

BEFORE THE POLICE BOARD OF THE CITY OF CHICAGO

IN THE MATTER OF THE APPEAL BY)
[NAME REDACTED],) **No. 24 AA 42**
APPLICANT FOR THE POSITION OF)
POLICE OFFICER,) **(Candidate No. [redacted])**
CITY OF CHICAGO.)

FINDINGS AND DECISION

[Name redacted] (hereinafter referred to as “Applicant”) applied for a police officer position with the City of Chicago. In a letter dated July 8, 2024, the Office of Public Safety Administration (“OPSA”) gave Applicant written notice of its decision to remove Applicant from the list of eligible applicants for this position (“Eligibility List”) due to the results of a background investigation, along with the reason(s) for the disqualification decision (“Notice”).

On July 9, 2024, Applicant appealed this disqualification decision to the Police Board by filing a written request specifying why OPSA erred in the factual determinations underlying the disqualification decision and bringing to the Board’s attention additional facts directly related to the reason(s) for the disqualification decision, pursuant to Section 2-84-035(b) of the Municipal Code of Chicago (“Appeal”).

On July 17, 2024, OPSA filed with the Police Board a copy of the Notice and its response to Applicant’s Appeal (“Response”). Police Board Appeals Officer Mamie Alexander has reviewed the Notice, Appeal, and Response.

APPEALS OFFICER’S FINDINGS, CONCLUSIONS, AND RECOMMENDATION

Appeals Officer Mamie Alexander, as a result of a review of the above material, submits the following findings of fact, conclusions of law, and recommendation to the Police Board.

Filings by the Parties

Applicant filed a timely appeal as provided by Section 2-84-035(b) of the Municipal Code of Chicago, and the Response was filed within the time period allowed by the Police Board Rules of Procedure.

According to the Notice, Applicant was removed from the Eligibility List for the following reasons:

IV. PRE-EMPLOYMENT INVESTIGATION STANDARDS FOR APPLICANTS TO THE POSITION OF POLICE OFFICER

B. Disqualification Based on Prior Employment History¹

1. Police officers are required to work well with other officers, public officials, and members of the public, as well as maintain a professional work ethic. Further, a police officer's ability and willingness to obey orders is critical to the proper functioning and administration of the Chicago Police Department, which in turn is vital to the Chicago Police Department's ability to protect the public. A steady employment history is an indication that, among other things, an applicant has the ability to work well with others; follow workplace rules; perform his or her work to acceptable standards; and come to work on time and on a regular basis.
2. A poor employment history will result in disqualification for the position of Police Officer. An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, absenteeism, tardiness, or failure to follow regulations will be found unsuitable for employment.
3. Further, an applicant who, during previous employment, has engaged in any conduct that would have violated the Chicago Police Department's Rules and Regulations had the applicant been a Chicago Police Department employee, may be found unsuitable for employment. In addition, an applicant with a history of sporadic employment, evidenced by frequent changes in employment of short duration, may be found unsuitable for employment.

¹ Although the Notice cites Section B, "Disqualification Based on Prior Employment History" is found under Section D of the Pre-Employment Investigation Standards. In addition, although Section 2 states that a poor employment history "will" result in disqualification, the current standard reads: "A poor employment history **may** result in disqualification for the position of police officer" (emphasis added). For purposes of this recommendation, the language used in the current version of Section D(2) ("may") was considered.

Article V of the Chicago Police Department's Rules of Conduct

Rule 5-Failure to perform any duty.

Rule 10- Inattention to duty.

Rule 11-Incompetency or inefficiency in the performance of duty.

G. Disqualification Based on Indebtedness

1. Police officers are occasionally required to handle significant amounts of currency in the execution of their duties. Further, police officers with significant indebtedness are considered particularly susceptible to corruption and coercion. Therefore, any applicant who has current personal debts not related to a business, mortgage loans, student or auto loans, or medical bills the total of which is in excess of fifty percent (50%) of the annual starting salary of a Chicago Police Officer at the time of application, or at any point during the hiring process, will be found unsuitable for employment. Regardless of the source of debt, an applicant who has defaulted on any loan or has an inconsistent payment pattern may be found unsuitable for employment.
2. Any applicant who owes a debt to the City of Chicago at any time during processing will be given a reasonable amount of time to clear those debts. Any applicant who owes a debt to the City of Chicago at the time of hire will be found unsuitable for employment.

