

EMPLOYEE APPEALS BOARD

PROCEDURES AND FREQUENTLY ASKED QUESTIONS

The Employee Appeals Board (“EAB”) conducts hearings of all appeals filed by non–union career service employees that have been discharged (fired), demoted, or suspended for more than 10 days upon request of the employee. If you are in a union, you must follow the grievance procedures provided in your collective bargaining agreement.

FILING AN APPEAL

If your department head or another authorized person has given you written notice that you have been discharged, demoted or suspended for more than 10 days, you will then have five (5) calendar days after receiving that notice to request an appeal in writing of such decision with the EAB.

The request should be sent by U.S. Mail to:

Employee Appeals Board
118 N. Clark Street, Suite 833
Chicago, Illinois 60602

An appeal that is postmarked within the 5 calendar days will be considered timely. Alternatively, you may email your request to: EmployeeAppeals.Board@cookcountyil.gov. Filing an appeal does not change or delay the effective date of the discipline or discharge.

INITIAL STATUS HEARINGS

After filing the appeal, you will receive a notice from the EAB providing you with a date to appear for an initial status hearing. That initial status hearing will be set no more than 45 days after the EAB receives your appeal. All proceedings before the EAB will be recorded or a certified court reporter will be present and make a transcript of the proceedings.

Prior to the initial status hearing, the department is responsible for providing the EAB with all documents concerning the disciplinary action at issue, an initial list of witnesses it may rely upon to support its decision, and any other documents it may use to support its decision. The department must also provide a copy of these documents to the employee.

At the initial status hearing, the EAB will set dates for discovery, should the parties show a need for additional exchange of information, and a date for a final pre-trial conference. You will receive an order from the EAB after the initial status hearing. This order will list the dates for further hearings and detail any other orders the EAB made.

The department is typically represented by the Cook County State’s Attorney’s Office. You do not need to have an attorney represent you, but you may have an attorney represent you if you wish. Should you wish to have legal representation, such representation will be at your cost and not a cost of the County.

HEARING ON THE APPEAL

Either at the initial status hearing or a later date, the EAB will order that your appeal be heard by an Administrative Law Judge with the Cook County Department of Administrative Hearings. You will receive a referral order providing you with the date, time and location of the hearing. The hearing must be completed within 60 calendar days of the initial hearing date, unless the delay is caused by the employee. The EAB must issue a decision on the appeal within 50 calendar days after completion of the hearing. If these time limits are not met because of a delay requested or caused by the County, you are entitled prospectively to the pay and benefits of the position held before the discipline was imposed for the period of the delay.

Prior to the hearing, you and the department, or the State's Attorney on behalf of the department must file a final pre-hearing memorandum with the EAB. The pre-hearing memorandum must include: the name and contact information of the attorneys representing the parties; an agreed statement of the case that describes the nature of the case, the arguments of the parties, and the defenses; the estimated number of hearing days together with the estimated time limits for opening statements, closing arguments, and the total number of hours of witnesses per side; a statement of uncontested facts; a list of witnesses and a description of each witness' role in the case; and a chart of exhibits to be presented.

The Administrative Law Judge will conduct a hearing on the appeal. The department, or the State's Attorney on behalf of the department, will present its case first. You will have the opportunity to cross-examine the department's witnesses. You will then present your case. The department will have the opportunity to cross-examine your witnesses. The department bears the burden of proof and must prove that it is more likely than not that they had just cause to issue the discipline.

After hearing the case, the Administrative Law Judge will prepare a report and provide it to the members of the EAB. The EAB can accept or reject the Administrative Hearing Officer's findings and recommendations or require further hearing before the EAB. You will receive an order from the EAB informing you of their decision within 50 calendar days after the close of the hearing. If the EAB does not uphold your discipline, you will receive back pay and/or be reinstated to your former position.

FREQUENTLY ASKED QUESTIONS

1. Do I need an attorney?

You are not required to have an attorney represent you; however, many employees choose to have an attorney represent them. Should you choose to retain an attorney, the costs of such representation will be your responsibility.

2. Can I get a continuance (delay) of the hearing?

Either you or the department may request a continuance of the hearing for good cause. However, if your hearing is not completed within the 60-day time limit and the delay is a result of your request for a continuance, you will not be entitled to the pay and benefits for the period of the delay.

3. What happens if the Employee Appeals Board agrees with my appeal?

The EAB can overturn or reduce the discipline imposed and can order that you receive back pay for the time you were off work or in a lower title in cases of a demotion. If the EAB reduces your discipline, your back pay will reflect the reduced discipline.

4. Can I appeal the Employee Appeals Board's decision?

Yes, either party may appeal the decision of the EAB by filing an action in Cook County Circuit Court.