

EMPLOYER RIGHTS TRANSFER

F.1 PURPOSE

This SEAM Article establishes the policy and procedures that govern the Cook County Sheriff's Office employment action and are a reiteration of standing practice, which prevents any political influence on the process.

F.2 POLICY

- (a) It is the policy of the Cook County Sheriff's Office to ensure that a department's right to transfer sworn employees, pursuant to the transfer provisions in the applicable collective bargaining agreements and provisions of this Article, will be based upon a department's operational and/or public safety needs. Employer rights moves shall not be used for retribution and will not be based upon political reasons or other unlawful factors.
- (b) The respective Executive Office Chief and/or department head responsible for the decisions involved in this Article's process shall complete and sign a No Political Consideration Certification (NPCC). If other members of management assisted them in the review and selection of employees for this employment action, the respective Executive Office Chief and/or department head must order and obtain NPCCs from any such member.
- (c) This Article shall not be used to permanently fill an entire department or unit.
- (d) If an employee requests a transfer or return from a transfer under this Article, the employee must sign an NPCC.

F.3 PROCEDURE

Each respective department head, pursuant to the applicable collective bargaining agreement, and this Article, may elect to transfer employees, to meet the department's operational and/or 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 shall identify the employees who will be selected for this transfer. Prior to a recommendation, each employee shall undergo the following checks:
 1. Discipline check – Refer to Appendix I; and

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2. Attendance check – Refer to Appendix II.
- (b) The respective department head shall complete an Employment Action Form and submit it to the respective Executive Office Chief for the employer rights transfer.
 - (c) The respective Executive Office Chief shall confirm approval of the employer rights transfer with the Chief of Staff or the Chief Legal Officer before proceeding. Upon approval, the request shall include an approval signature line and the following information:
 1. Name of employee(s);
 2. Assignment description, including location, shift and duties;
 3. Effective date of the employer rights transfer; and
 4. An operational and/or public safety justification for the employer right's transfer.
 - (d) Upon approval, the respective department head shall forward a copy of the approved request to the Executive Director of Human Resources (HR), the Director of Compliance and the appropriate union representative.
 - (e) While an employee is assigned under an employer rights transfer, nothing shall prohibit the employee from applying for a future bid process.
 - (f) An employee may request to return to their prior position at any point during the transfer pursuant to an applicable collective bargaining agreement. The employer should allow the employee to return unless it would cause an operational hardship.
 - (g) The employer may return the employee for any lawful reason.

F.3 REVIEW PROCESS

- (a) The current department head shall maintain a spreadsheet of all employer rights transfers and provide such spreadsheet to the respective Executive Office Chief, the Chief Administrative Officer, the Executive Director of HR, the Director of Talent and Employment Actions and the Director of Compliance on a monthly basis. The spreadsheet shall contain the following information:
 1. Name of employee;
 2. Original assignment/shift/detail;
 3. New assignment/shift/detail;

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4. Effective date;
 5. End date, if applicable;
 6. Review date, if no end date exists (see the section entitled Review Process);
 7. The employee's new unit name and supervisor; and
 8. The employee's collective bargaining unit.
- (b) The respective department head shall be required to review all employer rights transfers monthly to determine operationally whether the employee shall remain in their current assignment. Upon monthly review, the respective department head shall document that all employer rights transfers have been reviewed and update the review dates on the appropriate spreadsheet.