph B, section (3).

Findings of Fact: An evidentiary hearing in this matter began on September 11, 2014 and October 21, 2014 and the charges and evidence was presented by the States Attorney and the respondent was present and represented by counsel.

The testimony presented by Sheriff, in the original complaint, explained that Kahira Stockdale accrued 384 hours of unauthorized hours off from work. 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.

There were three critical arguments and outcomes of this trial. The first was a stipulation between the States Attorney and the Respondent for hours that were mistakenly placed in the original complaint which reduced the unauthorized leave total to 224 hours.

The second was whether or not Officer Stockdale received a compassionate leave for an additional 144 hours. In the States Attorney's closing statement, he referenced that this leave was given in error by personnel and that this authorized time, even though in error, should be considered. Given that a calculation error by Sheriff's personnel cannot be ignored, this would reduce the unauthorized total to 80 hours.

The third was whether Officer Stockdale receive duplicate discipline for additional hours listed in the complaint to justify termination. Based on the evidence, Ms Stockdale received progressive discipline that she did not serve. The serving of discipline is a supervisory decision and duplicating the punishment, even though not served, should not be used to support termination. This would effectively reduced the number of unauthorized hours below the 80 hour threshold.

Conclusions of Law: Given that the respondent did not exceed the 80 hours of unauthorized leave, it is the conclusion of the Merit Board that Correctional Officer Kahira Stockdale did not violate Sheriff's Order 11.4.1.0 Unauthorized Absences Section VIII B-1a, or Sheriff's order 11.4.1.1 Unauthorized absences section II, VII C-1a. However, even though Ms Stockdale did not abuse her unauthorized limits, it is also the conclusion of this Merit Board that throughout the investigations, suspensions, and the combined testimonies of the Sheriff and the Respondent, that Ms Stockdale has unethically and substantially manipulated the use of the available time policy therefore violating General Order 3.8 A-4 and the Sheriff's Merit Board Rules and Regulations Article X paragraph B-3.

Therefore it is the conclusion of the Merit Board that Kahira Stockdale be suspended for 120 days effective March 10, 2014.

Kahira Stockdale # 1707

[Redacted]

James P. Nally, Chairman

[Redacted]

Brian V. Riordan, Board Member

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John R. Rosales, Board Member

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Vincent T. Winters, Board Member

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Byron Brazier, Vice-Chairman

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John M. Licandro, Secretary

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Kim R. Widup, Board Member

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Jennifer E. Bae, Board Member

Date January 20, 2015