

COOK COUNTY SHERRIFF'S MERIT BOARD

In the Matter of:

DEPUTY SHERIFF )  
ARIEL P. LINDSAY )  
██████████ ) Docket No. 2066  
STEGER, ILLINOIS 60475 )  
EMPLOYEE ██████████ )  
STAR #11238 )

**DECISION**

This matter coming on to be heard pursuant to notice, the Cook County Sherriff's Merit Board finds as follows:

Ariel Lindsay, hereinafter Respondent, was appointed a Deputy Sheriff on July 19, 2004. 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.

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. Commissioners 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 (1<sup>st</sup>) 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.")).

**Background**

By complaint dated September 8, 2017, an Amended Complaint dated January 26, 2018 and a Second Amended Complaint dated September 26, 2019, Petitioner sought termination of Respondent, alleging

that Respondent did violate certain General Orders and that such action is in violation of Rules and Regulations of the Department of Corrections and the Cook County Sheriff's Merit Board.

After the case was continued from time to time, and discovery completed, it was called for a formal hearing on October 15, 2019 and concluded on January 19, 2021. At the hearing, court reporter being present, all witnesses sworn under oath, testimony was taken from witnesses called by the Sheriff as well as testimony from the Respondent and witnesses called on her behalf. Documents were introduced by Petitioner and Respondent and received into evidence. The Petitioner and Respondent made closing arguments addressing the issues in the hearing.

**Issues Presented:**

The Respondent was charged with violations of the Rules and Regulations of the Cook County Department of Corrections, more specifically:

**COURT SERVICES DEPARTMENT GENERAL ORDER No. 3101.2 (effective date: 05 JAN 04)**

**ATTENDANCE AND THE USE OF BENEFIT TIME, in its entirety, including but not limited to, the following subparts:**

**I. PURPOSE**

**This order establishes:**

- A. the procedures for Court Services Department (C.S.D.) members regarding attendance and the use of benefit time.**

**II. POLICY**

**C.S.D. members must report for duty on the days that they are scheduled to work, and arrive ready to work at the time that they are scheduled to start work. All requests for the use of Benefit Time must be on the Timekeeping/Attendance form. Approval or denial of use of Benefit Time will be based on the needs of the requesting member's Facility/Unit.**

**IV. DEFINITIONS**

- A. BENEFIT TIME refers to any of the following:**

- **Medical days earned**
- **Vacation days earned**
- **Personal days earned**
- **Compensatory Time Due earned**

**B. UNAUTHORIZED ABSENCE – an absence for which time has not been approved.**

**VII. TARDINESS AND LATE CALL-INS**

**A. A member is considered tarty if he/she fails to arrive for work at the scheduled starting time. If a member is running late for his/her tour of duty, he/she must notify their facility/unit by phone as soon as possible.**

**B. If a member arrives between the start of his/her scheduled work time and fifteen (15) minutes thereafter, he/she will be identified as tardy but will not be docked for the tardiness.**

**C. Members who arrive more than fifteen (15) minutes after his/her scheduled start time will be identified as tardy and docked in fifteen (15) minute increments for each quarter of an hour or portion thereof after the first fifteen (15) minutes.**

**COOK COUNTY COURT SERVICES DEPARTMENT SUPPLEMENTAL MANUAL, POLICY No. 321<sup>1</sup>**

**CONDUCT, in its entirety, including but not limited to, the following subparts:**

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<sup>1</sup> The Lexipol Conduct Policy for the Cook County Court Services Department was initially issued as Lexipol Policy 321 on August 26, 2015 and effective October 1, 2015. On September 1, 2017, March 1, 2018, July 2, 2018, August 1, 2018, November 1, 2018, and December 3, 2018, the Lexipol Conduct Policy was reissued and renumbered in the Lexipol Cook County Court Services Department IL Policy Manual (released as recently as July 1, 2019) as Lexipol Policy 101.

