

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
SHELBY COUNTY, ILLINOIS

In Re FOP pending grievances / arbitration) 21 MR
) 2021MR77

MOTION FOR APPOINTMENT OF SPECIAL PROSECUTOR

NOW COME the People of the State of Illinois by Shelby County State's Attorney, Nichole Kroncke, and pursuant to the provisions of 55 ILCS 5/3-9008 move for the appointment of a Special Prosecutor in this case. The representation of this case by the State's Attorney's Office could be a conflict of interest for the office, or alternatively, could create the appearance of an impropriety. It is in the interest of justice that a Special Prosecutor be appointed. In this particular case the reasons for requesting the appointment of a Special Prosecutor are:

1. In May of 2020, the Shelby County payroll system moved to “payment in arrears,” resulting in a one-week delay of payment for all Shelby County employees. Prior to May of 2020, employees were paid in advance, resulting in payment prior to time earned.
2. As a result in the change to a “payment in arrears” payroll system, employees were permitted to utilize leave banks by cashing out earned time off so that employees could avoid missing payment of wages during the one-week delay of payment.
3. On June 3, 2020, a Remedy Agreement of Grievance was entered into by the Shelby County Board Grievance Committee and the Illinois FOP Labor Council. The Remedy Agreement was filed in the Shelby County Clerk’s Office on June 29, 2020. (See attached Exhibit A, remedy agreement filed June 29, 2020, three (3) pages).

4. The grievance remedy permitted employees to replenish leave banks and receive reimbursements for offsets that occurred when Shelby County entered into a change in payroll periods by moving to an arrears system.
5. On July 8, 2020, the Shelby County Grievance committee presented the remedy agreement to the Shelby County Board. The Shelby County Board voted to approve the grievance remedy with reimbursements to be made to employees who were parties to the agreement under separate checks. (See attached Exhibit B, Shelby County Board minutes, July 8, 2020, four (4) pages).
6. Erica Firnhaber, the Shelby County Treasurer, did not pay the reimbursement checks.
7. On August 12, 2020, the above-referenced grievance remedy was discussed by the Shelby County Board in closed session. During closed session, according to the minutes, the treasurer stated that the employees at issue “are owed nothing.” Two grievance committee members, according to the minutes, stated that the matter would be proceeding to arbitration. (See attached Exhibit C, closed session minutes, August 12, 2020, one (1) page).
8. The Shelby County Board took no final action with respect to the grievance remedy following the closed session discussion. (See attached Exhibit D, county board meeting minutes, August 12, 2020, five (5) pages).
9. The current Shelby County State’s Attorney engaged in communications with the treasurer regarding the obligation to honor the remedy that was ratified by the Shelby County Board.
10. To date, the Shelby County Treasurer has not paid the reimbursement checks to employees who were parties to the agreement. As a result, on April 23, 2021, the Illinois FOP Labor Council demanded arbitration. (See attached Exhibit E, demand for arbitration).

11. As a separate issue, the current collective bargaining agreement between Shelby County and the Illinois FOP Labor Council provides that vacation time is to be awarded to employees on their anniversary date of hire. In practice, for decades, employees of the Shelby County Sheriff's Office have been awarded their vacation time on January 1 of each year.
12. In January of 2021, the Shelby County Sheriff directed employees of his office that the language of the FOP contract must be followed. Specifically, that vacation time would be awarded on each employee's anniversary date of hire, rather than on January 1.
13. As a result of the sheriff's directive, between January 4 and January 11, 2021, grievances were filed by twenty-eight (28) employees of the Shelby County Sheriff's Office. (See attached Exhibit F, FOP grievances, 28 pages).
14. On January 14, 2021, a grievance remedy was entered into by Sheriff Don Koonce, Shelby County Board Chairman Robert Orman, and the FOP. The remedy provides, "Employees who filed grievances will be awarded vacation days on January 1, 2021, rather than anniversary date of hire. Those employees will have until December 31, 2021 to utilize vacation time awarded on January 1, 2021 (consistent with past practice). This resolution will be in effect until the expiration of the current Collective Bargaining Agreement; August 31, 2021 or until a successor agreement is ratified and will not extend thereafter." (See attached Exhibit G, grievance remedy).
15. Shelby County State's Attorney Nichole Kroncke was present for the negotiations, participated in discussions which led to the grievance remedy, provided legal advice, and witnessed the parties ratify the agreement.
16. Two employees subsequently resigned with unused vacation time awarded on January 1, 2021. The Shelby County Treasurer refused to pay the monetary value of the earned and unused

vacation time, despite a directive from the Sheriff's Office to the Shelby County Treasurer to pay. As a result, the employees at issue filed union grievances. (See attached Exhibit H, grievances filed by C/O Haynes, C/O Durbin and "any other employee denied payment for accrued vacation," 2 pages).

17. In addition, C/O Missy Haynes filed a grievance alleging that she was not paid earned compensatory time upon resignation, despite the Sheriff's Office directing the Shelby County Treasurer to pay. (See attached Exhibit I, grievance filed by C/O Haynes).
18. On May 18, 2021, Shelby County State's Attorney Nichole Kroncke advised the Shelby County Treasurer that C/O Haynes was entitled to a total 280 hours of vacation time payment and 479 hours of accumulated compensatory time off payment. (See attached Exhibit J, written correspondence between the Shelby County State's Attorney and the Shelby County Treasurer).
19. To present date, the Shelby County Treasurer has not paid C/O Haynes and Durbin as directed by the Sheriff's Office and the Shelby County State's Attorney for awarded and unused vacation and compensatory time.
20. On June 29, 2021 and August 25, 2021, the FOP informed Shelby County that it is advancing the grievances filed by former employees Haynes and Durbin to arbitration. (See attached Exhibit K, demands for arbitration).
21. It is anticipated that all pending grievances (those based on change to arrears payroll system as well as those based on awarded and unpaid vacation and compensatory time) will proceed to arbitration in a consolidated fashion before the same arbitration panel on the same date and at the same time.
22. Counsel representing the FOP intends to call the current Shelby County State's Attorney as a witness at the arbitration proceedings referenced in paragraph twenty-one (21). Further, counsel


for the FOP has notified the current Shelby County State's Attorney of the FOP's intent to call her as a witness.

23. In McDonald v. County Board of Kendall County, a disagreement arose between the Kendall County State's Attorney and the Kendall County Sheriff concerning formerly shared resources. The court held that "the State's Attorney was faced with the distinct possibility of being called as a witness in this matter if a hearing had been necessary. Such a possibility has been held to necessitate the appointment of a special State's Attorney." 146 Ill.App.3d 1051, 1057, 497 N.E.2d 509, 513 (2nd Dist., 1986).
24. Further, in People v. Doss, 384 Ill. 400 at 405 (1943), a grand jury investigation occurred. The grand jury filed a petition in circuit court requesting a special prosecutor because the grand jury believed the State's Attorney may be called as a witness before that body. The Illinois Supreme Court held "we believe the appointment of a special State's Attorney to act in this case before the matter was presented to the grand jury was the regular and proper procedure."
25. In this case, the FOP intends to call the current Shelby County State's Attorney as a witness during arbitration proceedings to testify. The State's Attorney's testimony will be relevant (1) to provide information regarding agreements reached between the Shelby County grievance committees, the Shelby County Board, and the FOP and (2) to provide information regarding communications between the State's Attorney and the Treasurer regarding unpaid vacation and compensatory time. For these reasons, the Shelby County State's Attorney will have a conflict in representing the county during the arbitration proceedings.
26. Further, court action and/or proceedings may be necessary following the conclusion of the arbitration hearing in order to enforce the binding decision rendered by the arbitration panel. In that event, the Shelby County State's Attorney may be in a position of pursuing a writ of

mandamus against an elected official (the Shelby County treasurer) which the State's Attorney's Office represents.

WHEREFORE, the People pray for the appointment of a Special Prosecutor to represent Shelby County during arbitration proceedings and to represent Shelby County during any court action or proceeding that may be necessary to enforce any binding decision rendered by the arbitration panel.

Respectfully submitted,


Nichole Kroncke, Shelby County
State's Attorney

6-3-20 Remedy Agreement of Grievance with Shelby Co. FOP

- *Meeting was held between Shelby Co Board Grievance Comm and Shelby Co. FOP representatives
- *The following settlement and terms were agreed to by All
- *The agreement was presented to the Shelby County Board on 6-10-20 and will be presented
For approval of the board on 7-8-20.
- *The one time options can be elected by any Shelby County FOP employee at the next payroll period

This Remedy is to allow a Shelby County Sheriff Dept FOP member to change the election they made
5-9-20 and take another option. This is when Shelby County payroll periods moved to arrears.

1. Some Employees will Accept the one-week offset
2. Some employees will agree to up to 40 hrs of pay for the move to arrear week. They will pay back
the hours at 4 hrs per pay period until payback is reached. Replenish of leave banks used on
5-15-20 payroll can be done up to 40 hrs.
3. Upon implementation, all Reimbursements will be made to employees by the County under a
separate check.

Dale Wetherell-Grievance chairperson

Mark Russillo --FOP

David Swits—Grievance Comm.

Daine Burkhead-FOP

Gary Patterson—Grievance Comm.

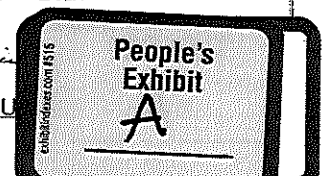
Justin Dudra--FOP

Gina Vonderheide—States Attorney

Jeff Wood-FOP

FILED
JUN 29 2020

James
SHELBY COUNTY



Settlement of Arrears Grievance

OPTION 1. LEAVE IT THE SAME

OPTION 2. REPLENISH YOUR BENEFIT TIME (WHICHEVER YOU USED)

OPTION 3. REQUEST PAY (40HRS) FOR THE WEEK MOVED TO ARREARS

(OPTION 2 AND OPTION 3 YOU WILL REPAY THE SETTLEMENT 4HRS PER PAYCHECK FOR 10 PAYS)

NAME	OPTION 1	OPTION 2	OPTION 3
RICK HOADLEY	✓		
ADAM HUDSON		✓	
BRANDON GATTON		✓	
BRENNON ATKINSON		✓	
CWENTON WILLIAMS		✓	
DAINE BURKHEAD		✓	
DEVON DURBIN		✓	
MISSY HAINES		✓	
TONYA ATTEBERRY	✓		
BOB ZAKOWSKI		✓	
PEGGY SOKOLIS		✓	
CINDY JONES	✓		
JEFF MEEK	✓		
TIM CULBERSON	✓		
JACK EZELL			✓

THIS CHANGE
WAS AFTER RECALC
BASED

Settlement of Arrears Grievance

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(OPTION 2 AND OPTION 3 YOU WILL REPAY THE SETTLEMENT 4HRS PER PAYCHECK FOR 10 PAYS)

NAME	OPTION 1	OPTION 2	OPTION 3
ANDREW MUDGETTE			✓
BRANDON SARVER	✓		
CODY REEVES	✓		
DAVID MYERS			✓
DUSTIN LUSTIG	✓		
JACOB WASHBURN			✓
JEFF WOOD	✓		
JESSE BRANDT	✓		
JUSTIN DUDRA			✓
QUINCY WOOD	✓		
SEAN MCQUEEN	✓		
ERICA BAILEY			✓
TINA WADE			✓

SHELBY COUNTY BOARD MEETING

July 8, 2020 – 9:00 A.M.

