

ARTICLE U

TRANSFER DUE TO AN INVESTIGATION

I. Policy

- A. It is the policy of the 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.

- C. 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 Uniformed Peace Officers' Disciplinary Act, 50 ILCS 725. 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. Procedures

- A. A Transfer Due to an Investigation will be at the recommendation of OPR, Deputy Chief of Staff/Designee and/or the respective Department Head/Designee, and this transfer will be in accordance with the following procedure:
 - 1. If the Executive Director of OPR/Designee recommends a transfer, he or she will notify the Deputy Chief of Staff/Designee and the Department Head/Designee. The Deputy Chief of Staff/Designee or Department Head/Designee may also make a recommendation for the transfer on his or her own motion to OPR.
 - 2. The Deputy Chief of Staff/Designee and Department Head/Designee will determine the location of the transfer and submit a written notification to

the Director of Personnel and forward copies to the Chief of Staff, Executive Director of OPR, Compliance Officer and Union Representative (if applicable). In the event of a Conflict of Interest, the next highest employee in the chain of command shall issue the written notification with copies forwarded to the individuals identified in this section.

3. Depending on the status or disposition of the investigation, the employee may be returned to his/her previous location with approval from the Executive Director of OPR/Designee and the Deputy Chief of Staff/Designee. The Department Head/Designee shall submit written notification to the Director of Personnel and forward copies to the Chief of Staff, Executive Director of OPR, Compliance Officer and Union Representative (if applicable). In the event of a Conflict of Interest, the next highest employee in the chain of command shall issue the written notification with copies forwarded to the individuals identified in this section.

B. Certification

The Department Head/Designee and all other individuals with material involvement in any aspect of the assignment of personnel will complete and sign a No Political Consideration Certification (NPCC) on all transfer memorandums and forms affirming that all transfer decisions were made in accordance with the procedures set forth in this Article (U) and the Sheriff's Employment Action Manual (SEAM).