

## SRO COMPLAINT PROCEDURES

Pursuant to the

### **SUPPLEMENTAL RELIEF ORDER (“SRO”)**

Entered in *Shakman, et al. v. Sheriff of Cook County, et al.*  
(the “Shakman Case”)

If you believe that you have been subjected to unlawful political discrimination in connection with hiring, promotion, overtime or any other term or condition of employment with the Sheriff of Cook County **after October 30, 2008**, you may seek relief for the alleged unlawful political discrimination as described below:

#### **I. Filing an SRO Complaint Form**

The SRO creates a new investigation and arbitration process for complaints of unlawful political discrimination. Under this new process, if you file a timely “SRO Complaint” with the Sheriff’s Office of Professional Review, the Sheriff’s Office of Professional Review will investigate your complaint and issue a report at the end of its investigation. Its report will either find that your complaint is “sustained” or “not sustained”. You will get a copy of the report. You will then have 30 days after the Sheriff’s Office of Professional Review issues its report to decide whether to go through the new arbitration process by filing an Arbitration Demand with the Sheriff. More details of the SRO Complaint process and the arbitration process are discussed below. If your SRO Complaint is not timely, your SRO Complaint will be processed with the Sheriff’s Office of Professional Review as a regular complaint, will proceed outside of the SRO Complaint procedures and will not be eligible for arbitration.

**To be eligible for the arbitration process, you must file an SRO Complaint Form with the Sheriff’s Office of Professional Review. The SRO Complaint Form is attached. The SRO Complaint Form must be received by the Sheriff’s Office of Professional Review within 180 days after you knew or should have known that the alleged unlawful conduct occurred and the alleged violation must have occurred after October 30, 2008. If you do not file an SRO Complaint with the Sheriff’s Office of Professional Review within the required time period, the SRO Complaint process will not apply and you cannot use the arbitration process. Only applicants for employment with the Sheriff’s Office and employees of the Sheriff are eligible for the arbitration process. Although all Class Members may submit SRO Complaints with the Sheriff’s Office of Professional Review and pursue other remedies as provided by law, only Sheriff Office applicants and employees may seek relief through the Arbitration Procedure.**

SRO Complaint Forms should include as much detail as possible to support your claim that you were subjected to unlawful political discrimination in connection with any aspect of employment with the Sheriff. You should attach any supporting documentation you have.

## **Send completed SRO Complaint Forms to:**

Sheriff's Office of Professional Review  
3026 S. California  
Chicago, IL 60608

## **II. Choosing Arbitration or a Lawsuit**

The SRO provides for a new procedure where claims of unlawful political discrimination are determined by arbitration. In order to use the arbitration process, you must first properly complete the SRO Complaint process and properly submit the Arbitration Demand Form. In the alternative to using the arbitration procedure, you may be able to file a lawsuit in federal court based on your complaint of unlawful political discrimination. You need not file an SRO Complaint if you choose to file a lawsuit, but you may file a lawsuit while the Sheriff's Office of Professional Review's investigation is pending. If you file a lawsuit, you give up your right to arbitration and your lawsuit may make it more difficult for the Sheriff's Office of Professional Review to investigate your claim. You must choose between filing a lawsuit and filing an Arbitration Demand with the Sheriff. You may not do both.

There are statutes of limitation that set important deadlines for filing federal lawsuits regarding allegations of political discrimination in connection with employment with the Sheriff, usually 180 days from the date of the alleged discrimination. However, once you file an SRO Complaint with the Sheriff's Office of Professional Review, your time limits for filing a lawsuit in federal court are "tolled" – meaning that the clock is stopped. Thus, while the Sheriff's Office of Professional Review investigates your SRO Complaint, any rights you had to file a lawsuit relating to the same complaints of unlawful political discrimination will remain in place. Should you choose to file a lawsuit to hold the Sheriff in Contempt of Court for violating the SRO, you will have 30 days from the date that you receive the Office of Professional Review's Case Report to file such a lawsuit in the 69 C 2145 case.