The Shelby County Board met on Wednesday, July 8, 2020, at 9:00 A.M. at the Lion's Club Building in Forest Park in Shelbyville, Illinois. Meeting location was changed to accommodate the public.

Chairman Bruce Cannon called the meeting to order. All present recited the Pledge of Allegiance and Board member Gary Gergeni.

County Clerk Jessica Fox called the roll. Mulholland was absent.

Minutes for the June 10, 2020 board meeting were presented for approval. Wetherell made motion to approve the minutes as presented. Gergeni seconded said motion, which passed by voice vote (19 yes, 0 no).

Upon recommendation by the Republican Central Committee, Chairman Cannon requested the appointment of Jeff Slifer to Shelby County Board District #6 to fill the vacancy created by the resignation of James Arthur.

Wetherell made motion to approve the appointment of Slifer. Gergeni seconded said motion, which passed by voice vote (19 yes, 0 no).

Clerk Fox administered the Oath to Mr. Slifer, and he took his seat on the board.

Health Administrator Steve Melega addressed the board to provide an update on the Covid-19 pandemic and its impact on Shelby County. 1,242 negative tests have been performed in Shelby County with 19 cases reported and 1 death. Melega reported 80% of the people who contract this disease will recover. Melega encouraged those in attendance to continue to minimize risks and exposure by following CDC guidelines, social distancing, using good hand hygiene, and wearing a mask. EMA Director Jared Rowcliffe stated he had been issuing press releases for the county, receiving, and distributing PPE resources to first responders and area long term care facilities to name a couple. Rowcliffe stated at this time local EMA services are being directed to stockpile as much resources as possible should another crisis occur soon.

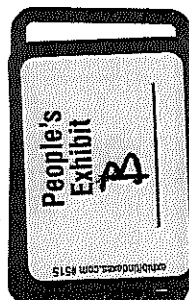
Jessica Fox, Election Authority, addressed the board regarding the Report of the Selection of Election Judges for the 2020 – 2022 terms. Every two years, the board approves the proper ratio of persons to serve as Election Judges in each election precinct from certified lists which have been furnished by the Chairmen of the County Central Committees. (See list of Election Judges to be commissioned in the County Clerk's office).

Simpson made motion to approve the persons to serve as election judges for the 2020 – 2022 two-year terms as presented. Gergeni seconded said motion, which passed by voice vote (20 yes, 0 no).

Treasurer Erica Firnhaber presented the revenue and expense report. The county has a current cash balance of \$1,144,083.27. Next, Firnhaber informed the Board due to a recent cost of living increase for the State's Attorney, it is necessary for the Board to approve an increase in the Public Defender's salary (55 ILCS 5/3-4007). The new salary for the Shelby County Public Defender will be \$124,742.80. The State reimburses 2/3 of this salary.

Bennett made motion to approve the pay increase for the Public Defender. Orman seconded said motion, which passed by voice vote (19 yes, 1 no Barr).

The Grievance committee (Dale Wetherell, David Swits and Gary Patterson) addressed the board regarding the settlement with FOP for the payroll schedule change grievance that was filed against the county board. The remedy was filed in the County Clerk's office on June



29th after being presented to the State's Attorney for final approval. Clarification was requested about the 3rd item listed on the agreement that reads upon implementation, all reimbursements will be made to employees by the County under a separate check. Board members Gergeni and Orman asked the committee what exactly this meant? The committee explained that 2 checks were requested by FOP to have less of a tax deduction with receipt of this additional payroll check. The Treasurer confirmed that a reimbursement check and a payroll check are 2 different things. The FOP contract states the only time, per the FOP contract, the FOP is required to get 2 checks is for retroactive pay. Wetherell stated he had spoken with West and Co. the county auditor regarding this grievance agreement. (Grievance agreement filed in the Clerk's office on June 29th attached to these minutes).

Wetherell made motion to approve the FOP Grievance agreement. Coffman seconded said motion, which passed by roll call vote: Aye – Barr, Bennett, Chaney, Coffman, Drnjevic, Durbin, Gergeni, Hayden, Jordan, Kearney, Lenz, Metzger, Orman, Patterson, Simpson, Slifer, Swits, Wetherell and Williams. Nay – Baker. Not voting: Cannon.

Shelby County Board Meeting **July 8, 2020**

Board member Gary Gergeni requested the county accept a letter of engagement from BB and A for a payroll audit to clear up the issue of a possible overpayment made to employees of the Shelby County Sheriff's office. Gergeni reported there is plenty of money in the budget line item to cover the expense related to this specialized audit. Some of the board members feel the county should wait to do a payroll audit until the Illinois State Police investigation into this matter is resolved. Others felt the board should have a choice of people/companies to choose from for a payroll audit.

Orman made motion to accept the letter of engagement and perform a payroll audit. Baker seconded said motion, which failed by roll call vote: Aye: Baker, Coffman, Gergeni, Orman, Slifer and Wetherell. Nay; Barr, Bennett, Chaney, Drnjevic, Durbin, Hayden, Jordan, Kearney, Lenz, Metzger, Patterson, Simpson, Swits and Williams. (letter of engagement attached to these minutes).

Board member David Swits distributed a proposal from Paylocity for electronic time keeping, payroll and HR services. Discussion was held. Fox reported she had spoken with approximately 40 counties in Illinois and payroll is either done by the County Clerk or the County Treasurer; it is not outsourced.

At this time, Chairman Cannon called for the Highway Engineer's report.

Alan Spesard, County Highway Engineer, requested approval from the board for 4 resolutions and a petition. Spesard presented a petition from the Richland Township Highway Commissioner to replace a box culvert with pipe. This is located 2 miles west of Strasburg and the estimated cost is \$10,000 to be split equally between the Township and the County.

Swits made motion to approve the petition. Lenz seconded said motion, which passed by voice vote (20 yes, 0 no). (Petition attached to these minutes).

The next 3 resolutions presented by Spesard were part of the Rebuild Illinois Grant Funding, which can only be spent on bondable projects. The first resolution was for upgrades to "Country Club Road" which provides federal land access to the Army Corp of Engineers land. This road will be resurfaced from the City limits of Shelbyville to the Opossum Creek campground entry. They have received 2 grants in the amount of 2.1 million dollars. Spesard is requesting \$90,000 from Rebuild Illinois for this project which will still have to be approved by the State.

Wetherell made motion to approve the resolution. Drnjevic seconded said motion, which passed by voice vote (20 yes, 0 no). (Resolution attached to these minutes).

The next resolution was a major bridge grant for Westervelt bridge project on the county highway. This bridge will be funded 80/20 match. Spesard received a million-dollar grant for this bridge a couple of years ago and is asking for \$50,000 from Rebuild Illinois to offset expenses.

Jordan made motion to approve the resolution. Durbin seconded said motion, which passed by voice vote (20 yes, 0 no). (Resolution attached to these minutes).

The final Rebuild Illinois resolution presented was to improve the salt storage at the Highway Department by building a new facility for this. Spesard stated he is asking for \$55,000 in funding for this salt storage facility.

Wetherell made motion to approve the resolution. Patterson seconded said motion, which passed by voice vote (20 yes, 0 no). (Resolution attached to these minutes).

The ICC has awarded Shelby County 100% funding for the Westervelt Railroad Crossing located south of the winery. Spesard next presented a resolution giving the road and bridge committee authority to award the bid for this project on July 20, 2020 at the opening to be held at the County Highway Department. Discussion was held.

Wetherell made motion to approve the resolution. Baker seconded said motion, which passed by voice vote (19 yes, 1 no).

Continuing with updates, Spesard reported the closed bridge in Prairie Township was awarded by IDOT to low bidder Depew & Owen. The low bid was \$326,000 and the estimate for this project was \$288,000. This project will be funded 80% federal, 16% State and 4% local funding. The bridge in Windsor Township is 95% complete.

Chairman Cannon called for committee reports. Reports were given and items presented for follow-up are as follows: (Committee reports are attached to these minutes).

Fees and Salaries committee member Bennett stated the committee had discussed paying for an online meeting. The ETSB meetings were done by Zoom meetings and attended by Bobby Orman. These meetings are arranged by Christian County.

Shelby County Board Meeting **July 8, 2020**

Grievance committee chair Wetherell stated the FOP union was happy about the grievance settlement.

Chairman Cannon reported board member Kay Kearney will be resigning from the board as she and her husband are moving. Kay was thanked for her service and given a standing ovation.

Mark Wolf was appointed trustee to the Tri-County Fire Protection District by resolution, on a motion by Wetherell and a second by Bennett. Motion passed by voice vote (20 yes, 0 no)

Kory Kersey was appointed as trustee to the Cowden Fire Protection District on a motion by Bennett and a second by Barr. Motion passed by voice vote (20 yes, 0 no).

Swits made motion to pay the bills for July. Chaney seconded said motion, which passed by roll call vote: Aye – Baker, Barr, Bennett, Chaney, Coffman, Drnjevic, Durbin, Gergeni, Hayden, Jordan, Kearney, Lenz, Metzger, Orman, Patterson, Simpson, Slifer, Swits, Wetherell and Williams. Nay: none. Not voting: Cannon.

Under public body comment:

Jeremy Williams suggested the board owes Treasurer Firnhaber an apology, requested a balanced budget without the raising of taxes, suggested new leadership for the board, requested the meetings be moved to evenings, requested the board be reduced in size, suggested term limits and thanked Kay Kearney for her service in a kind and professional manner.

Martha Firnhaber also thanked Kay for her professionalism during her time on the board. Firnhaber stated "words matter". She spoke on the investigation by the ISP and stated a payroll audit is vitally important to see if overpayments were not made and money was not overspent. 2 of the 3 companies spoke at an earlier board meeting. Alyssia Benford who's letter of engagement was presented at today's meeting was never given an opportunity to speak to the board and she wondered why. Firnhaber suggested a conflict of interest already exists for John Vanderburg, as he has worked with both the Sheriff and the State's Attorney. Firnhaber informed the board the County needs to stop spending money and protect the taxpaying citizens by allowing those elected officials to do the jobs they were elected to do without outsourcing them. Firnhaber encouraged the board and elected officials to listen to each other, work together and do what's right for the taxpayers.

