

**ARTICLE Y**  
**COMPLAINT PROCESS**

I. Policy

The Sheriff's Office 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 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 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 SEAM. If the CBA does not contain a specific procedure or is otherwise silent, the relevant procedure in the SEAM must be followed.

II. Enclosures

Refer to Appendix

III. Complaint Process

A. Complaint Line. The Compliance Officer will have a "complaint line" to facilitate the receipt of complaints of Political Contacts (including Unlawful Political Contacts) and Unlawful Political Discrimination, including provisions for the following:

1. The complaint line will allow individuals to call and leave a message on an anonymous or credited basis, to register complaints regarding their good faith belief of the occurrence of Political Contacts or Unlawful Political Discrimination.
2. Notice of the existence and number of the complaint line shall be posted at all places where individuals make application for employment with the Sheriff, all Departments, OPR, and Personnel, and on the Sheriff's website.
3. All recorded calls will be reviewed by the Compliance Officer. In his or her discretion and to facilitate communication, the Compliance Officer may refer matters alleging Political Contacts or Unlawful Political

Discrimination or Consent Decrees while in effect, or matters alleging violations of the SRO, Sheriff's Order or Ordinances while in effect to OPR.

- B. Complaint Process. The following will apply in the event any Sheriff's Office's employee has reason to believe conduct in violation of SEAM, Sheriff's Order, Ordinances has or is occurring during the course of any Employment Action:
1. Upon receipt of a complaint involving a pending or proposed Employment Action, the Compliance Officer shall provide written notice to OPR of the complaint
  2. The Compliance Officer shall advise the Director of Personnel or Department Head/Designee as applicable of all complaints. The Director of Personnel or Department Head/Designee as applicable shall take appropriate action to temporarily suspend the proposed or pending Employment Action while the complaint is investigated. During any investigation by the Compliance Officer or OPR, the Director of Personnel or Department Head/Designee as applicable with approval from either the Compliance Officer and/or Executive Director of OPR may (a) continue the temporary suspension of the Employment Action until the investigation is completed or (b) release the suspension and allow the process to proceed. In the event the Director of Personnel or Department Head/Designee as applicable elects to release the suspension, however, he or she will file a written report with OPR setting forth the reason for the release.
  3. Political Contacts. Any employee who knows of or has a reasonable belief of any Political Contact with respect to any Employment Action is required to report that Political Contact to the Compliance Officer.
    - a. The Compliance Officer will record the Political Contact on the Contact Log and will review the reported Political Contact.
    - b. If the Compliance Officer determines the Political Contact was lawful, he or she will document the reasons for the determination and will close the investigation.
    - c. If the Compliance Officer cannot make a determination that the Political Contact was lawful, the Compliance Officer will refer the Political Contact to OPR for investigation. The Compliance Officer will include such Political Contact on the Investigation Log.
    - d. OPR shall investigate all Political Contacts referred by the Compliance Officer. Upon conclusion of an investigation, OPR shall issue a written report. The report shall be filed with the Sheriff, Undersheriff, and the Compliance Officer, and may be

filed with the head of each Department affected by or involved in the investigation. The report shall include the following:

- i. A description of any complaints or other information received by OPR pertinent to the investigation;
    - ii. A description of any Unlawful Political Discrimination, Unlawful Political Contacts, or non-compliance with SEAM observed or discovered in the course of the investigation;
    - iii. Recommendations for correction of any unlawful conduct or non-compliance described in the report; and
    - iv. Such other information as OPR may deem relevant to the investigation or resulting recommendations.
  - e. The Recommendation section of an OPR Report shall be provided to individuals upon written request either in person or via email if so requested. The Recommendation section shall include:
    - i. A summary of the complaint;
    - ii. A summary and description of the nature and scope of the investigation and any findings;
    - iii. A recommendation either that no action be taken or that a specific action be taken; and
    - iv. An explanation for the recommendation that either no action be taken or for the specific action recommended.
  - f. The Compliance Officer shall review OPR Reports and if the Compliance Officer does not agree with OPR's determination, he or she may append a written objection to the Report which objection shall be included as part of the Report and the Recommendation section.
4. Unlawful Political Discrimination. Any employee who knows or has a reasonable belief of the existence of any Unlawful Political Discrimination or receives a complaint of any Unlawful Political Discrimination with respect to any Employment Action or of any violation of SEAM, the Personnel Rules, Sheriff's Orders or General Orders is required to report that complaint to OPR immediately.
- a. OPR shall investigate all complaints involving allegations of Unlawful Political Discrimination. Upon conclusion of an

investigation, OPR shall issue a written report. The report shall be filed with the Sheriff, Undersheriff, Undersheriff/Designee, Executive Director of Office of Policy and Accountability, and Compliance Officer, and may be filed with the head of each Department affected by or involved in the investigation. The report shall include the following:

