

Filings by the Parties

Applicant filed a timely Appeal as provided by Section 2-84-035(b) of the Municipal Code of Chicago. No response to Applicant's Appeal was filed within the time period allowed by the Police Board Rules of Procedure.

According to the Notice, Applicant was removed from the list of eligible applicants for the position of probationary police officer for the following reason:

"D. Disqualification Based on Prior Employment History

2. A poor employment history will result in disqualification for the position of Police Officer. An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, absenteeism, tardiness, or failure to follow regulations will be found unsuitable for employment."

Department cited the following conduct, in summary:

Applicant told the background investigator that Applicant was terminated from his employment as a bank teller where he'd been employed for a year after it was found the bank vault was missing \$800. Investigator further reported Applicant explained Applicant went with another employee to the vault to get \$800 in change for a customer but that he must have forgotten to get the \$800 from the customer in exchange, and further explained the security camera had poor quality footage and it could not be determined whether the customer gave Applicant the \$800, and that because of company policy if a teller was short more than \$500 at the end of the day the teller's employment was automatically terminated. (Candidate Background Investigation, 14 September 2018).

In summary, Applicant appeals the disqualification because Department erred because his employment with the bank was terminated "due to a company policy and not due to evidence indicating that [he] was incompetent, insubordinate, or frequently absent or tardy." (Appeal Letter dated August 26, 2021)

Applicant points to the following:

That he takes full responsibility for not ensuring the customer provided the money to exchange for smaller denominations and recognizes the seriousness of not following protocols and processes.

That he was terminated due to company policy and not dishonesty.

(Appeal Letter dated August 26, 2021)

Findings of Fact

Filings were timely.

Department provided the factual basis for its decision to disqualify Applicant and remove his name from the eligibility list. Applicant was terminated from his employment at the bank for which he worked for a year after an incident in which Applicant did not follow bank procedures and which resulted in an \$800 shortfall at the end of Applicant's workday. Department articulated the standard by which the conduct was assessed by section and paragraph and description, giving reasonable notice as to the basis for disqualification.

Applicant did not deny the conduct that formed the basis for the disqualification. The additional facts he asserted was that it was the bank's policy to automatically terminate the employment of a teller that had a shortfall of more than \$500. He asserted that he was terminated because of this bank policy and not due to evidence of dishonesty, incompetence, insubordination, tardiness or absenteeism. The basis cited for disqualification states, in part: "An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, absenteeism, tardiness, or failure to follow regulations will be found unsuitable for employment." By not following processes and protocols to ensure the \$800 exchange was properly handled, Applicant failed to follow regulations and/or

demonstrated incompetency in his employment.

Conclusions of Law

Pursuant to the Municipal Code of Chicago (“MCC”) 2-84-030 the standard of review for appeals of disqualification and removal of an applicant’s name from the Eligibility List is that Applicant shall show by a preponderance of evidence that Department’s decision to remove the applicant from the Eligibility List was erroneous (MCC 2-84-035(c)). Therefore, findings and recommendations are based upon whether Applicant’s appeal shows by a preponderance of the evidence that Department erred in removing his name from the Eligibility List.

Applicant did not show by a preponderance of the evidence that Department erred in the exercise of its decision to remove him from the Eligibility List.

Recommendation

Based on my findings and conclusions set forth above, I recommend that the decision to remove Applicant from the list of eligible applicants for the position of probationary police officer be **affirmed**.

Respectfully submitted,

/s/ Laura Parry, Esq.
Appeals Officer

Date: December 23, 2021

POLICE BOARD DECISION

The members of the Police Board of the City of Chicago have reviewed the Appeals Officer's findings, conclusions, and recommendations.

The Police Board hereby adopts the Appeals Officer's findings, conclusions, and recommendation by a vote of 9 in favor (Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Nanette Doorley, Michael Eaddy, Steve Flores, Jorge Montes, and Andrea L. Zopp) to 0 opposed.

NOW THEREFORE, IT IS HEREBY ORDERED that the decision to remove [name redacted], Applicant No. [redacted], from the list of eligible applicants for the position of probationary police officer is **affirmed**.

This decision and order are entered by a majority of the members of the Police Board: Ghian Foreman, Paula Wolff, Steven A. Block, Mareilé B. Cusack, Nanette Doorley, Michael Eaddy, Steve Flores, Jorge Montes, and Andrea L. Zopp.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 24th DAY OF FEBRUARY, 2022.

Attested by:

/s/ GHIAN FOREMAN
President

/s/ MAX A. CAPRONI
Executive Director