Marsha White spoke on the fact she had asked for a point of clarification regarding the FOP grievance agreement. She requested the board do things right and make sure things are done legally.

John Kraft, Edgar County Watchdogs, stated the County needs to audit the payroll and if any overpayment is discovered, that amount should be paid back. The FOP grievance agreement is essentially a loan, the employees cashed out time, were paid for that time and now are going to be given the option to pay it back 4 hours per pay period over 10 weeks. Kraft said this is a loan and it is illegal. Committees have no authority; they only can discuss things and recommend to the full board. He questioned if the real estate tax issues at the Airport and the County Farm had been fixed yet. The lease holder, by statute pays the taxes; the county does not. Kraft recommended the board be reduced to 11 and get any money overpaid back on behalf of the taxpayers.

Kirk Allen, Edgar County Watchdogs, informed the board that the State's Attorney had paid back overcompensation she received. Allen suggested the board include in any future compensation resolutions what meetings the board can be paid for. Allen informed the board they have no authority to hire any attorney for the State's Attorney. The board only controls the number of assistants and the money. That is clearly outlined in the State's Attorney statutes. Allen urged the board to do a motion to reconsider the payroll audit at this meeting. Allen stated this board needed to have an honest and professional discussion to fix some of the problems currently being faced.

There was no further business to come before the Shelby County Board.

Wetherell made motion to adjourn until the next regular meeting to be held on August 12, 2020. Lenz seconded said motion, which passed by voice vote (20 yes, 0 no) and the meeting was adjourned at 10:59 A.M.

Jessica Fox
Shelby County Clerk and Recorder

SHELBY COUNTY BOARD MEETING
CLOSED SESSION

August 12, 2020

The Shelby County Board met in Closed Session following a motion and roll call vote, for the statutory citation 5 ILCS 120/2(C)(11) - to discuss negotiations (FOP grievance) and pending litigation. State's Attorney Gina Vonderheide and Treasurer Erica Firnhaber also attended the session. Absent were Bennett, Coffman, Lenz, and Mulholland.

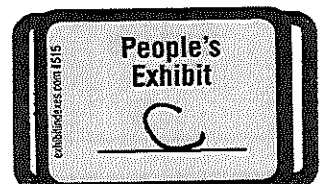
On July 8, the County Board approved a remedy to the grievance filed by the FOP Union for changing the payroll. Treasurer Firnhaber explained these employees were whole. They were paid for the hours they worked and for any benefit time cashed out for the May 15, 2020 payroll. The Treasurer is not holding a week of pay and these employees are owed nothing. Since it was later discovered that what the grievance committee and the FOP union had agreed upon was basically a payroll loan, no payments have been made as of this date. Grievance committee members Patterson and Swits informed the board this matter would be going to arbitration.

The next item discussed was about the Ed Flynn lawsuit. State's Attorney Vonderheide stated she is not able to represent either Treasurer Erica Firnhaber or the County Board in this lawsuit and would be instructing the Judge to that affect. Vonderheide stated it would be up to the Judge to appoint counsel for the Treasurer and the board. A letter of engagement has been received by Vonderheide for an attorney (David Swit's sister who practices in Chicago) to represent the County Board. This would first have to be approved by the Chief Judge and then the county board.

There was no further business for the Closed Session.

There was no action taken in the Closed Session.

Jessica Fox
County Clerk and Recorder



SHELBY COUNTY BOARD MEETING

August 12, 2020 – 9:00 A.M.

The Shelby County Board met on Wednesday, August 12, 2020, at 9:00 A.M. at the Lion's Club building in Forest Park in Shelbyville, Illinois. Location change due to conflict with Courtroom B and the large crowd in attendance.

Chairman Bruce Cannon called the meeting to order. Board member LaVonne Chaney delivered the prayer and all present recited the Pledge of Allegiance.

County Clerk Jessica Fox called the roll. Coffman was absent.

Minutes for the July 8, 2020 board meeting were presented for approval. Orman requested a change to the minutes be made on page 2 regarding a disbursement of a payroll proposal and made motion to approve with that correction. Hayden seconded said motion, which passed by voice vote (18 yes, 0 no).

Chairman Cannon stated due to the resignation of Kay Kearney a vacancy existed in County Board District #10. The Shelby County Democratic Central Committee recommended the appointment of Candi Ditzler to fill this vacancy.

Drnjovic made motion to approve the appointment of Ditzler to County Board District #10. Williams seconded said motion, which passed by voice vote (18 yes, 0 no).

Chairman Cannon informed the board a vacancy also existed in County Board District #6 due to the resignation of Dale Wetherell following last month's board meeting. The Shelby County Republican party has recommended the appointment of Don Tate to fill this vacancy.

Slifer made motion to approve the appointment of Don Tate to County Board District #6. Hayden seconded said motion, which passed by voice vote. (18 yes, 0 no).

Clerk Fox administered the Oath to Ditzler and Tate and they took their seats on the board.

Judge Amanda Ade-Harlow requested approval from the board for a 1-year contract for conflict public defender services with local attorney Michael Frazier. The amount of this contract will be \$24,000 and Judge Ade-Harlow stated she hoped this would save money with appointed counsel services.

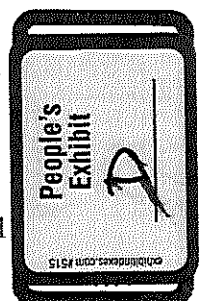
Mulholland made motion to approve the contract. Hayden seconded said motion, which passed by voice vote (20 yes, 0 no). (Resolution and administrative order attached to these minutes).

Next, Chairman Cannon requested approval for a payroll audit to be done at the Sheriff's office due to the concern employees had been overpaid when the switch was made from 5 8 hour shifts to 4 10 hour shifts in January of 2015. This payroll audit would cover from January of 2015 to February of 2020, when the suspected overpayment was found and corrected.

Gergeni made motion to approve a payroll audit be done at the Sheriff's office. Chaney seconded said motion, which passed by voice vote (20 yes, 0 no).

At this time, John Vander Burgh, who had previously spoken to the board at their March 11, 2020 board meeting spoke to the board. Vander Burgh is a CPA, a CFE (certified fraud examiner) and does forensic audits through his company 20/20 Forensic Accounting. Vander Burgh stated he had not worked closely with the current Sheriff and had less than 3 hours' worth of conversation with the current State's Attorney during a local embezzlement case. Vander Burgh stated he would cap his services at a cost of \$45,000 and would allow that to be paid over multiple fiscal years. (Refer to March 11, 2020 board meeting for Vander Burgh's documentation presented to the board).

Next, Ms. Alyssia Benford spoke to the board and presented a handout detailing her services. Ms. Benford had forwarded a letter of engagement to State's Attorney Gina Vonderheide in February of 2020. Her letter of engagement was also presented by board member Gary Gergeni at the July 8th board meeting. Benford founded Benford, Brown and Associates located in Will County, IL. She is a CPA and has an MGA (Master's in



Governmental accounting). Benford informed the board, before she could set a cost, she would need to spend time on the scope of the problem and determine the extent of the payroll issues.

Both Vander Burgh and Benford were thanked for their presentations. Drnjevic made motion to have John Vander Burgh with 20/20 Forensic Accounting perform the payroll audit. Simpson seconded said motion. Baker expressed concern with a conflict due to being "local". Orman stated the Benford group could assist the county in implementing internal controls and policies to help the county correct any potential issues found during the payroll audit. The question was called with a roll call vote for Vander Burgh: Aye: Barr, Bennett, Chaney, Ditzler, Drnjevic, Durbin, Hayden, Lenz, Metzger, Patterson, Simpson, Swits and Tate. Nay: Baker, Gergeni, Jordan, Mulholland, Orman, Slifer and Williams. Not voting: Cannon. Motion carried 13 – 7.

Treasurer Erica Firnhaber referenced the revenue/expense report and the investment report passed prior to the meeting. (See reports attached to these minutes).

Chairman Cannon presented the Fiscal Year 2019-2020 budget amendments. The Budget Committee recommended approving the budget amendments for the Sheriff, Regional Superintendent, Expenses not separately budgeted, Court Security, Rescue Squad, 911 Emergency, Coroner, Probation, Indemnity, Sale in Error, Shop with a Cop, Community Services, Airport, Probation Drug Testing, and Rescue Squad Dive Team Donations. Cannon mentioned several of these "expense" amendments had offsetting revenues, except for a few. (A detailed list of

Shelby County Board Meeting **August 12, 2020**

amendments attached to these minutes). Discussion was held. It was explained this money has been spent. If these budgets are not amended, it could result in an audit finding against the county.

Mulholland made motion to approve the amendments as presented. Chaney seconded said motion, which passed by roll call vote: Aye: Baker, Barr, Bennett, Chaney, Ditzler, Drnjevic, Durbin, Gergeni, Hayden, Jordan, Lenz, Metzger, Mulholland, Patterson, Simpson, Swits, Tate and Williams. Nay: None. Not Voting: Cannon. (Proposed FY 19-20 Budgets attached to these minutes).

Next, Chairman Cannon presented the Fiscal Year 2020-2021 Proposed Budget totaling \$13,183,092. The proposed FY 20-21 Budget has a total deficit of \$1,008,239 with a special fund deficit of \$42,327 and a general fund deficit of \$965,912. Budget committee members stated a lot of time was spent on the budget. Nobody wanted to see deputies or services cut to offset a deficit. Although a deficit is reflected, budget committee members felt the county normally comes out financially in good shape. Discussion was held about the deficit budget.

Mulholland made motion to approve the Proposed FY 2020-2021 Budget as presented. Williams seconded said motion, which passed by roll call vote: Aye: Barr, Bennett, Chaney, Ditzler, Drnjevic, Durbin, Hayden, Jordan, Lenz, Metzger, Mulholland, Patterson, Simpson, Swits, Tate and Williams. Nay: Baker, Gergeni, Orman, and Slifer. Not Voting: Cannon. (Proposed FY 20-21 Budgets attached to these minutes).

Chairman Cannon informed the board that Highway Engineer Alan Spesard had been advised by his attorney Todd Goebel to not attend the board meeting due to some charges being raised against him for his work for the County and the City of Shelbyville, which he does under the name of Shelby Engineering. (Supportive documentation for the approved Highway items attached to these minutes).

Chairman Cannon presented a petition from the Oconee Township Highway Commission to replace a culvert 2.5 miles east of Oconee. Estimated costs are \$7,000 and will be shared equally between the county and the township. Baker made motion to approve the petition. Hayden seconded said motion, which passed by voice vote (20 yes, 0 no).

