

## TRANSFER DUE TO AN INVESTIGATION

### U.1 POLICY

- (a) It is the policy of the Cook County Sheriff's Office to ensure the integrity of the workplace for all employees. All departments/units must take appropriate action to evaluate the need to transfer employees if necessary in the event of an official criminal and/or administrative investigation (e.g. formal OPR investigations, HR inquiries, department head management inquiries).
- (b) The Sheriff's Office respects its relationships with its employees' legally recognized collective bargaining representatives and the provisions of the collective bargaining agreements (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 state or federal laws. With respect to Shakman non-exempt/direct appointment employees, if a CBA is in conflict with the language in the SEAM, the language in the CBA governs. 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 Policy entitled Unlawful Political Discrimination 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.

### U.2 PROCEDURES

A 'Transfer Due to an Investigation' recommendation can be made by any one of the following:

- Respective Executive Office Chief;
- Respective Department Head;
- Executive Director of the Office of Professional Review (OPR); or
- Executive Director of Human Resources (HR).

Recommendations for transfer under this Article shall be based on allegations of employee misconduct that lead or will lead to criminal or administrative investigation by the Sheriff's Office into those allegations.

The final transfer memorandum should be completed by the respective department head. The department head or the authorized designee will facilitate the transfer and make notification of the transfer to the respective Executive Office Chief, Executive Director of OPR, General Counsel and when applicable, the Executive Director of HR. The transfer will be in accordance with the following procedure:

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- (a) If the Executive Office Chief, Executive Director of OPR or Executive Director of HR, recommends a transfer, he/she will notify the respective department head or the authorized designee of the recommendation. The department head shall review the recommendation to determine the location of the transfer.
- (b) If the department head initiates a transfer, he/she shall provide the transfer memorandum to the respective Executive Office Chief, Executive Director of OPR, General Counsel and Executive Director of HR, when applicable.
- (c) The transferring department head shall provide a transfer memorandum to the Executive Office Chief, Executive Director of OPR, Sheriff's General Counsel, Executive Director of HR (when applicable), Compliance Officer and union representative (if applicable). The memorandum shall include the type of transfer, location and effective date of transfer. In the event of a conflict of interest, the next highest employee in the chain of command shall issue the written notification with copies forwarded to the individuals identified in the above section.
- (d) A transfer pursuant to this Article may be reviewed periodically at the discretion of the Executive Office Chief, respective department head or the authorized designees during the pendency of an investigation or Merit Board action, if applicable. The Executive Office Chief, department head or the authorized designee may revoke a transfer pursuant to this Article at his/her discretion.
- (e) The employee may remain reassigned when the investigation leads to "Sustained" charges of misconduct requiring the submission of a complaint to the Cook County Sheriff's Merit Board for hearing and/or service of a recommended suspension. The Executive Office Chief, respective department head or the authorized designee may review the transfer pursuant to this Article at his/her discretion as explained above.
- (f) If the investigation leads to a "Not Sustained" finding and the employee has no other pending investigations that warrant reassignment, the transfer will be terminated and the employee should return to his/her bidded position.
- (g) Each department head is responsible for maintaining a current list of all members transferred under this Article. The list should, at a minimum, include:
  - 1. The affected members name;
  - 2. JDE number;
  - 3. Date of transfer;
  - 4. Brief description of the reason for transfer (e.g. OPR case number); and
  - 5. Date the employee is transferred back or suspended.

The respective department head should provide the Executive Director of OPR the list monthly to ensure OPR identifies the member and if applicable expedite the OPR Investigation in accordance with OPR procedures. The list shall also be provided to the Department of Quality Improvement to ensure cases are tracked in accordance with

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Sheriff's Office policy.

U.3.1 CERTIFICATION

The respective department head or the authorized designee and all other individuals with material involvement in any aspect of the assignment of personnel will complete and sign a No Political Consideration Certification (NPCC) on all transfer memorandums and forms affirming that all transfer decisions were made in accordance with the procedures set forth in this Article and SEAM.