Applicant was disqualified by OPSA based on her prior employment history and indebtedness. Applicant was suspended for three days while working as a Dental Assistant for the Cook County Department of Corrections (“CCDC”) for prepping the dental area with expired materials. In addition, her former employer, [Name redacted], stated that he would not recommend her for employment due to poor attendance. Applicant also has pending debts with the City of Chicago, and numerous accounts that were referred to collections.

Appeal and Response

Applicant appeals the decision, stating that she has been employed with the CCDC for 14 years, and recently received two awards for her work performance. She shares that she is

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currently in the last semester of Olive Harvey's Criminal Justice Program and will be graduating with honors.

Applicant states that her suspension at the CCDC was not her fault, and the person who reported her was "let go" shortly after Applicant's suspension. Applicant says that she is surprised that her former employer, [Name redacted], would say anything negative about her, as he never mentioned any issues to her about her work performance or attendance. She notes that she recently took her parents to his office for treatment, and they all had a pleasant reunion. Applicant argues that she was a good employee, and left [Name redacted]'s office with his blessing due to "payment issues."

Applicant explains that her indebtedness is due to being a single parent. She states that she has two children who were enrolled in private schools for both elementary and high school, which affected her finances. She notes that she is either on a payment plan or in the process of starting payment plans for all of her outstanding debt. Applicant declares that now that her children are older, she can "begin to focus" on her goal of becoming a police officer.

OPSA's Response states that the appeal was reviewed, and OPSA relies upon the facts and evidence relating to the disqualification contained in Applicant's file. OPSA maintains that the pre-employment disqualification standards under which Applicant's disqualification decision were based upon are clear (namely, Disqualification Based on Prior Employment History and Indebtedness). OPSA states that the evidence in Applicant's file supports its decision to disqualify Applicant from hiring, and OPSA is within its right to do so, citing *Apostolov v. Johnson*, 2018 IL App (1st) 173084; ¶¶ 24, 31 and *Johnson v. O'Connor*, 2018 IL App (1st) 171930, ¶¶ 16-17, 20.

Findings of Fact

Filings were timely.

OPSA provided the factual basis for its decision to disqualify Applicant and remove her name from the eligibility list. It determined that Applicant's prior employment history and indebtedness were grounds for disqualification. OPSA articulated the Standards by which the conduct was assessed by section and paragraph, and articulation of the Standard gives reasonable notice as to the basis for disqualification.

While working as a Dental Assistant for the CCDC, Applicant was suspended for three days for prepping the dental area with expired gloves. In addition, the R/I conducted an interview with Applicant's former employer, [Name redacted], who advised the R/I that he did not recommend Applicant for employment due to her attendance issues.

Applicant states that while working at the CCDC, she always worked under the doctor. Therefore, anything that she did was "based on his approval." Applicant asserts that her union, colleagues, and doctors all agreed that the suspension was not justified, as Applicant did not personally order the supplies. She states that every clinic at that time had the same gloves, but she was the only one to be reprimanded.

Applicant also claims that every doctor that she worked for at the CCDC would "vouch" that she is an "ethical person and hard worker." Applicant shares that she was especially surprised by [Name redacted]'s statements to the investigator, as they never had any issues, and she never had an attendance problem with him. She states that due to their good relationship, she recently took her parents in for a dental appointment at his office. Applicant says that [Name redacted] was pleasantly surprised to see her and told her mother (in front of his current assistant) that Applicant was the best dental assistant that he ever had. Applicant also states that

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she was never written up or verbally reprimanded by [Name redacted] during her employment with him.