The next petition was a request from the Ridge Township Highway Commissioner to replace a box culvert located 2 miles south of Westervelt. Estimated costs are \$5,000 and will be split 50/50 between the county and the township. Mulholland made motion to approve the petition. Jordan seconded said motion, which passed by voice vote (20 yes, 0 no).

The next item for approval was an agreement with IDOT for a culvert assessment grant in the maximum amount of \$72,000. This will provide a GIS report of the culverts in the township and their condition. This grant

requires a 20% match from the townships wishing to have this service performed. Baker made motion to approve the agreement. Patterson seconded said motion, which passed by voice vote (20 yes, 0 no).

Next, the board approved a request from Rhutasel & Associates to be released from bridge design services involving bridges in Ridge, and Ash Grove/Big Spring townships. They have lost several key staff members and can no longer provide services to the county. Chaney made motion to approve the release. Hayden seconded said motion, which passed by voice vote (20 yes, 0 no).

A resolution for support for a Federal Land Access grant was presented next. This resolution gives the Chairman the authority to act on behalf of the county in the application of this grant. These grant funds are approximately 1.34 million with a 20% match. This will be used to improve the Country Club road and the access to federal land. This is a new grant program. Mulholland made motion to approve the resolution. Drnjevic seconded said motion, which passed by voice vote (20 yes, 0 no).

The final resolution presented was to award the Westervelt railroad crossing approach to low bidder Brad Agney with a low bid of \$228,939. This project will be 100% funded by the Illinois Commerce Commission. Lenz made motion to approve the resolution. Swits seconded said motion, which passed by voice vote (20 yes, 0 no).

Chairman Cannon reported the bridge north of Windsor bridge is now open. The bridge on the Ash Grove/Big Spring Township line is complete and now open. IDOT will be evaluating flood damage in Clarksburg Township of an 8T capacity with a wood deck damaged by recent flooding. The Clarksburg railroad crossing project started on July 27th. The bridge in Prairie Township began on July 30th. The MFT compliance audit for the county was recently completed by IDOT and is on file.

Chairman Cannon requested approval for the FY 2020-2021 liquor licenses. (List of licenses attached to these minutes). Williams made motion to approve the liquor licenses. Hayden seconded said motion, which passed by voice vote (20 yes, 0 no).

Legislative committee chair Gary Gergeni informed the board the committee had met to review closed session minutes from June 3 and June 10th. The committee requested approval to open the minutes and the tapes of these meetings. Discussion was held. State's Attorney Vonderheide was asked for her opinion and felt both items could be opened to the public. Following the motion and the second, Orman made motion to open the June 3 closed session but to extract the June 10th meeting. Since a motion and second was already on the table, the vote was called.

Gergeni made motion to open both the tapes and the minutes from the closed sessions. Mulholland seconded said motion, which passed by voice vote (20 yes, 0 no).

Chairman Cannon called for committee reports. Reports were given and items presented for follow-up are as follows: (Committee reports are attached to these minutes).

Shelby County Board Meeting **August 12, 2020**

Rescue Squad committee chair informed the board the rescue squad recently assisted with a semi and pick-up truck accident near Neoga.

Law Enforcement Committee Chair Gary Patterson informed the board about the recent meeting. Discussion was held about the need for a "Covid" policy. The Sheriff's office wants to discuss amending the contract to include 3 sergeants pay since some of the sergeants are having to perform additional duties due to the retirement of the Undersheriff. The current contract states they are to work 5 8-hour shifts, however the deputies have been working 4 10- hour shifts since 2015, so this also needs to be discussed. It was discussed an employee handbook is desperately needed.

Providing Chairman updates, Cannon reported Undersheriff Rob McCall recently retired from the Shelby County Sheriff's office and EMA/Zoning/PCOM Jared Rowcliffe resigned to take a position with the State.

Chairman Cannon requested the following appointments:

Brad Rau Jr., Shelby County Public Defender, by Administrative Order.

Hayden made motion to approve the appointment of Rau as Public Defender. Mulholland seconded said motion, which passed by voice vote (18 yes, 0 no).

West and Co. was to be reappointed as County Auditor as part of their contract with the County.

Continuing with county board committee appointments, Cannon requested several appointments to various county committees. It was pointed out these appointments were not stated on the agenda. After the various appointments were made, Orman made motion to nullify all appointments not on the agenda Baker seconded said motion which failed by roll call vote: Aye: Baker, Gergeni, Orman, Slifer and Tate. Nay: Barr, Chaney, Ditzler, Drnjevic, Durbin, Hayden, Jordan, Lenz, Metzger, Mulholland, Patterson, Simpson, Swits and Williams. Later in the meeting the chairman committee appointments and vote were rescinded.

There was no correspondence.

Swits made motion to approve payment of the monthly claims as reviewed by the committees. Metzger seconded said motion, which passed by roll call vote: Aye: Baker, Barr, Chaney, Ditzler, Drnjevic, Durbin, Gergeni, Hayden, Jordan, Lenz, Metzger, Mulholland, Orman, Patterson, Simpson, Slifer, Swits, Tate and Williams Nay: none. Not voting: Cannon.

Under public body comment,

Jeremy Williams questioned why the board continues to break the law and why the chairman committee appointments were not placed on the agenda in advance of the meeting.

Martha Firnhaber called for Chairman Cannon's resignation and questioned why the board continued to perform activities that were not transparent, questioned why the County felt the need to hire a full time undersheriff and EMA director with a million dollar deficit and thanked Ms. Benford for her professionalism and thanked those board members for voting for her to do her presentation. Firnhaber also questioned if Alan Spesard was unable to perform his duties due to being told to not attend the board meetings. Firnhaber also requested a payroll audit be done for the entire county.

John Kraft asked if the County was paying for Spesard's private attorney or if Spesard was. It was stated Spesard was paying for his own legal counsel. Kraft questioned why Vander Burgh's price of a 3-year audit was \$9,000 and today's price for a 5-year audit was \$45,000. Kraft stated just because the County has always done things one way does not mean they should continue doing things that way.

Kirk Allen stated that after the Watchdogs attended the first meeting in January of 2020, they received hundreds of tips about the County Highway Engineer Alan Spesard. Allen went on to detail the extent of work done by Spesard while on County time, as well as other county highway employees at the time. Documentation states approval was given by Shelby County for Shelby Engineering LLC to use the county highway building to conduct personal business, however no documentation can be found to support this statement. Allen stated the IL constitution states public property cannot be used for personal gain. Allen also informed the board that Spesard's contract states he will conduct no other business on County time. Allen also informed the road and bridge committee drive meetings violate the OMA.

Another speaker stated Ms. Benford should have been hired to perform the payroll audit for the County, due to the fact she is experienced, has the credentials and is not local. Benford will also be able to set standards and help create policy to prevent this from happening again. This speaker thanked the 7 board members who voted in favor of Benford.

Sonny Ross directed his comments at Chairman Cannon and encouraged board members to place an agenda item to remove Cannon from his position as board chair due to lack of leadership.

At this time Gary Patterson asked State's Attorney Vonderheide about making the chairman committee appointments. Vonderheide stated she felt it would be in the board's best interest to rescind their motion and vote of these committee appointments.

A motion by Metzger to nullify the chairman committee appointments as advised by the county's attorney was made and seconded by Slifer. Motion to nullify the previous chairman committee appointments passed by voice vote (20 yes, 0 no). Appointments will be made at the September 9th meeting.

At this time, Hayden made motion to enter into Closed Session pursuant to 5 ILCS 120/2 (C) (2), motion seconded by Swits and passed by roll call vote: Aye: Baker, Barr, Chaney, Ditzler, Drnjevic, Durbin, Gergeni, Hayden, Jordan, Metzger, Orman, Patterson, Simpson, Slifer, Swits, Tate and Williams Nay: none. Not voting: Cannon.

CLOSED SESSION OF THE COUNTY BOARD

Williams made motion to adjourn the closed session and resume the open meeting. Chaney seconded said motion, which passed by roll call vote. Aye: Baker, Barr, Chaney, Ditzler, Drnjevic, Durbin, Gergeni, Hayden, Jordan, Orman, Patterson, Simpson, Slifer, Swits, Tate and Williams Nay: none. Not voting: Cannon.

There was no action taken in closed session.

There was no further business to come before the Shelby County Board.

Tate made motion to adjourn until the next regular meeting to be held on September 9, 2020. Hayden seconded said motion, which passed by voice vote (16 yes, 0 no) and the meeting was adjourned at 12:16 P.M.

Jessica Fox
Shelby County Clerk and Recorder



**ILLINOIS FOP
LABOR COUNCIL**

974 Clock Tower Drive • Springfield, IL 62704-1304
T: 217.698.9433 F: 217.698.9487

5600 South Wolf Road, Suite 120 • Western Springs, IL 60558-2268
T: 708.784.1010 F: 708.784.0058

W: fop.org

April 23, 2021

Via Regular Mail & E-mail

Nichole Kroncke, S.A.
Shelby County State's Attorney
301 E. Main Street
Shelbyville, IL 62565
E-mail: statesattorney@shelbycounty-il.com

**RE: County of Shelby / Shelby County Sheriff
& Illinois Fraternal Order of Police Labor Council
Grievances: Lodge (Units A & B) - Compensation/Wages (GR200420-NLOY)**

Dear Ms. Kroncke:

Please consider this letter as **Formal Notice of Referral to Arbitration** for the above referenced grievance. Enclosed is a joint request form to utilize the services of the Federal Mediation and Conciliation Service, using this service will cut down on costs. Be advised that all arbitrators will be affiliated with the American Arbitration Association; see page 2 of the form under "Special Requirements". Kindly sign on behalf of the Employer, and return the original, within ten (10) days, to the attention of Ruth Heise at our Springfield office noted above.

Please also enclose a check payable to the Illinois Fraternal Order of Police Labor Council in the amount of \$17.50, equal to half of the panel fee. Upon receipt, our office will file the request on-line with the Federal Mediation and Conciliation Service.

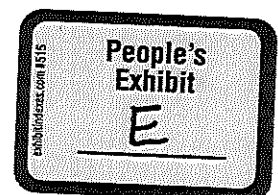
As always, the Labor Council is willing to meet and discuss this issue in an effort to resolve the case. Thank you in advance for your attention to this matter.

Sincerely,

DAVID FIELDS
Attorney

DF/th
Enclosure

cc: Jeff Wood (w/enc. - via e-mail only)
Sheriff Don Koonce (w/enc. - via e-mail only)
Mark Russillo, Field Representative (w/enc. - via e-mail only)



REQUEST FOR ARBITRATION PANEL

SPECIAL REQUIREMENTS

Note: ALL requests on this page must be "CERTIFIED" as jointly agreed AND signed below.
Requests on this page will NOT be honored without proper certification.

