

ARTICLE S

LAYOFF

I. Policy

- A. It is the policy of the Cook County Sheriff's Office that in the event of budgetary reductions imposed by the County Board or other events requiring a reduction of budgeted or grant funded positions, employees will be subject to Layoff and possible Recall in accordance with the provisions of the applicable CBA(s), or if none applies or if the CBA is silent, then this Article S shall apply.
- B. This Article S is applicable to all Non-Exempt members of the Sheriff's Office, provided that Article S, Section I.C (below) is adhered to.
- C. This Article S is applicable to the extent it is feasible due to time constraints imposed by the Cook County Board or other government agency.
- D. The Sheriff's Office 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

- A. In the event of the need for budgetary reductions imposed by the County Board or other events requiring a reduction of budgeted or grant funded positions, the Chief of Staff/Designee shall request a Staff Evaluation Report from Department Heads to identify potential positions to be eliminated from the respective Department. The report shall include a Staffing Analysis, prioritization of

Department duties and functions and any other information that may assist in the decision making process for budgetary reductions.

- B. The Chief of Staff/Designee in consultation with the Chief Financial Officer and any other staff members determined by the Chief of Staff shall review the applicable Staff Evaluation Report and determine the number of positions that must be eliminated based on the dollar amount of the budgetary reduction. The final number of positions to be eliminated shall be forwarded in writing to the Compliance Officer. Additionally, any revisions to the previously determined number of positions by job classification shall be forwarded in writing to the Compliance Officer.
- C. If the number of positions identified for elimination is equal to or more than the total number of employees that occupy such positions, all employees that occupy such positions shall be added to the Layoff List and the procedures in Article S, Section II.G-L shall be followed.
- D. If the number of positions identified for elimination is less than the total number of employees that occupy such positions, the identity of the employees who will be laid off in those positions will be determined by the following procedure:
 - 1. At the request of the Chief of Staff/Designee, an Employee Work Summary File will be created by the Chief of Staff's Designee for each employee who occupies the position(s) affected by the elimination. The Designee shall also create a Layoff Spreadsheet, which contains the names of all employees identified for a potential layoff and condensed information contained in the Employee Work Summary Files. Each Employee Work Summary File will contain the following information, which will be used to aid the Chi of Staff/Designee(s) in determining the employee's rank on the Assessment List:
 - a. General Information:
 - i. Seniority dates for Cook County employment, Sheriff's Office employment and Assignment.
 - ii. Job Title
 - iii. Pay Grade and Salary
 - b. Attendance: At the request of the Chief of Staff/Designee, the Director of Personnel/Designee will compile a copy of the timecards from the previous 18 months and Attendance History Report for each employee who occupies the position(s) affected by the elimination.

- i. Timecards from Previous 18 Months: The Director of Personnel/Designee shall thoroughly review each employee's timecards to determine if the employee has incurred any of the following Unpaid Unauthorized Activities, which are not associated with any Mitigating Circumstances:
 - (1) No Sick Time (NST/0)
 - (2) Absent Late Call (ALC/0)
 - (3) Absent No Call (ANC/0)
 - (4) No Vacation Time (NVT/0)
 - (5) No Personal Time (NPT/0)
 - (6) No Compensatory Time (NCET/0)
 - (7) No Holiday Time (H/0)
 - (8) Unauthorized FMLA (0/FMLA Unauthorized)
 - (9) Unauthorized IOD (IOD/Unauthorized)
 - (10) Proof Status (0/Proof)
 - (11) Tardiness Docked Time (O)
 - (12) Attendance Pattern
 - ii. If the Director of Personnel/Designee determines that within the previous 18 months the employee has incurred any of the above violations, he or she will document such violations in each respective Employee Work Summary File and on the Layoff Spreadsheet.
- c. Attendance History Report:
- i. The Attendance History Report will include each employee's percentage of unused medical time for (1) the employee's entire length of service with the Sheriff's Office (career history), and (2) the previous 18 months. If time off is verified as due to a Mitigating Circumstance, it will be added to the actual hours on the Attendance History Report. The percentage of unused

medical time is calculated from the previous pay period end date from the date of request for attendance.

- ii. The completed Attendance History Report shall be attached to or incorporated into the Layoff Spreadsheet.
- d. Discipline:
 - i. At the request of the Chief of Staff/Designee, the Executive Director of OPR shall submit the entire disciplinary history for each employee identified for a potential layoff. Additionally, the Department Head/Designee will provide the entire disciplinary history from the employee's respective Department.
 - ii. Written reprimands and deputized status (if applicable) will also be taken and included in the Employee Work Summary File.
- e. Any other documented performance related information or available resources (e.g. commendation) that may assist in the decision making process such as information contained in the Staff Evaluation Report pertaining to the employee, Pilot Program Performance Evaluations and Desk Audits (if applicable).
- E. The Compliance Officer will be provided a copy of the Layoff Spreadsheet and shall have access to review the Employee Work Summary Files as he or she deems necessary.
- F. The Chief of Staff/Designee and any other staff members determined by the Chief of Staff/Designee shall thoroughly review all Employee Work Summary Files and Layoff Spreadsheet and create an Assessment List. The Assessment List will contain the names of all individuals in a job classification identified for elimination pursuant to Article S, Section II.B in rank order based on their level of value. The employee deemed to have the highest level of value shall be ranked number one (1) and the employee deemed to have the least value shall be ranked in the last position on the list.
- G. A Layoff List will be created, which contains the names of the least ranked employees from the Assessment List based on the identified number of positions to be eliminated pursuant to Article S, Section II.B.
- H. The Layoff List must be approved by the Chief of Staff/Designee.
- I. The completed Assessment List and Layoff List shall be forwarded to the Compliance Officer.

J. If an employee identified on the Layoff List has a sworn merit rank and currently occupies a position not covered by a CBA, that employee shall be demoted to his or her previous merit rank position that is covered by a CBA and shall assume the duties of that merit rank position.

K. Exit Interview Process

1. Upon approval of the Layoff List, the Layoff List and all other supporting documentation will be provided to the Director of Personnel/Designee. The Director of Personnel/Designee shall notify all employees listed on the Layoff List to report to the Office of Personnel (Personnel A) for a scheduled Exit Interview.
2. The Director of Personnel/Designee shall complete an Exit Interview Form for each employee listed on the Layoff List.
3. The Director of Personnel/Designee shall ensure that the employee signs and dates the completed Exit Interview Form. In the event that the employee refuses to sign and date the Exit Interview Form, the Director of Personnel/Designee shall note the refusal to sign on the Exit Interview Form, sign it and record the date.
4. The Director of Personnel/Designee shall ensure that the employee receives a copy of the completed Exit Interview Form. The Director of Personnel/Designee will also answer questions the employee may have regarding the Layoff and/or Exit Interview process.

L. Layoff Documentation Maintenance

The Staff Evaluation Report(s), Employee Work Summary Files, Layoff Spreadsheet, Assessment List, Layoff List and any other related documentation shall be maintained by the Director of Personnel/Designee.

III. Certification

The Chief of Staff/Designee, Director of Personnel/Designee, Chief Financial Officer/Designee, Department Head/Designee and all other individuals with material involvement in the Layoff Process described in this Article S will complete and sign a No Political Consideration Certification (NPCC) on all lists and Layoff documentation

10/21/2010 2:23 PM

affirming that all Layoff decisions made and actions taken were made or taken in accordance with the procedures set forth in this Article S and the Employment Plan.