Indebtedness

Applicant’s background also revealed the following indebtedness:

Agency	Creditor	Amount	Status
City of Chicago Expired Plate/Temp	City of Chicago	\$120.00	Payment Plan
City of Chicago Red Light Violation	City of Chicago	\$61.28	Payment Plan
Radius Global Collection Agency	AT&T	\$2,959.00	Collections
LVNV Funding Collection Agency	Credit One Bank	\$811.00	Collections
Aargon Agency Collection Agency	Com-Ed	\$794.00	Collections
IQ Data International Collection Agency	7939 S. Dobson	\$737.00	Collections
American Profit Recovery Collection Agency	Consumer Safety Tech	\$63.00	Collections
Merrick Bank	Merrick Bank	\$875.00	Charged Off
Capital One/Walmart	Capital One	\$300.00	Charged Off
Total:			\$6,720.28

Applicant states that her indebtedness is due to being a single parent having to support her children. She says that she is on a payment plan for her city tickets and is “in the process” of starting payment plans for her other debt. Applicant states that now that her children are older, she would like to achieve her goal of becoming a Police Officer so that she can implement change for the better.

Conclusions of Law

Section IV. of the Bureau of Support Services Special Order contains the Pre-

Employment Investigation Standards for Applicants to the Position of Police Officer (“Standards”) that are applicable to this Appeal. Applicant was disqualified by OPSA based on her prior employment history and indebtedness.

Disqualification Based on Prior Employment History

Section D(2) of the Standards states: “A poor employment history may result in disqualification for the position of Police Officer. An applicant who has been discharged or disciplined for offenses which include any act of dishonesty, incompetence, insubordination, absenteeism, tardiness, or failure to follow regulations may be found unsuitable for employment.” Applicant was placed on a three-day suspension for prepping the dental area at the CCDC with expired gloves.

Furthermore, Applicant’s former employer did not recommend her for employment due to absenteeism, stating that her “weakness” was her attendance. Based on the above, Applicant’s prior employment history could be considered grounds for disqualification based on Section D(2) of the Standards, as well as Rules 5, 10 and 11 of CPD’s Rules and Regulations.

Disqualification Based on Indebtedness

Section G(1) of the Standards states: “...Regardless of the source of debt, an applicant who has defaulted on any loan or has an inconsistent payment pattern may be found unsuitable for employment.”

Applicant has five accounts that were referred to collections, and two additional accounts that were “charged-off” as a result of Applicant’s failure to pay. In addition, although she set up payment plans for her city tickets, Applicant failed to address her other outstanding debt by the time her background investigation was concluded in May, 2024. As a result, Applicant’s indebtedness could be considered grounds for disqualification based on Section G(1) of the

Standards.

No additional facts, evidence or arguments were submitted in Applicant's Appeal that support her contention that Department erred in disqualifying Applicant based upon her prior employment history and indebtedness. In considering and weighing the grounds for disqualification that were presented, Applicant has failed to show, by a preponderance of the evidence, that the decision to remove her from the Eligibility List was erroneous.

Recommendation

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

Respectfully submitted,

/s/ Mamie A. Alexander

Mamie Alexander
Appeals Officer

Date: October 10, 2024

POLICE BOARD FINDINGS AND DECISION

The members of the Police Board of the City of Chicago have reviewed the Appeals Officer's findings, conclusions, and recommendations. The Police Board, by a vote of 5 in favor (Kyle Cooper, Claudia Badillo, Mareilé Cusack, Nanette Doorley, and Andreas Safakas) to 4 opposed (Paula Wolff, Steven Block, Kathryn Liss, and Justin Terry), does not adopt the Appeals Officer's findings, conclusions, and recommendation. The Board finds that Applicant's explanations for her prior employment history and indebtedness are credible and that the reasons for disqualification are not sufficiently serious to remove Applicant from the Eligibility List. The Board concludes that the Applicant has met the burden of showing, by a preponderance of the evidence, that the decision to remove her from the Eligibility List was erroneous.

NOW THEREFORE, IT IS HEREBY ORDERED that the decision to remove [Name redacted] from the list of eligible applicants for the position of probationary police officer is **reversed** and she is **reinstated to the Eligibility List**.

This decision and order are entered by a majority of the members of the Police Board:
Kyle Cooper, Claudia Badillo, Mareilé Cusack, Nanette Doorley, and Andreas Safakas.

DATED AT CHICAGO, COUNTY OF COOK, STATE OF ILLINOIS, THIS 19th DAY OF DECEMBER 2024.

Attested by:

/s/ KYLE COOPER
President

/s/ MAX A. CAPRONI
Executive Director