

## SHERIFF'S EMPLOYMENT ACTION MANUAL

### INTRODUCTION

#### **I. Policy**

This is the Sheriff's Employment Action Manual (SEAM) for the Sheriff of Cook County (the "Sheriff" or "Sheriff's Office"). This SEAM sets forth the general principles that will govern the Sheriff's Office's employment policies and procedures.. The SEAM applies to all Applicants and Candidates, as defined in the Glossary. SEAM does not apply to any Employment Action directed at Exempt employees or Exempt Positions or as otherwise specifically provided in this SEAM.

The Sheriff's Office reserves the right to modify, supplement, and/or rescind any provision, item or procedure included in this SEAM. This Employment Plan is not a contract and nothing in this SEAM shall be construed as providing any contractual right.

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 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. Definitions**

See Glossary.

#### **III. General Principles and Commitments Applicable to Employment**

The Sheriff will adhere to the following general employment-related policies, practices and procedures:

- A. Commitment. The Sheriff will implement proactive and transparent employment-related policies, practices and procedures that will prevent and

remedy the effects of Unlawful Political Contacts and Unlawful Political Discrimination as required by the Sheriff's Orders and will comply with the Constitution of the United States and the Cook County Ordinances.

- B. Non-discrimination Based on Political Reasons or Factors. No individual applying for or holding a Non-exempt Position will be subject to any Unlawful Political Contact or Unlawful Political Discrimination and the decision in any Employment Action will not be influenced by any Political Reason or Factor.
- C. Mandatory Reporting. Any employee of the Sheriff who knows of or has a reasonable belief that a Political Contact or Unlawful Political Discrimination has occurred or is occurring, is required to report such information to the Compliance Officer directly and without delay. All employees of the Sheriff are required to cooperate fully in any investigation conducted by the Compliance Officer and/or OPR. Any employee who fails to report and/or cooperate as required will be subject to disciplinary action, up to and including termination.
- D. No Retaliation. The Sheriff prohibits retaliation, punishment or penalty for initiating a complaint in good faith related to any alleged Political Contact or Unlawful Political Discrimination, or cooperating with or assisting the Compliance Officer, Personnel, OPR or any other person or authority in the investigation of any such complaint.
- E. Equal Employment Opportunity. The Sheriff is committed to diversity and equal employment opportunities regardless of race, sex, sexual orientation, age, religion, national origin, disability or any other legally protected status.
- F. Union Relations. 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 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. 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.
- G. No Political Consideration Certification (NPCC). Consistent with the provisions of this Employment Plan and SEAM, Sheriff's employees and other individuals will be required to sign, in hard copy or electronically, as applicable, a No Political Consideration Certification as to certain Employment Actions in which they have input, which may be incorporated into the forms

and computer systems used by the Sheriff's Office as described in this Employment Plan and SEAM.

- H. The Sheriff's Employment Action Manual ("SEAM"). The Sheriff's Office will maintain The Sheriff's Employment Action Manual (SEAM). SEAM is comprised of articles which include procedures for all Employment Actions, Exempt List and complaint procedures. The Sheriff's Office may revise and update SEAM as required, provided the Sheriff's Office shall not revise or update any policy or procedure without submitting proposed revisions or updates for internal review and approval to the Chief of Staff, the Executive Director of the Office of Policy and Accountability, the Director of Personnel and to the Compliance Officer for comment. The Sheriff's Office will post SEAM, including any updates, on the Sheriff's Office's website.
- I. Interpretation of SEAM. All portions and provisions of SEAM will be interpreted so as to be in furtherance of the fulfillment of the above principles and commitments, as well as the Sheriff's Orders and General Orders.

#### **IV. General Principles and Responsibilities Related to Personnel**

Personnel is responsible for initiating, directing, coordinating and monitoring the human resources processes, policies and procedures of the Sheriff's Office relating to Employment Actions. The following will apply to all personnel and activities of Personnel:

- A. Personnel Rules. Personnel in conjunction with the Office of Policy and Accountability (OPA) will draft the current Personnel Policies and Procedures, located in Article T of SEAM, that are consistent and in compliance with and effectuate the provisions of SEAM. Personnel in conjunction with the Office of Policy and Accountability will revise and update the Personnel Rules in the future on an ongoing basis as required and will post the applicable SEAM article(s) on the Sheriff's website. Article T may be amended from time to time consistent with this provision.
- B. Semi-Annual Reports. Personnel will post semi-annual reports at the Personnel Office and on the Sheriff's website listing the total number of hires, Transfers, Details, Terminations, Reclassifications and Promotions occurring in the various Departments of the Sheriff's Office during the preceding six (6) month period, including: (1) the dates of hire, Transfers, Details, Reclassifications, Terminations and Promotions; (2) the names of those hired, Transferred, Detailed, reclassified, terminated or promoted (which will be posted at the Personnel office only and not on the Sheriff's website); (3) the positions into which they were hired, Transferred, Detailed, reclassified, terminated or promoted; (4) the Department to which they were assigned; (5) in the case of Transfer, Detail, Termination, Reclassification, or Promotion, the Department from which they were transferred, detailed, terminated, reclassified or promoted; and (6) the residential zip code of the employee hired, transferred, detailed, free moved or promoted, with a copy to the Compliance Officer. For Reclassifications negotiated pursuant to a Collective Bargaining Agreement,

Personnel will include the reclassified titles and the name of the union but will not be required to include the names of all employees reclassified pursuant to the Collective Bargaining Agreement.