- ☐ Select panel from Nationwide
- ☐ **EXPEDITED ARBITRATION** under FMCS Procedures
(See FMCS Arbitration Policies and Procedures, Subpart D, Section 1404.17 for specific requirements for Expedited Arbitration.)

ORGANIZATIONS or CERTIFICATIONS:

☐ Attorney ☒ AAA (American Arbitration Assoc.) ☐ Industrial Engineer ☐ NAA (National Academy of Arbitrators)

SPECIALIZATIONS:


Industry Specialization: _____

Issue Specialization: _____

ADDITIONAL REQUIREMENTS: (For example, geographical restrictions, exclusions of arbitrators)

A panel will be sent based upon the request of a single party. If "Special Requirements" are listed or "Expedited Arbitration" is requested, you MUST certify that all parties jointly agree to these requests. This also applies to additional panel requests. If your contract contains these "Special Requirements," including "Expedited Arbitration," submit a copy of the relevant contract language only. A submission of a panel should not be construed as anything more than compliance with a request and does not reflect on the substance or arbitrability of the issue(s) in dispute.

I certify that the above is jointly agreed.

Signature: David Fields 

On behalf of: ☒ Union ☐ Employer

NOTICE TO CUSTOMERS MAKING PAYMENT BY CHECK

Authorization to Convert Your Check: If you send us a check to make your payment, your check will be converted into an electronic fund transfer. "Electronic fund transfer" is the term used to refer to the process in which we electronically instruct your financial institution to transfer funds from your account to our account, rather than processing your check. By sending your completed, signed check to us, you authorize us to scan your check and to use the account information from your check to make an electronic fund transfer from your account for the same amount as the check. If the electronic fund transfer cannot be processed for technical reasons, you authorize us to process your original check.

Insufficient Funds: The electronic fund transfer from your account will usually occur within 24 hours, which is faster than a check is normally processed. Therefore, make sure there are sufficient funds available in your checking account when you send us your check. If the electronic fund transfer cannot be completed because of insufficient funds, we will not resubmit the check information for electronic fund transfer. Your bank may charge you a fee for insufficient funds.

Transaction Information: The electronic fund transfer from your account will be on the account statement you received from your financial institution. However, the transfer may be in a different place on your statement than the place where your checks normally appear. For example, it may appear under "other withdrawals" or "other transactions." You will not receive your original check back from your financial institution. For security reasons, we will destroy your original check, but we will keep a copy of the check for record keeping purposes.

Your Rights: You should contact your financial institution immediately if you believe that the electronic fund transfer reported on your account statement was not properly authorized or is otherwise incorrect. Consumers have protections under a Federal law called the Electronic Fund Transfer Act for an unauthorized or incorrect electronic fund transfer.



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 01-04-2021
Department: Shelby County Sheriff

Grievant's Name: Zakowski Robert M.I.
Last First

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 01-04-2021
Article(s) and Sections(s) of Contract violated: 17-1 to 17-4

Briefly state the facts: Sheriff decided to change vacation credit date from Jan 1 to anniversary which with that I have never received

Remedy Sought: Credit my vacation time back to fix problem

Given To: Sheriff Koonce

Date/Time: 01-04-2021 11:40

[Signature]
Grievant's Signature

[Signature]
FOR Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance: _____

Given To: _____

Date/Time: _____

Grievant's Signature

FOR Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM
(Use additional sheets where necessary)

Date Filed: 01-04-2021Department: Shelby County Sheriff's OfficeGrievant's Name: Burkhead

Last

Daine

First

M

M.I.

STEP ONEDate of Incident or Date Knew of Facts Giving Rise to Grievance: 01-04-2021Article(s) and Sections(s) of Contract violated: Section 17-1 to 17-4Briefly state the facts: Sheriff decided to change when vacations are given from January 1st to anniversary date. This is which leaves me without vacation until June 2021.Remedy Sought: Just Practice of getting vacations January 1st of each year.Given To: Sheriff's OfficeDate/Time: 1-14-2021 1512Guni Burkhead

Grievant's Signature

R. Z. Z. Z.

FOR Representative Signature

EMPLOYER'S STEP ONE RESPONSESee attached letterSee me?

Employer Representative Signature

Undersheriff

Position

Daine Burkhead

Person to Whom Response Given

1-6-2021

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOR Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM

(use additional sheets where necessary)

Date Filed: 1-4-2021
 Department: Shelby County Sheriff's Dept
 Grievant's Name: Nashley Rickey R
 Last First M.I.

Lodge No. / Year / Grievance No.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 1-4-2021
 Article(s) and Sections(s) of Contract violated: 17-1 TO 17-4
 Briefly state the facts: VACATION TIMES WERE CHANGED FROM JAN 1ST TO OUR ANNIVERSARY DATES. PASSED PRACTICE WERE THAT AN VACATION TIME STARTS ON JAN 1ST OF EVERY YEAR VACATION TIME SHOULD STAY THE WAY PAST PRACTICES HAS BEEN, AND GET IT ON JAN 1ST OF EVERY YEAR
 Remedy Sought: PAST PRACTICES HAS BEEN, AND GET IT ON JAN 1ST OF EVERY YEAR
 Given To: Rickey Nashley Date/Time: 1-4-2021 1535

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date



Grievant's Name:

Williams	Cwenhn
Last	First

M.I.

STEP ONE
Date of Incident or Date Knew of Facts Giving Rise to Grievance: 01-04-78
Article of Contract Violated: 17-1 to 17-4

Date of Incident or Date Known: 7-10-14
Article(s) and Sections(s) of Contract violated: changed vacation obtained to anniversary
Briefly state the facts: date instead of the first of the year leaving me without vacation until October
21st 2021

Remedy Sought: To return to previous policy of obtaining vacation on the first of the year

Given To: Sheriff Koonce

Date/Time: 1-4-21 @ 1523

Grievant's Signature

FOR Representative Signature

Employer Representative Signature

Position

[illegible]

Date _____

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date _____



APPENDIX D - GRIEVANCE FORM

(use additional sheets where necessary)

Date Filed: 1-4-2021
 Department: Shelby County Sheriff Office

Grievant's Name: Haynes Melissa C
 Last First M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 1-4-2021

Article(s) and Sections(s) of Contract violated: 17.1 thru 17.4

Briefly state the facts: Sheriff changes vacation dates to be replenished on anniversary date instead of beginning of year. In my case I would not get any vacation time until December 30, 2021. I would go a year without a vacation.

Remedy Sought: Want to go back to Jan 1

Given To: Sheriff Koonce

Date/Time: 1-5-2021 10327

Melissa Haynes
 Grievant's Signature

Louis Fullmer
 FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM
(Use additional sheets where necessary)

Date Filed: 1-4-2021
Department: Sheridan County Sheriff's Office

Grievant's Name: Ezell Jack L.

Last

First

M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 1-4-2021

Article(s) and Sections(s) of Contract violated: 17.1 to 17.4

Briefly state the facts: I was hired 11-17-2003 vacation

time have been taken each year in past practice as

it was an administrative matter to allow to practice as

Jan 2 of every year

Remedy Sought: Jan 2 of every year

Given To: Sheriff Moore

Date/Time: 1-4-2021

Jack L Ezell

Grievant's Signature

PO John

FOR Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOR Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date



APPENDIX D - GRIEVANCE FORM

(use additional sheets where necessary)

Date Filed: 01/04/2021
 Department: _____

Grievant's Name: _____

Wood
 Last

Quincy
 First

M.I. _____

STEP ONE

Date of Incident or Date Know of Facts Giving Rise to Grievance: 01/04/2021
 Article(s) and Sections(s) of Contract violated: 17.1 to 17.4

Briefly state the facts: Vacation time was not given on January 1st 2021. It was changed to our anniversary date after the 10 years I've been employed here.

Remedy sought: Past Practice of getting vacation time January 1st of each year.

Given To: Shirley Kooker

Date/Time: 01/04/2021 @ 1716hrs

Quincy Wood
 Grievant's Signature

[Signature]
 FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

 Employer Representative Signature

 Position

 Person to Whom Response Given

 Date

STEP TWO

Reasons for Advancing Grievance: _____

Given To: _____

Date/Time: _____

 Grievant's Signature

 FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

 Employer Representative Signature

 Position

 Person to Whom Response Given

 Date

Lodge No. _____ Year _____ Grievance No. _____



APPENDIX D - GRIEVANCE FORM

(use additional sheets where necessary)

Date Filed: 1/4/21Department: Shelby County Sheriff's OfficeGrievant's Name: Myers David B

Last

First

M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 1-4-21Article(s) and Sections(s) of Contract violated: 17.1 to 17.4Briefly state the facts: Vacation time was not given asJanuary 1st 2021. Management changed it to January date. Ithas been January 1st since I started here in 2014.Remedy Sought: Change back to January 1st. Past practiceGiven To: Sheriff HaggertyDate/Time: 1-4-21 @ 11:18hrDavid Myers #536

Grievant's Signature

RF Zahra

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To: _____

Date/Time: _____

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. _____ Year _____ Grievance No. _____



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 01/04/2021Department: Shelby County Sheriff's Office

Grievant's Name:

Jones
LastCynthia
FirstD.
M.I.**STEP ONE**Date of Incident or Date Knew of Facts Giving Rise to Grievance: 01-04-21Article(s) and Sections(s) of Contract violated: 17.1 to 17.4Briefly state the facts: Sheriff changed all vacation time to be awarded on each employee's anniversary date instead of on January 1st, which has been the practice for many years.Remedy Sought: Change it back to January 1st of each year as it was before.Given To: Sherry KoomarDate/Time: 01-04-21

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM

(use additional sheets where necessary)

Date Filed: 1-4-2021
 Department: SHELBY COUNTY SHERIFF'S OFFICE

Grievant's Name: GATTON BRANDON S
 Last First M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 1-4-2021

Article(s) and Sections(s) of Contract violated: 17.1 TO 17.4

Briefly state the facts: OUR VACATION IS BEING CHANGED TO OUR ANNIVERSARY DATE INSTEAD OF THE 1ST OF JAN. WELL MY ANNIVERSARY IS 11-15-80 SO I'LL ONLY HAVE A MONTH TO USE MY VACATION?

Remedy Sought: _____

Given To: SHARVITA K. GOWIN

Date/Time: 1-4-2021

[Signature]
 Grievant's Signature

[Signature]
 FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

 Employer Representative Signature

 Position

 Person to Whom Response Given

 Date

STEP TWO

Reasons for Advancing Grievance: _____

Given To: _____

Date/Time: _____

 Grievant's Signature

 FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

 Employer Representative Signature

 Position

 Person to Whom Response Given

 Date

Lodge No. _____
 Year _____
 Grievance No. _____



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 1-4-21
Department: Sheriff's Office
Grievant's Name: Wade Tina M.
Last First M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: _____
Article(s) and Sections(s) of Contract violated: 17-1
Briefly state the facts: _____

Remedy sought: Vacation given Jan. 1,

Given To: Sheriff Don Keene
Tina M. Wade
Grievant's Signature

Date/Time: 1-5-21 @ 9:15
Sari Buehler
FOR Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance: _____

Given To: _____

Date/Time: _____

Grievant's Signature

FOR Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 1/4/2001
Department: Shelby Co. Sheriff's Office
Barley Ench B.
Last First M.I.

