

Sheriff of Cook County)	
)	
vs.)	
)	Docket No. 2073
Deputy Sheriff)	
Keisha L. Stiggers)	
Star # 11139)	

DECISION

This matter coming on to be heard pursuant to notice before Vincent T. Winters on September 17, 2019, Board Member, the Cook County Sheriff's (CCSO) Merit Board finds as follows:

Jurisdiction

Keisha Stiggers, hereinafter Respondent, was appointed a Deputy Sheriff on August 9, 1999. Respondent's position as a Deputy Sheriff involves duties and responsibilities to the public; each member of the Cook County Sheriff's Merit Board, hereinafter Board, has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; the Board has jurisdiction of the subject matter of the parties in accordance with 55 ILCS 5/3-7001, *et seq*; and the Respondent was served with a copy of the Complaint and notice of hearing and appeared before the Board with counsel to contest the charges contained in the Complaint.

As a threshold matter, a proceeding before the Merit Board is initiated at the time the Sheriff files a written charge with the Merit Board. 55 ILCS 5/3-7012. A document is considered filed, in this case with the Merit Board, "when it is deposited with and passes into the exclusive control and custody of the [Merit Board administrative staff], who understandingly receives the same in order that it may become a part of the permanent records of his office." *See Dooley v. James A. Dooley Associates Employees Retirement Plan*, 100 Ill.App.3d 389, 395 (1981)(quoting *Gietl v. Comminssioners of Drainage District No. One*, 384 Ill. 499, 501-502 (1943) and citing *Hamilton v. Beardslee*, 51 Ill. 478 (1869)); accord *People ex rel. Pignatelli v. Ward*, 404 Ill. 240, 245 (1949); *in re Annex Certain Terr. To the Village of Lemont*, 2017 IL App (1st) 170941, ¶ 18; *Illinois State Toll Highway Authority v. Marathon Oil Co.*, Ill. App. 3d 836 (1990) ("A 'filing' implies delivery of a document to the appropriate party with the intent of having such document kept on file by that party in the appropriate place." (quoting *Sherman v. Board of Fire & Police Commissioners*, 111 Ill. App. 3d 1001, 1007 (1982))); *Hawkyard v. Suttle*, 188 Ill. App. 168, 171 (1914 ("A paper is considered filed when it is delivered to the clerk for that purpose.")).

The original Complaint in this matter was filed with the Merit Board's administrative staff on September 8, 2017, an amended complaint was filed on January 26, 2018, and a second amended complaint was filed on September 13, 2019. Regardless of whether or not Merit Board Members were properly appointed during a given term, the Merit Board, as a quasi-judicial body and statutorily created legal entity, maintained at all times a clerical staff not unlike the Clerk of

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the Circuit Court ("Administrative Staff"). These Administrative Staff members receive and date stamp complaints, open a case file, assign a case number, and perform all of the functions typically handled by the circuit clerk's office. Just as a timely filed complaint would be accepted by the circuit clerk even if there were no properly appointed judges sitting on that particular day, so too was the instant Complaint with the Administrative Staff of the Merit Board. Accordingly, the Complaint filed on September 8, 2017 commenced the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

Findings of Fact

The Sheriff filed a complaint on September 8, 2017, an amended complaint on January 26, 2018, and a second amended complaint on September 13, 2019. The Sheriff is requesting termination.

On August 9, 1999, Respondent was appointed a Deputy Sheriff. Respondent was assigned to the Criminal Courts Building at 2650 South California, Chicago, IL, with the Cook County Sheriff's Court Services Division.

The Sheriff called [REDACTED] who is employed with the Cook County Sheriff's Payroll Department Office of Professional Review and is the Director of Payroll. (R.16). [REDACTED] testified that deputy sheriffs would sign in and out on original timesheets and that those sheets would be forwarded to the payroll department (R. 16, 17). Payroll would review those sheets and pay the employees appropriately. [REDACTED] testified about seven specific dates in which the Respondent wrote in that she arrived at 6:00am and was paid from 6:00 am until she wrote that she left. (R. 38, 39). On some of the seven dates, the Respondent stayed late because bond court was still going on and she was paid overtime. [REDACTED] testified that there is no way for payroll to know if an employee arrived early or left early and that they rely on the employee's timesheets. (R. 21).