C. Compliance Officer

1. Responsibilities. The Sheriff's Office will recruit and hire a Compliance Officer whose primary responsibilities will include, but not be limited to: (a) overseeing compliance with this Employment Plan and SEAM; (b) maintaining and reviewing the Exempt List and Senior Manager List to ensure continued compliance; (c) accepting complaints related to Employment Actions, this Plan and SEAM; (d) taking appropriate steps to evaluate, eliminate, remedy and report instances of Unlawful Political Discrimination in conjunction with OPR; (e) implementing training programs and preparing training materials; (f) reviewing the Employment Plan and SEAM and making recommendations regarding revisions; (g) reviewing and auditing Employment Action data to ensure compliance; (h) reviewing modifications to Job Descriptions, Minimum Qualifications and screening and hiring criteria; (i) reviewing candidate and bidder lists, test administration and scoring, (j) observing ongoing employment actions; (k) generating reports and recommendations and (l) other duties as may be assigned from time to time.
2. The Compliance Officer will be a Non-Exempt Position reporting to the Undersheriff and will operate with the requisite independence and specific responsibilities set forth in the Job description and in accordance with SEAM.

D. Cooperation with OPR and the Compliance Officer. All staff of Personnel will cooperate fully and at all times with OPR and the Compliance Officer by immediately reporting any Political Contacts (including Unlawful Political Contacts) to the Compliance Officer and Political Discrimination to OPR, providing documents and information regarding any allegation or investigation and assisting in any investigation, except as prohibited by applicable law.

E. Complaints of Unlawful Political Discrimination, Unlawful Political Contacts and Violations of this Employment Plan and SEAM.

1. The Sheriff has established a complaint process in OPR for the investigation of complaints of Unlawful Political Discrimination and Unlawful Political Contacts as outlined in SEAM, Article Y. Pursuant to SEAM Article Y, all complaints of Unlawful Political Discrimination and Unlawful Political Contacts should be forwarded to OPR for investigation.
2. The Sheriff has established a complaint process in the Compliance Office for the investigation of complaints for violations of the

Employment Plan and SEAM as outlined in SEAM, Article Y. Pursuant to SEAM Article Y, all complaints for violations of the SEAM should be forwarded to the Compliance Officer for investigation.

**V. SEAM - Processes for Employment Actions**

Refer to articles in SEAM.

**V. Exceptions to the General Employment Processes Outlined in SEAM.**

The following are exceptions to the SEAM processes:

- A. **Emergency Hires.** The Sheriff is not required to comply with the SEAM in the event of an emergency involving a threat to public safety or health, not including a hiring freeze. No more than 100 individuals may be hired pursuant to this Section in any calendar year without prior concurrence of the Compliance Officer unless the Director of Personnel and the Department Head where the emergency hiring is located certify in writing that (1) there is a need for such hiring based on an emergency involving public health or safety, (2) the approximate number of individuals required by the emergency, and (3) an estimate of the duration of the emergency, and keep such certification on file. No person may be hired on an emergency basis for more than 45 days in any calendar year without prior concurrence from the Compliance Officer. Emergency hires may not be based on any Political Reason or Factor.
- B. **Interns.** The Sheriff may hire or place Interns on a temporary basis pursuant to any bona fide student internship program without complying with the Employment Processes contained in SEAM. This exception does not apply to any other requirement of the Employment Processes and all Interns wishing to apply for an Intern position must complete an application and meet the Minimum Qualifications of the Intern position contained in the Job Description. Interns may not be selected for participation in any internship program on the basis of any Political Reason or Factor, and they may not be subject to any Unlawful Political Contact or Unlawful Political Discrimination. This exception will not apply in the event a former Intern is being considered for regular employment with the Sheriff, in which case all aspects of the Employment Processes in SEAM will apply. All individuals, including the representative from the bona fide student internship program, involved in the process of hiring or placing Interns must execute a No Political Consideration Certification, and all Interns must complete and sign an Applicant Certification.
- C. **Seasonal Employees.** The Sheriff may hire seasonal employees in compliance with CBAs that cover employees who perform seasonal work. Such hiring cannot be based on any Political Reasons or Factors.
- D. **Settlements and Awards.** The Sheriff may comply with any judgment, negotiated settlement of a complaint or arbitral award that requires it to take an Employment Action with respect to a specific individual or individuals.

- E. Recall, Reemployment and Reinstatement Candidates. Any individual who is entitled to Transfer or reinstatement under a CBA may be given preference as provided in the applicable CBA. Such Transfer or reinstatement cannot be based on any Political Reasons or Factors.
- F. Probationary Employees. Pursuant and subject to any applicable CBA, the Sheriff's Office can terminate probationary employees at will. Such termination cannot be based on any Political Reasons or Factors.

### **VIII. Implementation**

All outside consultants and employees actively participating in any stage of the selection of an individual for any position shall receive a copy of this SEAM, will sign a form acknowledging that the individual has received and read this SEAM, and will be required to sign No Political Consideration Certifications as required in this SEAM. All Department Heads in the Sheriff's Office shall receive a copy of this SEAM, be notified of any updates and will sign a form acknowledging that he or she has received and read this SEAM.

### **IX. Conclusion**

The Sheriff is committed to continuing its practices of being an equal opportunity employer, hiring qualified candidates and prohibiting Unlawful Political Contacts and Unlawful Political Discrimination with respect to all Employment Actions. SEAM is intended to create transparent and workable employment processes and procedures that meet the operational, public safety and budgetary needs of the Sheriff and comply with legal requirements. It is not possible to anticipate and address every situation that may give rise to Unlawful Political Contacts or Political Discrimination, and the Sheriff is prepared to comply with the spirit as well as the letter of the law to meet those situations in the future.