### **321.1 PURPOSE AND SCOPE**

**This policy establishes standards of conduct that are consistent with the values and mission of the Cook County Sheriff's Office (CCSO) and are expected of its members. This policy applies to all CCSO members.**

### **321.2 POLICY**

**Members of the Sheriff's Office shall conduct themselves in a professional and ethical manner, both on- and off-duty. The standards contained in this policy are not intended to be an exhaustive list of requirements and prohibitions, but they do identify many of the important matters concerning member conduct. Every member is also subject to the provisions contained throughout this policy and applicable written directives, as well as any additional guidance on conduct that may be disseminated by the CCSO or the member's supervisors.**

### **321.3 COMPLIANCE WITH ALL LAWS, ORDINANCES AND REGULATIONS**

**Members shall respect and protect the civil and legal rights of all individuals; uphold the constitutions of the United States and the State of Illinois; obey all applicable federal, state and local laws; comply with court decisions and orders of courts having jurisdiction; and comply with lawful rules, written or verbal orders, SEAM articles, policies and procedures issued by the CCSO or any supervisor.**

### **321.4 CONDUCT POLICY**

**The continued employment or retention of every CCSO member shall be based on conduct that reasonably conforms to the guidelines set**

**forth herein. Failure of any member to meet the guidelines set forth in this policy, whether on-or off-duty, may be cause for disciplinary action, up to and including termination.**

### **321.5 CONDUCT WHICH MAY RESULT IN DISCIPLINE**

**The following list of causes for disciplinary action constitutes a portion of the CCSO disciplinary standards. This list is not intended to cover every possible type of misconduct, and does not preclude the recommendation of disciplinary action for specific action or inaction that is detrimental to efficient service. Conduct which may result in discipline includes but is not limited to the following:**

#### **321.5.1 ATTENDANCE**

- (a) Leaving the job to which one is assigned during duty hours without proper permission and approval.**
- (b) Unexcused or unauthorized absence or tardiness on any scheduled day of work.**
- (c) Failure to report to work or to place of assignment at time specified and fully prepared to perform duties.**

#### **321.5.2 CONDUCT**

- (t) Any other on- or off-duty conduct which a member knows or reasonably should know is unbecoming a member of the CCSO; which is contrary to good order,**

**efficiency or morale; or which tends to reflect unfavorably upon the CCSO or its members.**

**321.5.5 PERFORMANCE**

- (m) The falsification of any work related records, the making of misleading entries or statements with the intent to deceive; or the willful and unauthorized destruction, alteration, removal, and/or mutilation of any CCSO record, book, paper or document.**
- (z) Any knowing or negligent violation of the provisions of policy, operating procedures or other written directive of an authorized supervisor.**

  - 1. Members are responsible for reading and becoming familiar with its contents, and are responsible for compliance with the content contained therein.**
- (ab) Criminal, dishonest, infamous or disgraceful conduct adversely affecting the employee/employer relationship (including applicable members) whether on- or off-duty.**
- (ac) Failure to disclose or misrepresenting material facts, or the making of any false or misleading statement:**

  - 1. On any application, examination form or other official document, report or form; or**

2. **During the course of any work-related investigation.**

(ap) **Any failure or refusal of a member to properly perform the function and duties of an assigned position.**

**COOK COUNTY COURT SERVICES DEPARTMENT SUPPLEMENTAL MANUAL, POLICY No. 1017<sup>2</sup> (effective January 22, 2016)  
MEAL PERIODS, BREAKS, RESTRICTED LEAVE, in its entirety, including but not limited to, the following subparts:**

**1017.1 PURPOSE AND SCOPE**

**This policy regarding meals and breaks is superseded by any affected member's collective bargaining agreement. If not covered in the member's collective bargaining agreement, this policy shall conform to and be guided by the policy governing all members that has been established by the Sheriff (820 ILCS 140/3).**

**1017.1.1 MEAL PERIODS**

**Sworn and non-sworn members shall remain on-duty and subject to call during meal breaks. All other members are not on call during meal periods unless directed otherwise by a supervisor.**

**All members working a continuous shift or detail longer than seven-and-one-half hours shall receive an appropriate meal period not more**

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<sup>2</sup> The Lexipol Meal Periods, Breaks, Restrictive Leave Policy for the Cook County Court Services Department was initially issued as Lexipol Policy 1016 on June 30, 2015 effective October 1, 2015. On October 2, 2015, it was renumbered as Lexipol Policy 1015. On December 30, 2015, it was renumbered as Lexipol Policy 1018. On January 22, 2016, it was renumbered as Lexipol Policy 1017. On October 3, 2016, it was renumbered as Lexipol Policy 1018, again. On August 1, 2017, it was renumbered as Lexipol Policy 1118. On June 1, 2018, it was renumbered as Lexipol Policy 1110. On December 31, 2018, the Lexipol Meal Periods, Breaks, Restrictive Leave Policy was renumbered in the Lexipol Cook County Court Services Department IL Policy Manual (released as recently as July 1, 2019) as Lexipol Policy 1109.

than five hours after the start of the work period, absent emergency situations (820 ILCS 140/3). However, a meal period should be taken during the period between two hours after the beginning of the tour of duty and one-and-one-half hours prior to the end of the tour of duty. Uniformed patrol and traffic officers should request clearance from the Communications Center prior to taking a meal period.

