

Sheriff of Cook County)	
)	
vs.)	
)	Docket No. 2065
Deputy Sheriff)	
Thomas Dougherty)	
Star # 11355)	

DECISION

This matter coming on to be heard pursuant to notice before Vincent T. Winters on June 11th, 2019, Board Member, the Cook County Sheriff's (CCSO) Merit Board finds as follows:

Jurisdiction

Thomas Dougherty, hereinafter Respondent, was appointed a Deputy Sheriff on April 21, 2006. Respondent's position as a Deputy Sheriff involves duties and responsibilities to the public; each member of the Cook County Sheriff's Merit Board, hereinafter Board, has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; the Board has jurisdiction of the subject matter of the parties in accordance with 55 ILCS 5/3-7001, *et seq*; and the Respondent was served with a copy of the Complaint and notice of hearing and appeared before the Board with counsel to contest the charges contained in the Complaint.

As a threshold matter, a proceeding before the Merit Board is initiated at the time the Sheriff files a written charge with the Merit Board. 55 ILCS 5/3-7012. A document is considered filed, in this case with the Merit Board, "when it is deposited with and passes into the exclusive control and custody of the [Merit Board administrative staff], who understandingly receives the same in order that it may become a part of the permanent records of his office." *See Dooley v. James A. Dooley Associates Employees Retirement Plan*, 100 Ill.App.3d 389, 395 (1981)(quoting *Gietl v. Comminssioners of Drainage District No. One*, 384 Ill. 499, 501-502 (1943) and citing *Hamilton v. Beardslee*, 51 Ill. 478 (1869)); accord *People ex rel. Pignatelli v. Ward*, 404 Ill. 240, 245 (1949); *in re Annex Certain Terr. To the Village of Lemont*, 2017 IL App (1st) 170941, ¶ 18; *Illinois State Toll Highway Authority v. Marathon Oil Co.*, Ill. App. 3d 836 (1990) ("A 'filing' implies delivery of a document to the appropriate party with the intent of having such document kept on file by that party in the appropriate place." (quoting *Sherman v. Board of Fire & Police Commissioners*, 111 Ill. App. 3d 1001, 1007 (1982))); *Hawkyard v. Suttle*, 188 Ill. App. 168, 171 (1914 ("A paper is considered filed when it is delivered to the clerk for that purpose.")).

The original Complaint in this matter was filed with the Merit Board's administrative staff on September 8, 2017 and an amended complaint was filed on January 26, 2018. Regardless of whether or not Merit Board Members were properly appointed during a given term, the Merit Board, as a quasi-judicial body and statutorily created legal entity, maintained at all times a clerical staff not unlike the Clerk of the Circuit Court ("Administrative Staff"). These Administrative Staff members receive and date stamp complaints, open a case file, assign a case number, and

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perform all of the functions typically handled by the circuit clerk's office. Just as a timely filed complaint would be accepted by the circuit clerk even if there were no properly appointed judges sitting on that particular day, so too was the instant Complaint with the Administrative Staff of the Merit Board. Accordingly, the Complaint filed on September 8, 2017 commenced the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

Findings of Fact

The Sheriff filed a complaint on September 8, 2017 and an amended complaint on January 26, 2018. The Sheriff is requesting termination.

On August 21, 2006, Respondent was appointed a Deputy Sheriff. Respondent was assigned to the Criminal Courts Building at 2650 South California, Chicago, Il, with the Cook County Sheriff's Court Services Division.

The Sheriff called [REDACTED] who is employed with the Cook County Sheriff's Payroll Department Office of Professional Review and is the Director of Payroll. (R.14). [REDACTED] testified that deputy sheriff's during the years 2015-2016 would sign in and out on original timesheets and that those sheets would be forwarded to the payroll department (R. 15). Payroll would review those sheets and pay the employees appropriately. [REDACTED] testified to a number of Sheriff's exhibits that were Criminal Court time sheets for the dates that Respondent signed in for 6:00 am but was shown on the camera to have come in late. (R. 19, 24, 26, 27, 29, 30, 31).

On cross examination, [REDACTED] testified that she is familiar with the term redlining, and that she understands redlining to be in when a supervisor puts a redline by an employee's name when they are not at work. (R. 37, 38). [REDACTED] testified that Respondent was not redlined on any of the time sheets. (R. 39, 40, 41).

The Sheriff called former sergeant [REDACTED], who testified that he retired from the Cook County Sheriff's Department and that his last position was an investigator in the Sheriff's Police Office of Inspectional Services. (R. 49). [REDACTED] testified that he investigated allegations of employee misconduct and how the investigations were initiated. (R. 50). [REDACTED] testified that during his time as an investigator he had to investigate Respondent and that he began by watching videos of employees entering and exiting the 26th Street facility. (R. 51). [REDACTED] testified that he primarily looked at weekends and holidays and that the Respondent was not the only employee that was investigated. (R 72,73).

