

ARTICLE F

EMPLOYER RIGHTS TRANSFER

I. Policy

- A. It is the policy of the Sheriff's Office that a Department's right to transfer employees, pursuant to the transfer provisions in the applicable collective bargaining agreements ("CBA") will not be used for either political discrimination and/or as a political reward and will not be based on Political Reasons or Factors. Employer Rights Transfers are based upon a Department's operational and public safety needs.

- B. The Sheriff respects its relationships with its employees' legally recognized collective bargaining representatives and the provisions of the CBAs it has negotiated with such representatives. Those relationships are governed by the Illinois Public Labor Relations Act, 5 ILCS 315, et seq., as amended, and the Employment Plan and the Sheriff's Employment Action Manual (SEAM) will be construed and administered consistent with that Act to the extent that the construction or administration does not conflict with the United States Constitution or federal civil rights laws. With respect to Shakman Non-exempt Employees, if a CBA is in conflict with the language in the Employment Plan or SEAM, the language in the CBA governs provided it does not permit or involve the use of Political Reasons or Factors. If any provision in a CBA allows for management discretion involving any Employment Action, such management discretion must be exercised subject to the Sheriff's Order regarding Unlawful Political Factors and Reasons, Reporting and Retaliation, and to procedures contained in the Sheriff's Employment Plan and SEAM. If the CBA does not contain a specific procedure or is otherwise silent, the relevant procedure in the Employment Plan or SEAM must be followed.

II. Procedure

Each Department Head/Designee, pursuant to the respective CBA may, due to Management's operational and public safety needs, elect to transfer employees under a CBA.

- A. After identifying an operational or public safety need that is workforce-related, the Department Head/Designee shall identify the exact number of employees needed and shall identify the employee(s) who will be selected for this transfer.

- B. The Department Head/Designee shall provide written request to the Chief of Staff/Designee for the Employer Rights Transfer. The request shall include an approval signature line and the following information:

1. Name of employee(s);
 2. Position description, which includes:
 - i. location;
 - ii. shift;
 - iii. duties;
 3. Effective date of the Employer Rights Transfer; and
 4. Justification of workforce need.
- C. Upon approval, the Department Head/Designee shall forward a copy of the approved request to the Director of Personnel, Compliance Officer and the appropriate union representative.
- D. Under no circumstances may this transfer be used to discriminate or reward an employee based upon Political Reasons or Factors or any unlawful factors.
- E. An Employer Rights Transfer of an employee does not change the employee's anniversary date.
- F. While an employee is assigned under an Employer Rights Transfer, nothing shall prohibit the employee from applying for a future Bid process.
- G. If a CBA authorizes the collective bargaining representative to exercise an Employer Rights Transfer or "free move" on behalf of the employee, the collective bargaining representative must forward a request to the Department Head/Designee for review and action. The Department Head/Designee will only approve if there is a recognized Vacancy.
- H. Return from Employer Rights Transfer
1. If the transferred employee requests to return to his or her original Department, he or she must submit a request in writing to the current Department Head/Designee. The Department Head/Designee shall approve or deny the request based upon Operational Needs.
 2. If the Department Head denies the request, he or she will forward a memorandum denying the request to the employee with a copy to the Compliance Officer and the employee's union representative.
 3. If the Department Head/Designee approves the request, he or she will forward a memorandum to the Chief of Staff/Designee including a

signature line for approval. A copy of the approved or denied request shall be sent to the Compliance Officer, Director of Personnel and Department Head/Designee to which the employee will be returning to.

I. The Department Head/Designee shall maintain a log of all Employer Rights Transfers and provide such log to the Chief of Staff and respective Deputy Chief of Staff on a monthly basis. In the event that Employer Rights Transfers are conducted at the request of a collective bargaining representative(s), the Department Head/Designee will also maintain an additional log for each relevant collective bargaining unit and provide such log(s) to the Chief of Staff, Deputy Chief of Staff and Compliance Officer on a monthly basis. These logs will contain the following information:

1. Name of Employee;
2. Original Position/Shift/Detail;
3. New Position/Shift/Detail;
4. Effective Date; and
5. End Date

J. Certification

The Department Head/Designee and all other individuals involved in any aspect of the Employer Rights Transfer process will complete and sign a No Political Consideration Certification (NPCC) affirming that all employment decisions and Employment Actions were made in accordance with the procedures set forth in this Article (F) and the Employment Plan. If an employee requests a transfer or return from a transfer under this Article F, that employee must sign an Applicant Certification.