Uniformed officers shall take their meal periods within the County limits unless on assignment outside of the County. Additionally, no more than two uniformed officers should take their meal period together in any public place.

Unless specifically addressed in the terms of an applicable collective bargaining agreement, the time spent for the meal period should not exceed 30 minutes.

Unless there is no other facility reasonably available, on-duty officers will not take meal breaks in premises where the sale of alcoholic beverages is the primary business.

**COOK COUNTY COURT SERVICES DEPARTMENT LEXIPOL POLICY MANUAL,  
POLICY No. 1007<sup>3</sup> (effective October 2, 2015)**

**UNAUTHORIZED ABSENCE, in its entirety, including but not limited to, the following subparts:**

**1007.1 PURPOSE AND SCOPE**

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<sup>3</sup> The Lexipol Procedure on Unauthorized Absences for the Cook County Court Services Department was initially issued as Lexipol Procedure 1007 on October 2, 2015. On January 19, 2016 and March 11, 2016, the Lexipol Procedure on Unauthorized Absences was reissued and renumbered as Lexipol Procedure 1001. On August 1, 2017 and September 21, 2018, the Lexipol Procedure on Unauthorized Absences was reissued and renumbered in the Lexipol Cook County Court Services Department IL Procedure Manual (released as recently as September 3, 2019) as Lexipol Procedure 113.



**This procedure provides guidelines, reporting procedures and disciplinary procedures for employees who incur any unauthorized absence.**

**1007.1.1 DEFINITIONS**

**Unauthorized Absence Payroll Codes – The various codes marked on the attendance record for a specific date that indicate a type of unauthorized absence. These include:**

- (j) Tardiness Docked Time (O) – When an employee is docked pay due to arriving 16 minutes after the start of his/her duty shift. For the purpose of this policy, an employee shall only incur an unauthorized absence if he/she is tardy for one hour or more after the start of his/her duty/shift.**

**1007.4 DISCIPLINARY PROCEDURES**

**Disciplinary procedure for an employee without a rolling calendar clause in an applicable CBA will be progressive, and in accordance with the applicable CBA.**

**COOK COUNTY COURT SERVICES DEPARTMENT LEXIPOL POLICY MANUAL, POLICY No. 1001<sup>4</sup> (effective March 11, 2016) UNAUTHORIZED ABSENCE, in its entirety, including but not limited to, the following subparts:**

**1001.1 PURPOSE AND SCOPE**

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<sup>4</sup> The Lexipol Procedure on Unauthorized Absences for the Cook County Court Services Department was initially issued as Lexipol Procedure 1007 on October 2, 2015. On January 19, 2016 and March 11, 2016, the Lexipol Procedure on Unauthorized Absences was reissued and renumbered as Lexipol Procedure 1001. On August 1, 2017 and September 21, 2018, the Lexipol Procedure on Unauthorized Absences was reissued and renumbered in the Lexipol Cook County Court Services Department IL Procedure Manual (released as recently as March 01, 2019) as Lexipol Procedure 113.

**This procedure provides guidelines, reporting procedures and disciplinary procedures for employees who incur any unauthorized absence.**

**1001.1.1 DEFINITIONS**

**Unauthorized Absence Payroll Codes – The various codes marked on the attendance record for a specific date that indicate a type of unauthorized absence. These include:**

- (j) Tardiness Docked Time (O) – When an employee is docked pay due to arriving 16 minutes after the start of his/her duty shift. For the purpose of this policy, an employee shall only incur an unauthorized absence if he/she is tardy for one hour or more after the start of his/her duty/shift.**

**1001.4 DISCIPLINARY PROCEDURES**

**Disciplinary procedure for an employee without a rolling calendar clause in an applicable CBA will be progressive, and in accordance with the applicable CBA.**

22. Furthermore, the RESPONDENT's actions violated the Rules and Regulations of the Cook County Sheriff's Merit Board, specifically:

**COOK COUNTY SHERIFF'S DEPARTMENT MERIT BOARD RULES AND REGULATIONS, in its entirety, including but not limited to, the following subparts:**

