

HARDSHIP TRANSFER

G.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 this process.

G.1.1 DEFINITIONS

Hardship - A medical or extraordinary personal circumstance that causes suffering to the employee.

Hardship Transfer - A transfer of an employee initiated in response to the employee's request for a transfer due to a hardship suffered by the employee.

G.2 POLICY

- (a) It is the policy of the Cook County Sheriff's Office that any employee may request a hardship transfer in accordance with the provisions of this Article. Hardship transfers will be granted in extraordinary circumstances and only in accordance with the provisions of this article.
- (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) If an employee requests a transfer or return from a transfer under this Article, the employee must sign an NPCC.

G.3 REQUESTING A HARDSHIP TRANSFER

An employee shall make the initial request to be transferred to another location, assignment, shift, and/or day-off group based on a documented hardship through their respective collective bargaining unit (union), if applicable.

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G.3.1 HARDSHIP REQUESTS NOT COVERED BY A COLLECTIVE BARGAINING AGREEMENT

In the event the respective union denies the hardship request, or the collective bargaining unit does not have hardship language, the employee may request a hardship to be evaluated by the Executive Director of Human Resources (HR) in accordance with this subsection.

If the employee is a non-union employee, the employee shall make the request to HR in accordance with this subsection.

- (a) The employee shall submit a written request to HR. The request should include the specific need for the hardship (e.g., family medical situation, personal medical situation), and the location, assignment, shift and/or day off group that will accommodate the employee's needs. The requesting employee must complete an NPCC.
- (b) HR shall then review the request in collaboration with the respective department head to determine if the request shall be approved or denied based on operational needs and/or collective bargaining agreement limitations.
 - 1. If the request is due to medical needs for the employee or a family member, HR shall review with the employee all employee rights which may include, but not be limited to the Americans with Disabilities Act (ADA), the Family Medical Leave Act (FMLA), ordinary disability, and general leaves of absence. All medical documentation will remain confidential with HR.
 - 2. In the event the employee does not apply for FMLA, HR may require documentation from a physician on the physician's letterhead that substantiates the need for the hardship transfer.
 - 3. The Executive Director of HR may require additional medical documentation (e.g., medical treatment schedule) to verify the medical need for a hardship transfer.

G.3.2 DENIAL OF HARDSHIP TRANSFER

- (a) HR may deny a hardship transfer if:
 - 1. The employee provides incomplete or inadequate documentation or fails to provide requested documentation to support the need for the hardship transfer;
or
 - 2. The hardship transfer will hinder operational needs, provided the rights of

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employees who qualify for FMLA leave or reasonable accommodation under the ADA will be observed; or

3. There are collective bargaining agreement prohibitions.

G.3.3 APPROVAL OF HARDSHIP TRANSFER

- (a) If the hardship transfer is approved, HR will provide written notification, including the expected length of the hardship transfer, via memorandum, to the following:
 1. Affected employee;
 2. Respective department head;
 3. Facility/unit/division head;
 4. Executive Director of HR;
 5. Director of Employment Actions;
 6. Director of Compliance; and
 7. Collective bargaining designated representative, if applicable.
- (b) An employee is eligible to bid or apply to other positions while on a hardship transfer in the same manner and to the same extent as they would be able to bid if they were not on a hardship transfer.
- (c) Hardship transfers will be approved not to exceed the maximum days as outlined in the applicable collective bargaining agreement and may be extended one additional time for an additional 90 days within any two-year period.
- (d) When the need for the hardship transfer ceases, or the employee has reached the allowable time for a hardship transfer, the respective department head, should make every effort to return the employee to their previous location, assignment, shift, and/or day-off group.