

ARTICLE I

OPERATIONAL TRANSFER

I. Policy

- A. Departments within the Sheriff's Office that have both union and non-union employees performing similar duties shall follow the procedures in this Article (I) for the Operational Transfer of personnel.
- B. This Article (I) is applicable to both Sworn and Civilian Employees of the Sheriff's Information Technology Unit, Vehicle Services and any other Department as determined by the Sheriff/Designee.
- C. 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. Procedure

- A. After identifying an Operational Need, the Department Head/Designee will determine a solution for that need; and, if it is workforce related, identify the exact number of employees needed on a particular shift and/or detail.
- B. The Department Head/Designee must submit a written request to conduct an Operational Transfer Process including an approval signature line to the Undersheriff/Designee. A copy of the approved or denied written request shall be forwarded to the Compliance Officer and the Director of Personnel.

- C. The Department Head/Designee will obtain a current Seniority list of employees in the position needed to meet the Operational Need from the respective personnel office.
- D. The Department Head/Designee shall notify all employees on the list of the Operational Need and the available shift(s) and detail(s) via email or memorandum posted at all applicable locations. The memo or email shall provide employees with instructions explaining where employees may submit a written request and shall allow for a period of at least five (5) working days for the submission of written requests for the Operational Transfer. The memo or email will also include the information employees must include in their written request for the Operational Transfer. The Department Head/Designee shall ensure that all employees verify receipt of memorandum or email.
- E. Employees shall be selected for the Operational Transfer first on a volunteer basis. If there are more volunteers than number of employees needed for the shift and/or detail, then the Operational Transfer will be awarded based on Seniority. If there are no volunteers or an insufficient number of volunteers, the selection will be made in order of Reverse Seniority so that the least senior employee(s) on the Seniority list will be selected for the Operational Transfer.
- F. After the employee(s) for the Operational Transfer have been selected, the Department Head will provide a written request to the Undersheriff/Designee with a copy to the Director of Personnel/Designee and Compliance Officer, indicating his or her intention to initiate an Operational Transfer of the employee(s) to another position, shift or detail in that Department and the objective reason(s) for the transfer(s). The written request will include the following:
 - 1. Name of employee(s);
 - 2. Position description(s), which includes:
 - i. Location(s);
 - ii. Shift(s);
 - iii. Duties;
 - iv. Effective date(s) of Operational Transfer; and
 - 3. NPCC language
- G. Upon approval by the Undersheriff/Designee, the Department Head/Designee shall forward a memorandum to the Director of Personnel confirming the Operational Transfer(s) and the effective date(s). The Department Head/Designee shall also forward a copy of this memorandum to the Compliance Officer.

- H. The Department Head/Designee must sign the memorandum, which includes the NPCC language.
- I. The memorandum shall be posted in the Department at least 24 hours prior to the effective date of the transfer(s).
- J. All employees that submit a written request for an Operational Transfer under this Article I, must sign an Applicant Certification.