STEP ONE

DATE OF INCIDENT OR DATE KNEW OF FACTS GIVING RISE TO GRIEVANCE: _____
ARTICLE(S) AND SECTIONS(S) OF CONTRACT VIOLATED: 17.1
BRIEFLY STATE THE FACTS: _____

Remedy Sought: Vacation given January 1st.

Given to: Sheriff Don Koonce Date/Time: 1-5-21 @ 9:15
Chica Bailey Travis Buchanan
 Grievant's Signature EOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date _____

STEP TWO

Reasons for Advancing Grievance:

Given To: _____ Date/Time: _____

Grievant's Signature FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given
<p>1. [Redacted]</p> <p>2. [Redacted]</p> <p>3. [Redacted]</p> <p>4. [Redacted]</p> <p>5. [Redacted]</p> <p>6. [Redacted]</p> <p>7. [Redacted]</p> <p>8. [Redacted]</p> <p>9. [Redacted]</p> <p>10. [Redacted]</p> <p>11. [Redacted]</p> <p>12. [Redacted]</p> <p>13. [Redacted]</p> <p>14. [Redacted]</p> <p>15. [Redacted]</p> <p>16. [Redacted]</p> <p>17. [Redacted]</p> <p>18. [Redacted]</p> <p>19. [Redacted]</p> <p>20. [Redacted]</p> <p>21. [Redacted]</p> <p>22. [Redacted]</p> <p>23. [Redacted]</p> <p>24. [Redacted]</p> <p>25. [Redacted]</p> <p>26. [Redacted]</p> <p>27. [Redacted]</p> <p>28. [Redacted]</p> <p>29. [Redacted]</p> <p>30. [Redacted]</p> <p>31. [Redacted]</p> <p>32. [Redacted]</p> <p>33. [Redacted]</p> <p>34. [Redacted]</p> <p>35. [Redacted]</p> <p>36. [Redacted]</p> <p>37. [Redacted]</p> <p>38. [Redacted]</p> <p>39. [Redacted]</p> <p>40. [Redacted]</p> <p>41. [Redacted]</p> <p>42. [Redacted]</p> <p>43. [Redacted]</p> <p>44. [Redacted]</p> <p>45. [Redacted]</p> <p>46. [Redacted]</p> <p>47. [Redacted]</p> <p>48. [Redacted]</p> <p>49. [Redacted]</p> <p>50. [Redacted]</p> <p>51. [Redacted]</p> <p>52. [Redacted]</p> <p>53. [Redacted]</p> <p>54. [Redacted]</p> <p>55. [Redacted]</p> <p>56. [Redacted]</p> <p>57. [Redacted]</p> <p>58. [Redacted]</p> <p>59. [Redacted]</p> <p>60. [Redacted]</p> <p>61. [Redacted]</p> <p>62. [Redacted]</p> <p>63. [Redacted]</p> <p>64. [Redacted]</p> <p>65. [Redacted]</p> <p>66. [Redacted]</p> <p>67. [Redacted]</p> <p>68. [Redacted]</p> <p>69. [Redacted]</p> <p>70. [Redacted]</p> <p>71. [Redacted]</p> <p>72. [Redacted]</p> <p>73. [Redacted]</p> <p>74. [Redacted]</p> <p>75. [Redacted]</p> <p>76. [Redacted]</p> <p>77. [Redacted]</p> <p>78. [Redacted]</p> <p>79. [Redacted]</p> <p>80. [Redacted]</p> <p>81. [Redacted]</p> <p>82. [Redacted]</p> <p>83. [Redacted]</p> <p>84. [Redacted]</p> <p>85. [Redacted]</p> <p>86. [Redacted]</p> <p>87. [Redacted]</p> <p>88. [Redacted]</p> <p>89. [Redacted]</p> <p>90. [Redacted]</p> <p>91. [Redacted]</p> <p>92. [Redacted]</p> <p>93. [Redacted]</p> <p>94. [Redacted]</p> <p>95. [Redacted]</p> <p>96. [Redacted]</p> <p>97. [Redacted]</p> <p>98. [Redacted]</p> <p>99. [Redacted]</p> <p>100. [Redacted]</p>

Date _____



APPENDIX D - GRIEVANCE FORM

(use additional sheets where necessary)

Date Filed: 1-5-21Department: Shelby County Sheriff's OfficeGrievant's Name: Brown

Last

First

M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 1-4-21Article(s) and Sections(s) of Contract violated: Sec 17.1 - 17.4Briefly state the facts: Sheriff decided to change vacation time from replenished from Jan 1st to anniversary date.Remedy Sought: Vacation time replenished back to Jan 1st every year. This has been done since 2011 when I started at the Sheriff's Office.Given To: Sheriff Don KooneDate/Time: 01-05-2021 @

Grievant's Signature

FOR Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOR Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 01/05/21Department: Shelby County Sheriff's OfficeGrievant's Name: Dudra

Last

Justin

First

A.

M.I.

STEP ONEDate of Incident or Date Knew of Facts Giving Rise to Grievance: 01/04/21Article(s) and Sections(s) of Contract violated: 17.1-17.4Briefly state the facts: Sheriff made decision to change vacation time replacement from January 1st to Anniversary DateRemedy Sought: Replacement Vacation Back January 1st which has been done for over 30 yearsGiven To: Sheriff Don KuncioDate/Time: 01/05/21

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance: _____

Given To: _____

Date/Time: _____

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM

(use additional sheets where necessary)

Date Filed: 1/5/21
 Department: Shelby County Sheriff's Office

Grievant's Name: Graham Matthew B
 Last First M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 1/4/21
 Article(s) and Sections(s) of Contract violated: 17.1 217.4
 Briefly state the facts: Decision to change anniversary time to anniversary date

Remedy Sought: change vacation back to January

Given To: Sheriff Don Koonce

Date/Time: 1/5/21

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM

(use additional sheets where necessary)

Date Filed: 1/5/2021
 Department: Shelby CO Sheriff Office

Grievant's Name: Hudson Adam W
 Last First M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 1/4/2021
 Article(s) and Sections(s) of Contract violated: 17.1 - 17.4

Briefly state the facts: Decision to change vacation time to anniversary date from January 1st

Remedy Sought: Change vacation back to January

Given To: Sheriff Don Kance
[Signature]

Date/Time: 1/5/2021

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Dodge No. Year Grievance No.



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 01-06-21Department: Shelby County Sheriff's OfficeGrievant's Name: Wood
LastJeffrey
First1
M.I.**STEP ONE**Date of Incident or Date Knew of Facts Giving Rise to Grievance: 01-04-21Article(s) and Sections(s) of Contract violated: 7.1, 7.4 and any and all Section which mayBriefly state the facts: Sheriff changed the time of when Vacation was accrued from apply January 1st of the year until the employees individual's anniversary date. The practice of accruing an employee's vacation time on January 1st has been past practice for over 30 yearsRemedy Sought: Return to Status Quo (Accruing Vacation Time on January 1st of the year and any and all remedies which may apply including financial expenses incurred)Given To: Sheriff Don KoonceDate/Time: 01-06-21; 1234[Signature]
Grievant's Signature[Signature]
FOP Representative Signature**EMPLOYER'S STEP ONE RESPONSE**_____
Employer Representative Signature_____
Position_____
Person to Whom Response Given_____
Date**STEP TWO**

Reasons for Advancing Grievance: _____

Given To: _____

Date/Time: _____

Grievant's Signature_____
FOP Representative Signature**EMPLOYER'S STEP TWO RESPONSE**_____
Employer Representative Signature_____
Position_____
Person to Whom Response Given_____
Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 1-8-21Department: Sheriff County Sheriff's OfficeGrievant's Name: Mudgett

Last

Andrew

First

M
M.I.**STEP ONE**Date of Incident or Date Knew of Facts Giving Rise to Grievance: 1-4-21Article(s) and Sections(s) of Contract violated: 17.1, 17.4 and any add'l

Briefly state the facts: Section which may / Sheriff changed the time of when
Vacation was accrued from January 1st of the year until the employee's
anniversary date. The practice of accruing employee vacation on Jan. 1st has been
past practice.
 Remedy sought: Return to status quo (accruing vacation time on Jan. 1st of the
year and award all remedies which may apply including financial expenses incurred)

Given To: Undersheriff Sean McQueenDate/Time: 01-08-21 15:25

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 1/8/21Department: Shelby County Sheriffs Office

Grievant's Name: _____

Jones

Last

Bree

First

A

M.I.

STEP ONEDate of Incident or Date Knew of Facts Giving Rise to Grievance: 1/8/21Article(s) and Sections(s) of Contract violated: 17.1 to 17.4Briefly state the facts: Our vacation is being changed to our anniversary date instead of 1st of January. My anniversary is Nov 30th so I'll only have a month to use mine.

Remedy Sought: _____

Given To: Under Sheriff Sean McQuinnDate/Time: 01-8-21 @ 1455Bree Jones

Grievant's Signature

Janet Burkhardt

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE_____
Employer Representative Signature_____
Position_____
Person to Whom Response Given_____
Date**STEP TWO**

Reasons for Advancing Grievance: _____

Given To: _____

Date/Time: _____

Grievant's Signature_____
FOP Representative Signature**EMPLOYER'S STEP TWO RESPONSE**_____
Employer Representative Signature_____
Position_____
Person to Whom Response Given_____
Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 1-8-21Department: CorrectionsGrievant's Name: Atteberry Tanya S

Last

First

M.I.