These statements should not be construed as legal advice. You may consult with a lawyer of your choice about what decisions to make in this area. Neither the Sheriff's Compliance Administrator, the Sheriff's Office of Professional Review, nor Class Counsel in the *Shakman* Case (that is, the lawyers who represent the named plaintiffs and classes of plaintiffs in this case) are able to provide legal advice about whether an individual should pursue any remedies under the SRO or in a court of law.

## **III. Am I Eligible To File an SRO Complaint?**

You may submit a complaint to the Sheriff's Office of Professional Review alleging unlawful political discrimination in connection with any term or aspect of government employment or seeking employment with the Sheriff that occurred **after October 30, 2008**.

"Employment decision" includes but is not limited to, any decision involving hiring, firing, promotion, job assignment, transfer, disciplinary action and overtime.

“Unlawful political discrimination” means the making of any employment decision by the Sheriff because of any political reason or factor such as an individual’s political affiliation, political support or activity, political financial contributions, promises of such political support, activity or financial contributions, or political sponsorship or recommendations, or making an employment decision because of lack of political affiliation, support, contributions or political sponsorship.

However, if your complaint involves alleged unlawful political discrimination in connection with any employment decision by the Sheriff that occurred *before* October 30, 2008, then you should not submit the attached SRO Complaint Form. Instead, you may submit to the Sheriff’s Compliance Administrator, Clifford L. Meacham, prior to February 27, 2009, either: (i) a notarized SRO Claim Form (Form 2) and Release of Claims Against the Sheriff of Cook County Form (Form 3); or (ii) an Opt-Out Request Form (Form 1). SRO Claim Forms and Opt-Out Request Forms are available from the Sheriff’s Compliance Administrator at [www.sheriffshakman.com](http://www.sheriffshakman.com) and are also available at [www.cookcountysheriff.com](http://www.cookcountysheriff.com).

#### **IV. What Happens Once I File an SRO Complaint Form?**

For details regarding the SRO Complaint process, please review Section V of the SRO, which is posted on the Sheriff’s website, [www.cookcountysheriff.com](http://www.cookcountysheriff.com) and the Sheriff’s Shakman Compliance Administrator’s website at [www.sheriffshakman.com](http://www.sheriffshakman.com). A summary of the SRO Complaint process is set out below.

The Sheriff’s Office of Professional Review is responsible for conducting or directing the investigation of all timely SRO Complaints. The Sheriff’s Office of Professional Review will provide a copy of the SRO Complaint to the Sheriff’s Compliance Administrator. All SRO Complaints are otherwise confidential and will not be disclosed to anyone outside the Sheriff’s Office of Professional Review except as provided for in the SRO. The Sheriff’s Compliance Administrator and his staff will not disclose the contents or existence of the SRO Complaint to anyone other than the Court.

Within 30 days of receipt of the SRO Complaint Form, the Sheriff’s Compliance Administrator will send you a Notice of Rights pamphlet.

The Sheriff’s Office of Professional Review will investigate SRO Complaints expeditiously. The Sheriff’s Office of Professional Review will attempt to complete its investigation within 180 days after its initiation. If any investigation is not completed within 180 days, the Sheriff’s Office of Professional Review will notify you, Class Counsel and the Sheriff’s General Counsel of the reasons for its failure to complete the investigation within 180 days.

At the conclusion of its investigation, the Sheriff’s Office of Professional Review will report in writing the results of its investigation to the SRO Complainant, the Sheriff’s Compliance Administrator, Class Counsel, and the Sheriff’s General Counsel. If the Sheriff’s Office of Professional Review finds at the conclusion of its investigation that impermissible political factors were considered in an employment decision, the Sheriff’s Office of Professional Review’s report will include the names of all individuals who, according to its investigation,

were victims of unlawful political discrimination in connection with any aspect of government employment with the Sheriff and the individuals responsible for such discrimination.