The Sheriff called former sergeant [REDACTED] who testified that he retired from the Cook County Sheriff's Department in November 2018 in good standing and that his last position was an investigator in the Sheriff's Police Inspectional Services Section. (R. 52). [REDACTED] testified that he investigated allegations of employee misconduct and how the investigations were initiated. (R. 52, 53). [REDACTED] testified that during his time as an investigator he was assigned to investigate the allegations against the Respondent in 2015 (R. 54). [REDACTED] testified that the general way he investigated a case is to look at the video, review timesheets, payroll records, 3-part forms and the Sheriff's Office policies and regulations as well as interview the accused. (R. 53, 54). [REDACTED] testified that he reviewed Saturdays, Sundays and holidays of the Respondent entering and exiting the Criminal Courts Building (R.58, 59). [REDACTED] testified that he interviewed the Respondent and that she admitted to putting down the wrong times on her timesheets and that they did not match up with the time she actually arrived. (R. 60-67).

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Respondent Stiggers admitted that she was tardy on numerous occasions but that her sergeant told her to just sign in at 6:00 am (R. 117). Respondent testified that sometime in 2011 her shift went from an 8 hour to a 10 hour shift and that on weekend and holidays her

shift was from 6:00 am to 4:00 pm. (R. 114). Respondent testified that on weekend and holidays only bond court is open. (R. 114). Respondent testified that roll call was not regular during weekends and holidays and that she was assigned to bond court. (R. 114-115). Respondent testified that the practice was for each employee to enter 6:00am regardless of when they arrive. (R.116). Respondent testified that she takes responsibility for her actions and that they were consistent with what was occurring on this shift and at that time. (R. 71-72, 120-122).

Respondent admitted that she was late on the 4 dates in question and left the facilities on another 4 dates. Respondent was late one hour and thirty one minutes and left the facilities for a total of ten hours and nineteen minutes.

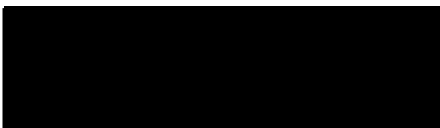
Conclusion

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Board finds that Respondent violated the Court Services Department General Order No.3101.2 I, II, IV, VII; Cook County Court Services Department Lexipol Policy Manual., Policy No.321 and Policy No.1007; and Cook County Sheriff's Department Merit Board Rules and Regulations, Article X, Paragraph B.

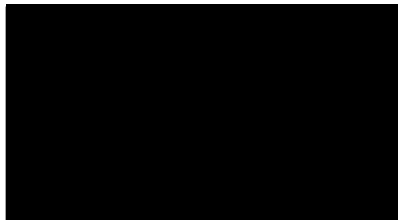
Order:

Wherefore, based on the foregoing, it is hereby ordered that Respondent Keisha Stiggers be suspended from the Cook County Sheriff's Office effective September 8, 2017 for 9 days

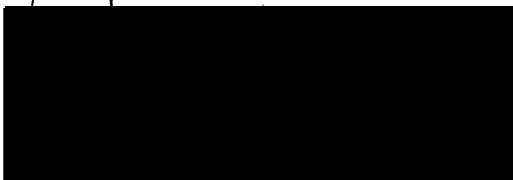
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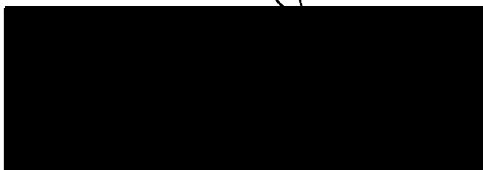
John J. Dalicandro, Chairman



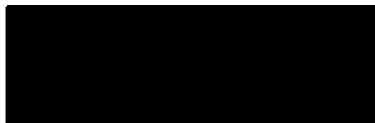
Kim R. Widup, Board Member



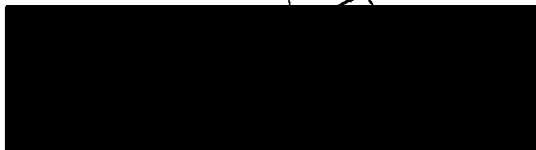
Byron Brazier, Vice-Chairman



Juan L. Baltheres, Board Member



Vincent T. Winters, Secretary



Kimberly Pate Godden, Board Member

Date

January 10, 2020