

TRANSFER DUE TO AN INVESTIGATION

U.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.

U.2 POLICY

- (a) It is the policy of the Cook County Sheriff's Office to ensure the integrity of the workplace for all employees. All departments/units must take appropriate action to evaluate the need to transfer employees, if necessary, in the event of an official criminal and/or administrative investigation (e.g., formal OPR investigations, HR inquiries, department head management inquiries) or subsequent administrative disciplinary process (e.g. Merit Board hearings, arbitration and/ or appellate review).
- (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.

U.3 PROCEDURES

- (a) A transfer due to an investigation can be made by any one of the following:
 - 1. Respective Executive Office Chief;
 - 2. Respective department head;
 - 3. Executive Director of the Office of Professional Review (OPR); or
 - 4. Executive Director of Human Resources (HR).
- (b) Transfers under this Article shall be based on allegations of employee misconduct that require criminal and/or administrative investigations by the Sheriff's Office and subsequent administrative proceedings if applicable.
- (c) The responsible designee, identified above, who initiates a transfer under this Article should identify a location for the transfer, or ensure the transfer otherwise occurs, that is in accordance with the operational needs of the respective department and safeguards

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the integrity of the ongoing investigation.

- (d) The final transfer memorandum should be completed by the respective department head. The department head will facilitate the transfer and make notification to the respective Executive Office Chief, Executive Director of OPR, General Counsel, Executive Director of HR, and union representative, if applicable, and forward the transfer memorandum to ccso.seamu@ccsheriff.org. If there is a conflict of interest, the next highest employee in the chain of command shall issue the written memorandum. The transfer memorandum shall include the following information:
1. Affected employee information (i.e., name, JDE Number);
 2. Type of transfer;
 3. Effective date of transfer; and
 4. Location of transfer.
- (e) The transfer memorandum shall provide the location, department or type of work/ assignments the transferred employee is prohibited from working or engaging in during the transfer period. An employee transferred under this Article is not prohibited from working overtime as long as the listed prohibitions in the memorandum are maintained. If a prohibition on working overtime is warranted (even if limited to a location/division), it should be indicated on the transfer memorandum.
- (f) Any employee who is subject to this Article may be de-deputized, including the prohibition from carrying a firearm, as deemed appropriate and necessary by the respective Executive Office Chief and/or department head who initiates the transfer. Such determination will be made on a case-by-case basis based on the nature of the investigation and underlying allegations.
- (g) A transfer pursuant to this Article may be revoked by the respective Executive Office Chief or respective department head after consultation and agreement by the Executive Director of OPR or the Legal Department designee, depending on the posture of the pending disciplinary matter.
- (h) The employee may remain reassigned when the investigation leads to “sustained” charges of misconduct requiring arbitration, adjudication before the Cook County Sheriff's Merit Board and/ or subsequent appellate review, and/ or service of a recommended suspension. The respective Executive Office Chief or respective department head may review the transfer pursuant to this Article at their discretion as explained above in (g).
- (i) If the investigation leads to a “not sustained” finding and the employee has no other pending investigations that warrant reassignment, the transfer will be terminated, and

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the employee should be returned to their bided or assigned position.

- (j) Each department head is responsible for maintaining a current list of all employees transferred under this Article. The list should, at a minimum, include:
 - 1. The affected employee information (i.e., name, JDE Number);
 - 2. Effective date of transfer;
 - 3. Location of transfer and, if applicable, assignment and identified prohibitions;
 - 4. Brief description of the reason for transfer (e.g., OPR or Merit Board case number); and
 - 5. Date the employee is transferred back, suspended or terminated.

- (k) The respective department head should provide the Executive Director of OPR the list monthly to ensure OPR identifies the employee and expedites the OPR Investigation in accordance with OPR procedures. The list shall also be provided to the Chief Administrative Officer to ensure cases are tracked in accordance with Sheriff's Office policy.