

EMPLOYER RIGHTS TRANSFER

F.1 POLICY

- (a) It is the policy of the Cook County Sheriff's Office that a department's right to transfer sworn employees, pursuant to the transfer provisions in the applicable collective bargaining agreements or this Article F will not be used for either political discrimination and/or as a political reward and will not be based on political reasons or factors. Employer rights transfers are based upon a department's operational and public safety needs.
- (b) The Sheriff's Office respects its relationships with its employees' legally recognized collective bargaining representatives and the provisions of the collective bargaining agreements 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 non-direct appointment employees, if a collective bargaining agreement is in conflict with the language in the SEAM, the language in the agreement governs provided it does not permit or involve the use of political reasons or factors. If any provision in a collective bargaining agreement 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 SEAM. If the collective bargaining agreement does not contain a specific procedure or is otherwise silent, the relevant procedure in SEAM must be followed.

F.2 PROCEDURE

Each respective department head or the authorized designee, pursuant to the applicable collective bargaining agreement or this article may elect to transfer employees, due to the departments operational and public safety needs.

- (a) After identifying an operational or public safety need that requires the use of an Employer Rights Transfer, the respective department head or the authorized designee shall identify the employees who will be selected for this transfer.
- (b) The respective department head or the authorized designee shall provide a written request to the respective Executive Office Chief for the employer rights transfer. The request shall include an approval signature line and the following information:

Cook County Sheriff's Office
Sheriff's Employment Action Manual (SEAM)

SEAM Article F – Employer Rights Transfer

1. Name of employees;
 2. Position description, including location, shift and duties; location;
 3. Effective date of the employer rights transfer;
 4. An operational or public safety justification for the employer right's transfer; and
 5. Upon approval, the respective department head or the authorized designee shall forward a copy of the approved request to the Executive Director of Human Resources (HR), Compliance Officer and the appropriate union representative, if applicable.
- (c) Under no circumstances may this transfer be used to discriminate or reward an employee based upon political reasons or factors or any unlawful factors and a No Political Consideration Certification must be signed by all requesting and approving the transfer.
- (d) An employer rights transfer of an employee does not change the employee's anniversary date or merit rank.
- (e) While an employee is assigned under an employer rights transfer, nothing shall prohibit the employee from applying for a future bid process. However, the employer may require the employee to relinquish his/her employer right's position in exchange for participating in an upcoming bid. Otherwise, the employer may be required to open too many positions for the bid, which creates operational hardships.
- (f) For union employees, if a collective bargaining agreement authorizes the collective bargaining representative to exercise an employee rights transfer or "free move" on behalf of the employee, the collective bargaining representative must forward a request to the respective department head or authorized designee for review and action. The respective department head or the authorized designee will only approve if there is a recognized vacancy or if the transfer is consistent with the applicable collective bargaining agreement.

F.2.1 RETURN FROM EXTERNAL EMPLOYER RIGHTS TRANSFER

- (a) An employee may request to return to his/her original position at any point during the transfer. The employer should allow the employee to return unless it would cause an operational hardship.
- (b) The employer may return the employee for any lawful reason.

F.3 REVIEW PROCESS

- (a) The current department head or the authorized designee shall maintain a spreadsheet of

Cook County Sheriff's Office
Sheriff's Employment Action Manual (SEAM)

SEAM Article F – Employer Rights Transfer

all employer rights transfers and provide such spreadsheet to the respective Executive Office Chief and the Executive Director of HR on a quarterly basis. In the event that employer rights transfers are conducted at the request of a collective bargaining representatives, the respective department head or the authorized designee will also maintain an additional spreadsheet for each relevant collective bargaining unit and provide such spreadsheet to the respective Executive Office Chief and the Compliance Officer on a quarterly basis. The spreadsheet shall contain the following information:

1. Name of employee;
 2. Original position/shift/detail;
 3. New position/shift/detail;
 4. Effective date;
 5. End date, if applicable; and
 6. Review date, if no end date exists (see the section entitled Review Process)
- (b) The respective department head or the authorized designee shall be required to review all employer rights transfers quarterly to determine operationally whether or not the employee shall remain in his/her current assignment. Upon quarterly review, the respective department head or the authorized designee shall document that all employer rights transfers have been reviewed and update the review dates on the appropriate spreadsheet.

F.4 CERTIFICATION

The respective department head or the authorized designee and all other individuals involved in any aspect of the employer rights transfer process shall complete and sign a No Political Consideration Certification (NPCC) affirming that all employment decisions and employment actions were made in accordance with the procedures set forth in this article and the Employment Plan. If an employee requests a transfer or return from a transfer under this article, the employee must sign an Applicant Certification.