**Article X, Paragraph B**

**No Police Officer, Police Sergeant, Police Lieutenant of the Cook County Sheriff's**

**Police Department, Correctional Officer, Correctional Sergeant, Correctional**

**Lieutenant, Correctional Captain of the Cook County Department of Corrections or**

**Deputy Sheriff, Deputy Sergeant, Deputy Lieutenant of the Cook County Sheriff's  
Court Services Department will:**

- 3. Violate any of the Sheriff's Executive Orders, General Orders,  
Special Orders, Directives or Rules and Regulations of the Cook  
County Sheriff's Department or Cook County Sheriff's Merit  
Board Rules and Regulations.**

**Issues Presented:**

Whether the actions of the Respondent violated any of the General Orders and Rules and Regulations set forth above and what discipline is warranted if a violation occurred.

**Resolution of Issues:**

We the Board find that Respondent Ariel P. Lindsay, Star #11238 did violate Court Services Department General Order 3101.2 and Cook County Court Services Department Supplemental Manual, Policy 321.

**Findings of Fact**

An evidentiary hearing was held on October 15, 2019 and concluded on January 19, 2021. Present was the Sheriff through counsel as well as the Respondent and Respondent's counsel. Testimony was taken from the Respondent, Ariel Lindsay, as well as other witnesses called on behalf of the Sheriff and Respondent. The Sheriff admitted Exhibits #1, 1 A through 47 into evidence and Respondent admitted Exhibits #1, 2, 4 and 6 into evidence.

The Sheriff called [REDACTED], who testified that he filed a complaint with the Sheriff's Office of Professional Review after he completed an extensive investigation into numerous Sheriff Officers that were showing up late. (R. 15). [REDACTED] reviewed videos, time sheets, general orders, Lexipol policies, overtime forms and he used all of his information to complete a report and then he interviewed the Respondent and other deputies. (R. 19). There was ten days in which the Respondent was late- the times ranged from 3 minutes late to one hour and thirty-four minutes. There were also a few dates that

Respondent was gone for more than the hour allowed for lunch break. Respondent admitted to all the dates alleged in the Sheriff's Complaint and all of the videos and that the timecards are accurate and do reflect when she actually arrived at work. (R. 150). Respondent's duties on weekends and holidays changed after the summer of 2015, although their hours were still from 6:00am to 4:00pm. Prior to this time Deputies worked an area called "the bridge" and their duties would include processing prisoners from the Chicago Police Department and neighboring municipalities for bond court. However, after the summer of 2015 these duties switched to Corrections Deputies and Deputies would have very little responsibilities. Once this change occurred the only duties they had were to make sure that they were present for bond court which started around 11:30 am. Given the lack of work from 6:00 am to 11:00 am Respondent asked her Sergeants to get her hours changed to the same hours that they worked during the week 8:00 am- 4:00 pm but was always denied. (Tr. 156).

The Board finds the testimony of Officer [REDACTED], Mr. [REDACTED] and Investigator [REDACTED] to be credible.

#### **Conclusions of Law**

Based on the evidence presented and after assessing the credibility of the witnesses and the weight to be given the evidence in the record, The Board finds that Respondent violate did violate Court Services Department General Order 3101.2 and Cook County Court Services Department Supplemental Manual, Policy 321.

Wherefore, based on the foregoing, it is hereby ordered that the Respondent Ariel Lindsay be suspended for ten (10) days effective September 8, 2017.

**JOHN J. DALICANDRO**, Chairman  
**BYRON BRAZIER**, Vice-Chairman  
**VINCENT T. WINTERS**, Secretary  
**KIM R. WIDUP**, Board Member  
**KIMBERLY PAT GODDEN**, Board Member  
**ELENI P. SIANIS**, Board Member



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**COOK COUNTY**  
**SHERIFF'S MERIT BOARD**  
69 West Washington - Suite 1100  
Chicago, IL 60602

Ariel P. Lindsay  
Deputy Sheriff  
Docket No. 2066

This Decision is adopted and entered by a majority of the Members of the Merit Board:

John J. Dalicandro, Byron Brazier, Vincent T. Winters, Kim R. Widup, Kimberly Pate Godden and Eleni P. Sianis.

Not Present: None

DISSENT

The following Members of the Merit Board dissent from the Findings and Decision of the majority of the Board.

[NONE]

DATED AT COUNTY OF COOK, STATE OF ILLINOIS, THIS 17<sup>th</sup> DAY OF MAY, 2021.