

ARTICLE G

HARDSHIP TRANSFER

I. 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 order. Hardship Transfers will be granted in extraordinary circumstances and only in accordance with the provisions of this Article.
- B. This Article (G) is applicable to both Sworn and Civilian employees of the Cook County Sheriff's Office.
- C. 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

An employee may request to be transferred to another location, assignment, shift, and/or day-off group based on a documented Hardship in accordance with the following procedures:

- A. The employee's Department Head/Designee shall approve or deny all Hardship Transfers.

- B. The Department Head/Designee will require the employee to provide a written statement that states the specific need for the Hardship Transfer and the location, assignment, shift and/or day-off group that will accommodate the employee's needs or the employee's family member's needs. The requesting employee must complete an Applicant Certification

If the requesting employee is covered under a CBA that provides for Employer Rights Transfer (a.k.a. Free Moves), the written statement must be forwarded by the Department Head/Designee to the appropriate union representative. If the use of an Employer Rights Transfer is denied by the union representative in accordance with the CBA, the Department Head/Designee shall consider the request in accordance with this Article G.

- C. If the request is due to the medical need of the employee, the Department Head/Designee will advise the employee that he or she may apply either for disability leave or leave under the Family and Medical Leave Act (FMLA). If the request is due to the medical need of the employee's Immediate Family, the Department Head/Designee will advise the employee that he or she may apply only for leave under the FMLA. The Department Head/Designee shall provide the employee with an FMLA packet and Personnel Department contact information.
- D. The Department Head/Designee will contact the Director of Personnel/Designee to confirm that the employee has either applied for disability leave, submitted a completed FMLA packet or provided documentation from a physician on the physician's letterhead that substantiates the need for the Hardship Transfer.
- E. The Director of Personnel/Designee may require additional medical documentation, such as a medical treatment schedule, to verify the medical need for a Hardship Transfer.
- F. The Department Head/Designee 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 employees who qualify for FMLA leave or reasonable accommodation under the Americans with Disabilities Act will be observed.
- G. If the Hardship Transfer cannot be approved due to a hindrance of the Operational Needs of the Department, the Department Head/Designee will advise the employee to request another employee to switch shift, location, or day-off group with him/her. If both employees and the respective union representative agree to the switch, the Department Head/Designee may approve the Transfers.

If the Hardship Transfer cannot be approved due to Operational Needs of the Department and the employee cannot find an employee to agree to the assignment switch, the Department Head/Designee may deny the Hardship Transfer.

- H. In the event a Hardship Transfer request is for a documented medical hardship suffered by the employee and the medical documentation indicates the Hardship Transfer will be needed on a long term (three (3) months or more) or permanent basis, the Director of Personnel/Designee shall advise the employee of the option to request an accommodation under the American's with Disabilities Act (ADA). All procedures regarding a request for accommodation under the ADA will be followed pursuant to the Sheriff's ADA policy.
- I. The Department Head/Designee will provide written notification, including the expected length of the Hardship Transfer, via memorandum, to the following:
 - 1. Employee;
 - 2. Department Head/Designee;
 - 3. Director of Personnel/Designee;
 - 4. Compliance Officer; and
 - 5. Collective Bargaining Representative (if applicable).
- J. An employee is eligible to Bid on other positions while on a Hardship Transfer in the same manner and to the same extent as he or she would be able to Bid if he or she was not on a Hardship Transfer.
- K. Hardship Transfers will be approved for a maximum of 90 days, and may be extended for additional periods only as described in Section N below.
- L. The Department Head/Designee will review the status of all Hardship Transfers by at least 10 days prior to the end of any then-current 90-day Hardship Transfer to determine if the need for the Hardship Transfer still exists. For Hardships based on the employee's or an Immediate Family member's medical condition, the Department Head/Designee will confer with the Director of Personnel/Designee to ensure that the Director of Personnel/Designee has received updated medical documentation submitted by the employee in accordance with this policy. A status report will be submitted to the Compliance Officer and Director of Personnel/Designee.
- M. If at any time during a Hardship Transfer based on an employee's own medical need, the employee (supported by medical documentation) indicates the employee's medical Hardship is permanent, the Director of Personnel/Designee shall advise the employee of the option to request an accommodation under the Sheriff's ADA policy.
- N. In the event the employee requests an extension of a Hardship Transfer beyond 90 days, upon receipt of all required and updated documentation from the

employee demonstrating the continued need for the Hardship Transfer and upon determination by the Department Head/Designee that an extension of the Hardship Transfer will not hinder Operational Needs, the Department Head/Designee will provide written notification, via memorandum, of the approval of the Hardship Transfer extension and will include a description of the specific reason for the extension. The memorandum will be distributed as documented in Section I of this policy.

- O. The employee may continue to request additional extensions of his or her Hardship Transfer of up to 90 days provided the employee requests the extensions in writing to the Department Head/Designee and provides all required documentation documenting the continued need for the Hardship Transfer, provided that a maximum of three (3) extensions may be granted. The Department Head/Designee will follow all procedures as documented in this policy in determining whether to grant such extension. In the event that an employee requests to continue the Hardship Transfer beyond three (3) 90-day extension periods, the employee will be required to begin the Hardship Transfer process pursuant to this Article G, Section II.A-O.
- P. When the need for the Hardship Transfer ceases, the Department Head/Designee, will make every effort to return the employee to his or her previous location, assignment, shift, and/or day-off group. The Department Head/Designee will provide written notification as set forth in this Article G, Section II.I. If the employee cannot be returned to his or her previous location, assignment, shift, and/or day-off group, the employee's assignment will be determined based on the Department's Operational Needs.
- Q. Certification of Non-Bid Transfer Process

The Department Head/Designee and all other individuals involved in any aspect of the Hardship 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 and the Employment Plan. Any employee requesting a Hardship Transfer or extension of an already existing Hardship Transfer must complete and sign an Applicant Certification.