STEP ONEDate of Incident or Date Knew of Facts Giving Rise to Grievance: 1-4-21Article(s) and Sections(s) of Contract violated: 17.1 to 17.4Briefly state the facts: Anniversary date instead of being changed to our practice for my career of January 1 like past

Remedy Sought: _____

Given To: Undersecretary Sean McGovernDate/Time: 1-8-21 @ 1455

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance: _____

Given To: _____

Date/Time: _____

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 1-8-21
Department: Communications

Grievant's Name: Sokolis Peggy L
Last First M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 1-4-2021
Article(s) and Sections(s) of Contract violated: 17.1 to 17.4
Briefly state the facts: my vacation being changed to
my anniversary date instead of 1st of Jan

Remedy Sought: _____

Given To: Undersheriff Sean McGowan Date/Time: 1-8-21 @ 1450
Peggy Sokolis Mike Breakey
Grievant's Signature FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance: _____

Given To: _____

Date/Time: _____

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. _____ Year _____ Grievance No. _____

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APPENDIX D - GRIEVANCE FORM

(use additional sheets where necessary)

Date Filed: 1-8-21Department: Shelby County Sheriff's Office

Grievant's Name: Calderon Timothy T
 Last First M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 01-04-21Article(s) and Sections(s) of Contract violated: 17.1, 17.4 AND ANY AND ALLBriefly state the facts: Sections which may apply. Sheriff changed thevacation time of which vacation was accrued from Jan. 1st of the yearuntil the employee's individual anniversary date. The practice of accruing an employeevacation time on Jan 1 has been the practice for over 30 yearsRemedy sought: Return to status quo (accruing vacation time on Jan 1 ofthe year and any & all remedies which may apply including financial damagesGiven To: Sheriff Don Koonce Date/Time: 1-8-21 1450Grievant's Signature: Timothy P. Calderon FOP Representative Signature: [Signature]

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM

(use additional sheets where necessary)

Date Filed: 01/08/21Department: Shelby County Sheriff's OfficeGrievant's Name: Meek

Last

First

M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 01/04/21Article(s) and Sections(s) of Contract violated: 17.1 17.4 and several others that wereBriefly state the facts: Sheriff charged time when vacation was occurred from Jan 1st of the year until the employees instructionRemedy Sought: Return to status quo, accruing vacation timebeginning January 1st.Given To: Under Sheriff McQuinnDate/Time: 01-08-21 1436

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date



APPENDIX D - GRIEVANCE FORM (use additional sheets where necessary)

Date Filed: 01/08/21Department: Shelby County Sheriff Office

Grievant's Name: Last First M.I.
Lustig Dustin M

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 01/04/21Article(s) and Sections(s) of Contract violated: 17.4 and any and all Sections

Briefly state the facts: Sheriff changed the time when vacation was accrued from January 1st of the year until the employees individual anniversary date. The process of employees getting their vacation on January 1st has been part practice for over 20 years.

Remedy Sought: Return to status and accruing vacation time beginning January 1stGiven To: Undersheriff Sean McQueenDate/Time: 01/08/21 1436

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM

(use additional sheets where necessary)

Date Filed: 01-08-21Department: Shelby County Sheriff's OfficeGrievant's Name: Atkinson

Last

Brennan

First

6

M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: 01-04-21Article(s) and Sections(s) of Contract violated: 17.1, 17.4Briefly state the facts: Sheriff changed the time of when vacation was accrued from January 1st of the year until employee individual anniversary date. The practice of accruing vacation time on January 1st has been in place for the last 30 years.Remedy Sought: Return to status quo (accruing vacation time on January 1st of the year and any full remedies which may apply including financial expenses incurred).Given To: Sheriff Don KoonceDate/Time: 01-08-21 1617Brennan Atkinson

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 1-10-2021Department: Shelby County Sheriff's OfficeGrievant's Name: Williams

Last

Cassandra

First

D
M.I.**STEP ONE**Date of Incident or Date Knew of Facts Giving Rise to Grievance: 1-10-2021Article(s) and Sections(s) of Contract violated: 17.1 to 17.4Briefly state the facts: I was hired in Nov. 30, 2020. If vacation time is changed from Jan 1st to anniversary date, I would have two months to use my vacation. The same two months every year.Remedy Sought: Getting vacation time Jan 1st of every year.Given To: Under Sheriff McQueenDate/Time: 1-10-2021 @ 0315Cassandra Williams #452
Grievant's SignatureJanie Burkhead
FOP Representative Signature**EMPLOYER'S STEP ONE RESPONSE**_____
Employer Representative Signature_____
Position_____
Person to Whom Response Given_____
Date**STEP TWO**

Reasons for Advancing Grievance: _____

Given To: _____

Date/Time: _____

Grievant's Signature_____
FOP Representative Signature**EMPLOYER'S STEP TWO RESPONSE**_____
Employer Representative Signature_____
Position_____
Person to Whom Response Given_____
Date

Lodge No. / Year / Grievance No.



APPENDIX D - GRIEVANCE FORM
(use additional sheets where necessary)

Date Filed: 1-10-2021Department: Shelby County Sheriff's OfficeGrievant's Name: Durbin

Last

Devan

First

D

M.I.

STEP ONEDate of Incident or Date Knew of Facts Giving Rise to Grievance: 1-10-2021
Article(s) and Sections(s) of Contract violated: 17.1 to 17.4Briefly state the facts: I was hired in Nov 11, 2019. IF vacation time is changed from Jan 1st to anniversary date, I would have 2 months to use my vacation. The same 2 months every year.Remedy Sought: Getting vacation time Jan 1st of every yearGiven To: Undersheriff McQueenDate/Time: 1-10-2021 @ 0319Devan Durbin #449

Grievant's Signature

[Signature]

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE_____
Employer Representative Signature_____
Position_____
Person to Whom Response Given_____
Date**STEP TWO**

Reasons for Advancing Grievance: _____

Given To: _____

Date/Time: _____

Grievant's Signature_____
FOP Representative Signature**EMPLOYER'S STEP TWO RESPONSE**_____
Employer Representative Signature_____
Position_____
Person to Whom Response Given_____
Date



APPENDIX D - GRIEVANCE FORM (use additional sheets where necessary)

Date Filed: 01-11-21Department: Shelby County Sheriff's OfficeGrievant's Name: Washington
LastJacob
FirstR
M.I.

STEP ONE

Date of Incident or Date of Facts Giving Rise to Grievance: 01-04-21Article(s) and Sections(s) of Contract violated: 7.1, 17.4 and all Section whichBriefly state the facts: Sheriff changed the time of when vacation was accrued from apply
January 1st of the year until the employees individual anniversary date. The practice of accruing
employee's vacation time on January 1st has been past practice for over 30 yearsRemedy Sought: Return to status Quo (accruing Vacation Time on January 1st of the year &
pay all amounts which may apply including financial expenses incurredGiven To: Under Sheriff McQueenDate/Time: 01-18-21 1157

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP ONE RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

Given To:

Date/Time:

Grievant's Signature

FOP Representative Signature

EMPLOYER'S STEP TWO RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

Lodge No. / Year / Grievance No.

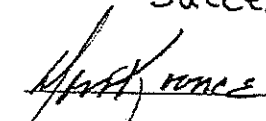
ATTACHMENT
(GRIEVANCE RESOLUTION)


On January 14, 2021, a grievance resolution was reached between Sheriff Don Koonce, Chairman Robert Orman, and FOP representative Mark Russillo in response to union grievances filed regarding award of vacation time on anniversary date of hire rather than January 1 of each year. The grievance resolution is as follows:


pursuant to Article 17 of the collective bargaining agreement -nk, 1/14/21


Employees who filed grievances will be awarded vacation days on January 1, 2021, rather than anniversary date of hire. Those employees will have until December 31, 2021 to utilize vacation time awarded on January 1, 2021 (consistent with past practice). This resolution will be in effect until the expiration of the current Collective Bargaining Agreement: August 31, 2021 and will not extend thereafter.


or until a
successor agreement
is
ratified

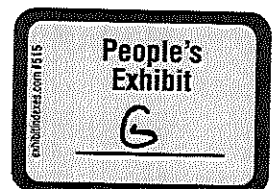

Sheriff Don Koonce


Jeff Wood


Chairman Robert Orman -nk
1/14/21


Daine Burkhead


Mark Russillo (FOP)



GRIEVANCE

(use additional sheets where necessary)

Lodge/Unit No.: 116-3

Year: 2021

Grievance No.:



Date Filed: July 20, 2021

Department: Shelby County Sheriffs Department

Grievant's Name: Russillo

Mark

Last

First

M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: July 8, 2021

Article(s)/Sections(s) violated: Article 13, Section 13.8.

and all applicable Articles

Briefly state the facts: After reaching agreement to settle a January 2020 grievance on January 14, 2021 regarding compensation for employee vacations, the County is failing to honor the terms of that settlement in good faith. The County is now refusing to pay the cash value of accrued vacation for CO Devon Durbin. This is the second such incident.

Remedy Sought: Reimburse C.O. Durbin (and any other employee denied payment for accrued vacation) for all accrued vacation in his bank, in part and in whole, make grievant(s) whole.

Given To: Sean McQueen, Sheriff

Date: July 20, 2021

Grievant's Signature

FOP Representative Signature

EMPLOYER'S RESPONSE

The County Treasurer has been advised to pay. She will not. She has been advised to pay it by the County's own Legal Counsel.

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance: REMEDY INSUFFICIENT

Given To: Bobby Crutcher

Date: 7/28/21

Grievant's Signature

FOP Representative Signature

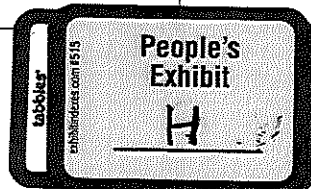
EMPLOYER'S RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date



GRIEVANCE

(use additional sheets where necessary)

Lodge/Unit No.:

Year: 2021

Grievance No.:



Date Filed: May 18, 2021

Department: Shelby County Sheriffs Department

Grievant's Name: Russillo

Mark

Last

First

M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: May 13, 2021

Article(s)/Sections(s) violated: Article 13, Section 13.8

, and all applicable

Articles

Briefly state the facts: After reaching agreement to settle a January 2020 grievance on January 14, 2021 regarding compensation for employee vacations, the County is failing to honor the terms of that settlement in good faith. The County is now refusing to pay cash value of accrued vacation for CO Missy Haynes.

Remedy Sought: Reimburse CO Haynes (and any other employee denied payment for accrued vacation) for all accrued vacation in her bank, in part and in whole, make grievant(s) whole.

Given To: Sheriff Don Koonce

Date: May 18, 2021

Grievant's Signature

FOP Representative Signature

EMPLOYER'S RESPONSE

The Shelby County Sheriff submitted to Shelby County Treasurer for payment the treasurer did not pay

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance:

REMEDY INSUFFICIENT

Given To: BOBBY ORMAN/CLERK/VIA EMAIL

Date: 5/25/21

Grievant's Signature

FOP Representative Signature

EMPLOYER'S RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date

GRIEVANCE

(use additional sheets where necessary)

Lodge/Unit No.:

Year: 2021

Grievance No.:



Date Filed: May 18, 2021

Department: Shelby County Sheriffs Department

Grievant's Name: Russillo

Mark

Last

First

M.I.

STEP ONE

Date of Incident or Date Knew of Facts Giving Rise to Grievance: May 13, 2021

Article(s)/Sections(s) violated: Article 20, Sections 20.6, 20.7, Article 25, Section 25.2

and all applicable Articles

Briefly state the facts: CO Missy Haynes is being denied payment of earned time (compensatory time)

Remedy Sought: Fully compensate CO Haynes for the full value of her compensatory time bank as per contract language, past practice and federal law, in part and in whole, make grievant(s) whole.