- i. A description of any complaints or other information received by OPR pertinent to the investigation;
  - ii. A description of any Unlawful Political Discrimination, Unlawful Political Contacts, or non-compliance with SEAM observed or discovered in the course of the investigation;
  - iii. Recommendations for correction of any unlawful conduct or non-compliance described in the report; and
  - iv. Such other information as OPR may deem relevant to the investigation or resulting recommendations.
- b. The Recommendation section of an OPR Report shall be provided to individuals upon written request either in person or via email if so requested. The Recommendation section shall include:
- i. A summary of the complaint;
  - ii. A summary and description of the nature and scope of the investigation and any findings;
  - iii. A recommendation either that no action be taken or that a specific action be taken; and
  - iv. An explanation for the recommendation that either no action be taken or for the specific action recommended.
- c. The Compliance Officer shall review OPR Reports and if the Compliance Officer does not agree with OPR's determination, he or she may append a written objection to the Report which objection shall be included as part of the Report and the Recommendation section.

5. Violations of the SEAM.

- a. If the Compliance Officer receives a complaint that involves allegations of a breach of policy or process or violation of SEAM in connection with an Employment Action other than Unlawful Political Contacts or Unlawful Political Discrimination, the

Compliance Officer shall investigate the complaint. OPR shall provide the Compliance Officer with any requested personnel and resources necessary to conduct such investigation. The Compliance Officer's investigation shall include, but not be limited to, an investigation of all relevant documents and interviews with witnesses. If at any time during an investigation, the Compliance Officer determines that there is reason to believe an Unlawful Political Contact or Unlawful Political Discrimination is involved, he or she shall immediately refer the matter in writing to OPR for investigation pursuant to Article V, Section B.3. or Article V, Section B.4. above, as applicable.

- b. Upon conclusion of an investigation, the Compliance Officer shall issue a written report setting forth his or her findings and recommendations for corrective action. The report shall include the following:
  - i. A description of any complaints or other information received by the Compliance Officer pertinent to the investigation;
  - ii. A description of any violation of any process or procedure or other non-compliance with SEAM observed or discovered in the course of the investigation;
  - iii. Recommendations for correction of any breach of policy, process, unlawful conduct or non-compliance described in the report; and
  - iv. Such other information as the Compliance Officer may deem relevant to the investigation or resulting recommendations.
  - v. A summary of the report will be included on the Resolution Log.
- c. The Recommendation section of the Compliance Officer's Report shall be provided to individuals upon written request either in person or via email if so requested. The Recommendation section shall include:
  - i. A description of any alleged violation or other information received by the Compliance Officer pertinent to the investigation;
  - ii. A summary and description of the nature and scope of the investigation and any findings;

- iii. A recommendation either that no action be taken or that a specific action be taken; and
  - iv. An explanation for the recommendation that either no action be taken or for the specific action recommended.
6. Reports.
- a. The reports setting forth the written findings and recommendations of the Compliance Officer and OPR shall be given to the Director of Personnel. OPR Reports and Compliance Officer Reports shall not mention the name of any informant, complainant, witness or person investigated, except where the copy of the report given to the head of any Department recommends disciplinary action against an employee. OPR and the Compliance Officer shall redact the names of non-party witnesses and may redact personal identifying information or other information if such personal or other information may reveal or undermine an ongoing investigation.
  - b. The Director of Personnel shall review the findings and recommendations with the Department Head of the Department involved in the complaint. The Director of Personnel shall act on such recommendations within 30 days. The Director may also terminate the hiring process (if applicable) and impose other remedial actions. If the recommendations of the Compliance Officer or OPR are not followed, the Director of Personnel must send a written report to the Executive Director of OPR and the Compliance Officer describing the reasons for not following such recommendations and what action, if any, the Director of Personnel has taken in response to the complaint.
7. Resolution Log. The Compliance Officer shall provide up-to-date copies of the Resolution Log to OPR, the Director of Personnel, and the SSCA, while acting, by the 15th day of each month.