## **V. The Arbitration Process**

The Arbitration Demand Form must be received by the Sheriff's General Counsel within **30 days** after the date of the Office of Professional Review's Case Report. Completed Arbitration Demand Forms should be sent to:

Sheriff of Cook County General Counsel  
Richard J. Daley Center  
50 W. Washington, Ste. 704  
Chicago, IL 60602

For details regarding the SRO Arbitration Process, please review Section V of the SRO, which is posted on the Sheriff's website, [www.cookcountysheriff.com](http://www.cookcountysheriff.com) and on the Sheriff's Shakman Compliance Administrator's website, [www.sheriffshakman.com](http://www.sheriffshakman.com). A summary of the SRO Arbitration process is set out below.

The Arbitration Demand should include as much detail as possible to inform the Sheriff of the claim being asserted and the conduct that is alleged to violate the SRO and the relief sought. The Arbitration Demand must also include:

- (1) a copy of the SRO Complaint Form you submitted to the Office of Professional Review to start the investigation **and**
- (2) a copy of the Office of Professional Review's Case Report you received at the end of the investigation.

**Settlement Conference.** Within **28 days** of receiving an Arbitration Demand Form, you, the Sheriff's General Counsel's Office, and the State's Attorney's Office must meet in person to discuss settling your case. You may be represented by counsel or any other representative of your choice at your own expense. The Sheriff's Compliance Administrator or a member of his or her staff will also be present at the conference.

You, the Sheriff and the Sheriff's Compliance Administrator may agree in writing to extend the date of the Settlement Conference. The decision about whether to make a settlement offer is solely at the discretion of the Sheriff and the State's Attorney's Office. If you accept the settlement offer, the parties will execute a settlement agreement.

**Timing of Arbitration.** If you have timely submitted an Arbitration Demand Form and are unable to reach a settlement with the Sheriff within **24 days** of the settlement conference, the Arbitrator will send you, the Sheriff's General Counsel, the Cook County State's Attorney's Office and Plaintiff's Class Counsel written notice of his or her selection as the Arbitrator and a proposed arbitration schedule. Arbitrators shall serve on a rotating basis from a panel of 6 arbitrators approved by the Court and administered by the SCA. The exchange of information by the parties through discovery and the arbitration should be completed within 120 days of the selection of the Arbitrator and the Sheriff anticipates seeking the entry of a protective order.

You and the Sheriff, with the Arbitrator's approval, can agree to extend the time for completing the arbitration. Failure to complete the arbitration within 120 days will not affect the validity of the Arbitrator's award.

**Arbitration Costs.** The Arbitrator's fees and any costs of administration will be paid by Cook County. The proceeding shall be electronically recorded. Either party may order a copy of the transcripts at its own expense. Each party is responsible for the costs of compensating its own witnesses and the costs of any transcript, if desired. You may appear on your own behalf, be represented by an attorney, or be represented by any other representative of your choice.

**Governing Rules.** The arbitration shall be governed by the Employment Arbitration Rules and Mediation Procedures of the American Arbitration Association, except as modified by the SRO. These rules can be found at the American Arbitration Association's website [www.adr.org](http://www.adr.org).

**Arbitrator's Decision.** The Arbitrator will issue a written decision within 30 days of the completion of the arbitration hearing. The Arbitrator has no authority to modify any provision of the Sheriff's Hiring Plan, the Sheriff's Consent Decrees or the SRO.

**Attorney's Fees.** If you are found to be the prevailing party, the Arbitrator's award will include your reasonable attorneys' fees and costs as determined by the Arbitrator.

**Finality of Decision.** You or the Sheriff may file a motion to vacate, modify, or correct the Arbitrator's award as provided under the Illinois Uniform Arbitration Act, 710 ILCS 5/11-5/15, before Judge Wayne Andersen or the judge to whom the *Shakman*, 69 C 2145 case has been assigned, within **90 days** after the Arbitrator's decision is issued.

**Waiver.** If you proceed under the Arbitration Process described herein, you waive any and all rights you may otherwise have arising from the alleged political discrimination set forth in your written Arbitration Demand Form.