Given To: Sheriff Don Koonce

Date: May 18, 2021

Grievant's Signature

FOP Representative Signature

EMPLOYER'S RESPONSE

The Shelby County Sheriff submitted to Shelby County Treasurer for payment the treasurer did not pay

Employer Representative Signature

Position

Person to Whom Response Given

Date

STEP TWO

Reasons for Advancing Grievance: REMEDY INSUFFICIENT

Given To: BOB DY ORMAN / CLERK / STATES ATTORNEY

Date: 5/25/21

Grievant's Signature

FOP Representative Signature

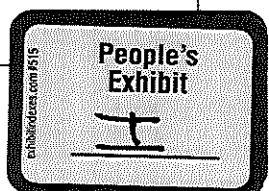
EMPLOYER'S RESPONSE

Employer Representative Signature

Position

Person to Whom Response Given

Date



RE: Vacation pay and comp time

5/18/21 1:21 PM

From: "States Attorney" <statesattorney@shelbycounty-il.com>

To: <shcotre@shelbycounty-il.com>, <sc515@scso87.org>, <district7-1@shelbycounty-il.com>

On January 14, 2021, a Grievance Resolution was reached **between the county and the FOP** in response to union grievances filed pursuant to Article 17 of the collective bargaining agreement regarding the award of vacation time on the anniversary date of hire rather than January 1 of each year. The grievance resolution provides "Employees who filed grievances will be awarded vacation days on January 1, 2021, rather than anniversary date of hire. Those employees will have until December 31, 2021 to utilize vacation time awarded on January 1, 2021 (consistent with past practice). This resolution will be in effect until the expiration of the current Collective Bargaining Agreement: August 31, 2021 or until a successor agreement is ratified and will not extend thereafter."

Ms. Haynes was one of the sheriff's department employees who filed an above-referenced grievance and, for that reason, is entitled to the award of vacation time on January 1, 2021.

As it relates to accumulated and unused compensatory time off, it is my understanding that documentation of those hours has been provided to the Treasurer's Office by the Sheriff's Department. Pursuant to 20 U.S.C.A. section 207(o) (4), "an employee who has accrued compensatory time off authorized to be provided under paragraph (1) [employees of a public agency which is a State, a political subdivision of a State, or an interstate governmental agency] shall, upon termination of employment, be paid for the unused compensatory time at a rate of compensation not less than (A) the average regular rate received by such employee during the last 3 years of the employee's employment, or (B) the final regular rate received by such employee, whichever is higher."

Ms. Haynes is entitled to 280 hours of vacation time payment and 479 hours of accumulated compensatory time off payment.

Nichole Kroncke

Shelby County State's Attorney
301 E. Main Street
Shelbyville, IL 62565
(217) 774-5511

From: Shelby County Treasurer - Erica Firnhaber <shcotre@shelbycounty-il.com>

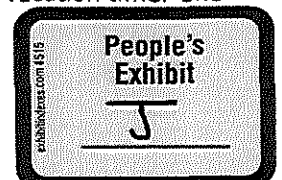
Sent: Monday, May 10, 2021 3:29 PM

To: sc515@scso87.org; statesattorney@shelbycounty-il.com; district7-1@shelbycounty-il.com

Subject: Vacation pay and comp time

Sheriff Koonce, State's Attorney Kroncke and Chairman Orman,

Attached is documentation for Missy Haynes and the hours she has received for vacation. Missy was hired 12/30/2017. She cashed out 40 hours of vacation on 12/14/2018, 2 weeks before her one year anniversary. 2 days after her 1 year service date, Missy received 80 hours of vacation. This was 80 hours of unearned vacation time. She



was again awarded 80 hour on 1/1/2020 and 1/1/2021. These hours are an overpayment if they are cashed out of 51 hours.

Missy should receive vacation of 229 hours for her service to Shelby County.

12/30/2018=40	actual 12/14/2018=40
12/30/2019=80	actual 1/1/2019 =80
12/30/2020=80	actual 1/1/2020=80
<u>5/8/2021=29</u>	<u>actual 1/1/2021=80</u>
=229	=280

I am asking for direction from the State's Attorney and the Chairman of the board for direction on this payment.

There is a payroll audit being performed on this department and I know that this vacation pay is a part of that and the ISP investigation. I do not want to process this overpayment without clear legal direction.

I would also like to request documentation to support the 479 hours of comp time accumulated. I have documentation from May 17, 2020 when timesheets started tracking time. I know there is also questions into all hours worked that are a part of the payroll audit. I would like supporting documentation as the cash out of this time will be \$9,700 plus dollars.

I do not plan to process this time on this payroll as we are on a deadline to get the file to the bank. I will plan to process this in 2 weeks should the State's Attorney and Board give the legal direction to do so. If you have any questions regarding this issue, please contact me.

Thank you,

Erica Finkhaber
Shelby County Treasurer
P.O. Box 326
Shelbyville, IL 62565
217-774-3841



**ILLINOIS FOP
LABOR COUNCIL**

974 Clock Tower Drive • Springfield, IL 62704-1304

T: 217.698.9433 F: 217.698.9487

5600 South Wolf Road, Suite 120 • Western Springs, IL 60558-2268

T: 708.784.1010 F: 708.784.0058

W: fop.org

June 29, 2021

via email

Bobby Orman, Chairman
Shelby County Board of Directors
Shelby County Courthouse
301 East Main Street
Shelbyville, IL 62565

RE: Haynes Grievances

Dear Bobby,

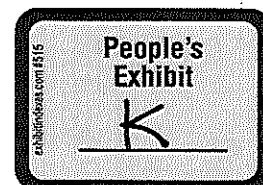
On May 18th, the Union filed 2 grievances on behalf of Corrections Officer Missy Haynes for failure of the County to remit pay for compensatory time worked and banked vacation time. The vacation issue was not only a shortage of pay for C.O. Haynes, but also a violation of an existing good-faith settlement between the County and the Union over the dispensation of earned vacation time.

With the absence of any proposed settlement by the Shelby County Grievance Committee on the compensatory time matter and clear violation of their existing settlement on the vacation matter, the Union will now advance both grievances to Step 3, which is arbitration. Inasmuch as the time limits on these grievances has been met without any further action on the County's part, I am informing you that we are taking action as of today.

Sincerely,

Mark Russillo
Field Representative

cc: Nichole Kronke, States Attorney
Sean McQueen, Acting Sheriff
David Fields, F.O.P. Labor Council Attorney





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T: 217.698.9433 F: 217.698.9487

5600 South Wolf Road, Suite 120 • Western Springs, IL 60558-2288

T: 708.784.1010 F: 708.784.0058

W: fop.org

August 25, 2021

via email

Shelby County Board of Directors
Shelby County Courthouse
301 East Main Street
Shelbyville, IL 62565

RE: Durbin Grievances

Dear Board Members,

On July 20, the Union filed a grievance on behalf of Corrections Officer Devon Durbin for failure of the County to remit pay for banked vacation time. The vacation issue was not only a shortage of pay for C.O. Durbin, but also a violation of an existing good-faith settlement between the County and the Union over the dispensation of earned vacation time.

With the clear violation of their existing settlement on the vacation matter, the Union will now advance this grievance to Step 3, which is arbitration. Inasmuch as the time limits on these grievances has been met without any further action on the County's part, I am informing you that we are taking action as of today.

Sincerely,

Mark Russillo
Field Representative

cc: Nichole Kronke, States Attorney
Sean McQueen, Acting Sheriff
David Fields, F.O.P. Labor Council Attorney

STATE OF ILLINOIS
IN THE CIRCUIT COURT OF THE FOURTH JUDICIAL CIRCUIT
SHELBY COUNTY, ILLINOIS

In Re pending grievances / arbitration

)
)
)

21 MR⁷⁷

ORDER APPOINTING SPECIAL PROSECUTOR

This cause comes on for hearing on the Motion of the State's Attorney for the appointment of a Special Prosecutor, and the Court having examined the Motion, and being fully advised in the premises, FINDS pursuant to the provisions of 55 ILCS 5/3-9008 that the interests of justice require the appointment of a Special Prosecutor. The Court further finds that the subject matter of this case involves pending FOP grievances for which formal demands for arbitration have been made, to wit: (1) grievances arising from modification in Shelby County Payroll to an arrears system and (2) awarded but unpaid vacation and compensatory time.

IT IS THEREFORE ORDERED:

1. That the State's Attorney's Motion for Appointment of a Special Prosecutor is **GRANTED**.
2. The Court hereby appoints Jasper County State's Attorney Chad Miller as Special Prosecutor to represent Shelby County at arbitration proceedings and at any court action and/or proceeding necessary to enforce the binding decision of the arbitration panel.
3. The Shelby County State's Attorney's Office is to provide all relevant documents to the Special Prosecutor.

9/10/2021

ENTER:



JUDGE

THE STATE OF ILLINOIS
IN THE CIRCUIT COURT OF FOURTH JUDICIAL CIRCUIT
SHELBY COUNTY, ILLINOIS

In Re pending grievances/arbitration)
)
) No. 21-MR-77
)

MOTION TO WITHDRAW AS SPECIAL PROSECUTOR

NOW COMES the Movant, Chad M. Miller, Specially Appointed Prosecutor for Shelby County, Illinois, and moves this Court for an Order granting leave to Movant to withdraw as specially appointed prosecutor in this matter and in support thereof states:

1. Upon the request of the Shelby County State's Attorney, the Court did previously appoint Movant to serve as specially appointed prosecutor in this matter on September 10, 2021.
2. That according to 55 ILCS 5/3-9008 (a-20), a public agency or State's Attorney can be appointed "if they are able and willing to accept the appointment."
3. This matter was not discussed with Jasper County State's Attorney Chad Miller prior to his appointment and he is unwilling to accept the appointment.
4. The Movant, Chad M. Miller, only became aware of the appointment when notified by David Fields, the attorney for the FOP, on November 8, 2021.
5. That State's Attorney Chad M. Miller appoints a private law firm to handle these matters in Jasper County and does not handle them personally.

WHEREFORE, the Movant, Chad M. Miller requests this Honorable Court to allow him to withdraw as specially appointed prosecutor in this matter and for such other and further relief as the Court deems appropriate.

Respectfully Submitted,



Chad M. Miller, Special Prosecutor

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing instrument was served upon the attorney of record, by enclosing the same in an envelope addressed to such attorney at his business address as disclosed by the pleading of record herein, with postage prepaid, by depositing said envelope in a U.S. Post Office mail box in Newton, Illinois, on the ____ day of _____ 11-8 2021.



JUDGE