

COOK COUNTY SHERIFF'S MERIT BOARD

Sheriff of Cook County)
)
vs.)
) **Docket No. 2074**
Deputy Sheriff)
Jeanne Zapata)
Star # 11274)

DECISION

This matter coming on to be heard pursuant to notice before Byron T. Brazier, Board Member, on July 22, 2019 Board finds as follows:

Jurisdiction

Jeanne T. Zapata, hereinafter referred to as the Respondent, was appointed a Cook County Correctional Officer on June 30, 2003. Respondent's position as a Correctional Officer 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. Commissioners 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 and an Amended complaint was filed on January 26, 2018 and a 2nd amended complaint on July 10, 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 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 commencing the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

Background:

On June 30, 2003, Jeanne T. Zapata was appointed a Deputy Sheriff and was assigned to the Criminal Courts Building (CCB) located at 2650 S California. Chicago, IL.

Findings of Fact:

██████████ – Director of Payroll

1. Confirmed all sign-in sheets for the dates of alleged time sheet infractions and payroll’s reliance on the time and attendance forms submitted and signed by the respondent for work performed for each date.
2. She also confirmed overtime sheets signed by respondents.
3. She confirmed the policy for docking Correctional Officers and that respondent was not docked for the alleged infractions.
4. She also confirmed that there was no redlining performed on her any of her sign-in sheets as were other names on the same time sheets presented by the Sherriff.
5. The reasons for redlining if a person is tardy or on a regular day off.

██████████ -- OPR Investigator

1. Interviewed respondent on the allegations of time sheet fraud allegations.
2. Explained the process for interview and documentation received and signed by respondent.
3. Respondent was given the right to review several videos and review any time sheets for any discrepancies.

4. Sheriff submitted an audio to confirm the admission of respondent to being late on the alleged dates of infractions and that it was her signature on the time sheets.

██████████ - - Retired OPR Investigator

1. Reviewed the videos of sign in at the CCB location and witnessed Respondent signing in late.
2. Video was played to show that on 10/11/15, video showed Respondent walking in late at 7:05am for a shift that started at 6:00am
3. Next video is 10/18/15 at 10:10am demonstrated Respondent walking in late for a 6:00am shift
4. Next video is 10/25/15 demonstrating Respondent entered the CCB building at 8:00am for a shift that started at 6:00am
5. Next video for November 5, 2015 showed that Respondent entered the facility at 7:00am for a 6:00am shift
6. Next video April 3, 2016 at respondent arrived at 6:55am for a shift that started at 6:0am
7. Next video showed May 1, 2016 showed that Respondent arrived at CCB at 6:21am for a shift that started at 6:00am
8. May 1, 2016 at 9:16am the respondent left the building for a shift that started at 6:00
9. May 1, 2016, Respondent was returning to CCB at 11:52am
10. May 22, 2016 at 6:20 Respondent arrived for her shift that started at 6:00am
11. June 5, 2016 at 8:01 Respondent arrived for her shift that started at 6:00am

Reviewed timesheets and found that she signed in inappropriately and did not submit 3-part forms for time worked adjustment. She also applied for overtime on several of the days.

Deputy Zapata

1. When she signed in late, the sign-in sheets had not been redlined by the Sargent. Council is looking to demonstrate that the supervisors did not perform their Job

2. Supervisors did not perform their duty. She was never counseled about her behavior of being late. Her time was never redlined by the supervisor even though there were others that had been redlined.
3. She never missed an assignment. Council presenting the case that they were not busy until 12:00 noon, when bond court would open. And coming late would not have been or meant anything because they would only be sitting around.
4. Agrees that she understands that General orders and has signed the documentation that she has a copy of the policies and procedures
5. Agrees that she understands the purpose of the 3-part form and has used it in the course of business. She submitted an overtime 3-part form on a number of days that she was late.
6. Respondent received full pay for the days she was late.
7. Respondent has a history of discipline for misuse of sick time policy, and other General Orders concerning use of time. Respondent does not recall any discipline.
8. Respondent does not dispute any of the allegations concerning her being late and tardy but disputes Oct 18th at 10:10.
9. Evidence was presented that demonstrated that this was an acceptable behavior and practice by Supervisory personnel.

Conclusion

The Sheriff has proven, by the preponderance of evidence and by the admission of the respondent that the respondent violated the Sheriff's General Orders and the Cook County Sheriff's Merit Board Rules and Regulations.

Order: Wherefore, based on the foregoing, it is hereby ordered that the Respondent Jeanne Zapata receive a 30-day suspension.

JOHN J. DALICANDRO, Chairman
BYRON BRAZIER, Vice-Chairman
VINCENT T. WINTERS, Secretary
KIM R. WIDUP, Board Member
JUAN L. BALTIERRES, Board Member
KIMBERLY PATE GODDEN, Board Member
ELENI P. SIANIS, Board Member



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COOK COUNTY
SHERIFF'S MERIT BOARD
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Jeanne Zapata
Deputy Sheriff
Docket No. 2074

This Final Order is adopted and entered by a majority of the Members of the Merit Board:

John J. Dalicandro, Byron Brazier, Vincent T. Winters, Kim R. Widup, Juan L. Baltierres, Kimberly Pate Godden and Eleni P. Sianis.

Not Present: None

DISSENT

The following Members of the Merit Board dissent from the Findings and Decision of the majority of the Board.

[NONE]

DATED AT COUNTY OF COOK, STATE OF ILLINOIS, THIS 15th DAY OF OCTOBER, 2020.