On cross examination [REDACTED] testified that redlining employees means putting a red line through employees who are late but that it was "dependent on the supervisor that's sitting there or whatever the policy is in that building or the supervisor." (R. 83).

The Sheriff called Sergeant [REDACTED] who testified that in 2015-2016 he was a lieutenant in the Criminal Courts Building. [REDACTED] testified about his job duties, including time sheets and three-part forms. He went on to testify that he did not redline the Respondent's name on any of the time sheets.

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On cross examination [REDACTED] testified that he vaguely recalled the Respondent asking him for time off because he was dealing with some issues. (R100).

Respondent Thomas Dougherty testified that he has been employed with the Cook County Sheriff's Office for 13 years and testified to his job duties. He testified that between October of 2015 to June 2016 on weekends and holidays he was assigned to bond court. (R.115). Respondent testified that his duties on weekends and holidays, while assigned to bond court, really didn't begin until approximately 11:00 am when they start separating the inmates from the night before. (R. 116). Respondent testified that prior to being put on 4 ten hour shifts the Court Services deputies worked standard 8-hour shifts and that their duties were drastically different for weekends and holidays while working bond court. After deputies arrived and clocked into work, they would go to the bridge and wait for the Chicago Police paddy wagon to bring the prisoners that were arrested the night before and they would transport them. (R. 118; 119). The bridge is a location below the courthouse, that connects the courthouse to the jail. Respondent testified that at some point prior to 2015-2016 the deputies assigned to the Cook County Jail started handling the bridge and the transporting of the prisoners from the CPD. (R. 120). Respondent then testified that at this point the Court Services deputies assigned to Bond Court, on weekends and holidays, did not get involved until 11:00-11:30 am. (R. 121). Respondent then testified that when the duties changed for the Court Services Deputies, they did not have any assigned duties until 11:00- 11:30 am and they were told to stay out of the cameras and out of the lobby. If they were needed, they would be called. (R. 124, 126). This practice continued until the shift of 4- ten-hour days was discontinued. (R.126). Respondent clarified that on weekends and holidays Court Service Deputies assigned to bond court would not have assigned duties until late morning and it was then that they had courtrooms to guard. (R. 127). Respondent testified that bond court usually ran past their shift on weekend and holidays. (R. 127). Respondent testified that he spoke to [REDACTED] approximately a month before learning of the Sheriff's investigation about requesting time off to attend to personal matters. (R. 129).

On cross examination Respondent admitted that he was late on the 6 dates in question which totaled four hours and seventeen minutes.

Conclusion

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Board finds that Respondent violated the Court Services Department General Order No.3101.2 I, II, IV, VII; Cook County Court Services Department Lexipol Policy Manual., Policy No.321 and Policy No.1007; and Cook County Sheriff's Department Merit Board Rules and Regulations, Article X, Paragraph B.

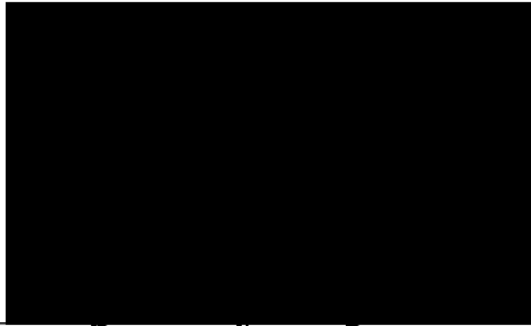
Order:

Wherefore, based on the foregoing, it is hereby ordered that Respondent Thomas Dougherty be suspended from the Cook County Sheriff's Office effective September 8, 2017 for 7 days.

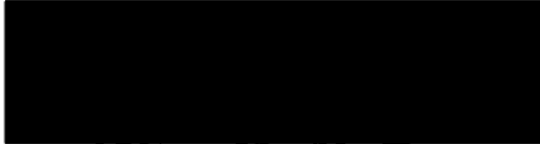
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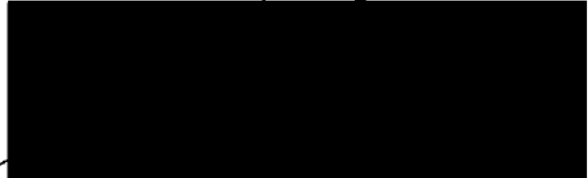
James P. Nally, Chairman



Kim R. Widup, Board Member



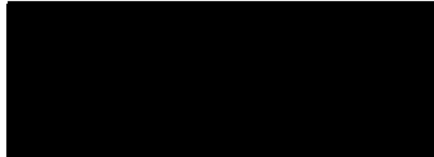
Byron Brazier, Vice-Chairman



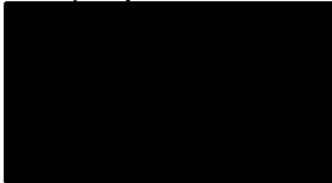
Juan L. Baltierres, Board Member



John J. Galicandro, Secretary



Kimberly Pate Godden, Board Member



Vincent T. Winters, Board Member



Monica M. Torres-Linares, Board Member

Date September 27, 2019