



DEPARTMENT OF HUMAN RESOURCES  
CITY OF CHICAGO

**MEMORANDUM**

TO: Joseph M. Ferguson, Inspector General  
Office of the Inspector General

FROM: Soo Choi, Commissioner  
Department of Human Resources

Erin Keane, Acting Comptroller  
Department of Finance

RE: Hiring Oversight's Review of Suspensions Issued for Historical *Shakman* Violations

DATE: December 2, 2013

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We are writing in response to the Inspector General's Office's ("IGO") advisory dated November 1, 2013 concerning Hiring Oversight's Review of Suspensions Issued for Historical *Shakman* Violations. In the IGO's advisory, you cited inconsistencies in the way that disciplinary suspensions arising from investigations conducted by the *Shakman* Monitor's Office "were coded, calculated and effectuated across and within City departments." You also noted that these types of inconsistencies "have been observed across City departments and span multiple administrations." Finally, you recommended that the Department of Human Resources ("DHR") and the Department of Finance ("DOF") establish a City-wide policy for the assessment, coding, and enforcement of unpaid suspensions and disciplinary sanctions.

We agree with you that a City-wide policy that streamlines and standardizes the imposition of discipline is in order. To that end, we have created a draft policy concerning the imposition of disciplinary suspensions, and we are working with the Department of Law and with Labor Relations to finalize that policy as soon as possible. Once we have finalized a draft of the policy, it will need to be provided to each of the bargaining units for their comments. While the policy itself is not ready to be published, we did want to address the specific policy recommendations that you made in your advisory.

***Recommendation:*** All disciplinary suspensions be recorded in all relevant time-keeping systems utilizing a single suspension code.

We agree that utilizing a single suspension code will simplify disciplinary procedures and make tracking disciplinary actions easier. As such, our current draft of the policy instructs departmental time keepers to utilize a single suspension code.

***Recommendation:*** All disciplinary suspension documentation including, specifically, any "Notice of Disciplinary Dock" or "Suspension Notice," be completed by the supervisor of the suspended employee and given to the employee, the Department Head, and DHR.

We agree with this recommendation. First, in order to simplify the disciplinary process, the new policy will eliminate the Notice of Disciplinary Dock form and will be using the Suspension Notice form for all suspensions. In addition, under the new policy, the supervisor or manager who is issuing the disciplinary suspension will be responsible for completing the Suspension Notice. A copy of the Suspension Notice form will be provided to the employee at the time the suspension is issued. A copy of the form will also go into the employee's personnel file, and a copy of the form will also be provided to DHR at the time that the suspension is recorded in the Chicago Integrated Personnel and Payroll System ("CHIPPS").

***Recommendation:*** All disciplinary suspensions be calculated and assessed Citywide on the basis of regular work days and not on the basis of calendar days.

It has historically been the City's practice to issue disciplinary suspensions in calendar days rather than work days. Both the current Suspension Notice form and the current Notice of Disciplinary Dock form include a line for the number of calendar days that a suspension should be served. In addition, both forms indicate the date that the suspension begins and the date that the employee is expected to return to work. Additionally, CHIPPS is set up to record transactions in calendar days, not work days, and an employee's work history will show date ranges in calendar days.

In your report you wrote, "In some departments employees are allowed to serve portions of unpaid suspensions on non-work days . . . This practice further mitigates the true duration and financial impact of the suspension." However, it has long been understood that if a department wants to suspend an employee so that they will not be paid for two work weeks, or ten work days, that the suspension notice should indicate that the employee should be suspended for 14 days. Our new policy will make this calculation clear, and we will ensure that all departments are trained on this point so that all suspensions are served consistently for the proper duration.

***Recommendation:*** All disciplinary suspensions be served on consecutive regular work days absent a documented, operational justification provided to the OIG by the Department Commissioner.

We agree with this recommendation. In our new policy, we are proposing that suspensions be served on consecutive calendar days. For lengthy suspensions of fourteen calendar days or more, we will allow a department head to provide written justification for breaking up the suspension based on operational needs. A copy of that justification will be provided to DHR when the suspension is entered into CHIPPS. If applicable, a copy of the justification would also be provided to the entity that recommended the disciplinary action (for example, IGO or the Diversity and EEO Division of DHR). Furthermore, the new policy also proposes that the smallest increment that a suspension can be broken down into is seven (7) calendar days or one work week. Finally, the policy includes a provision that suspensions should be scheduled to begin on the first day of the employee's work week.

***Recommendation:*** Non-regular weekend days and holidays be excluded from the count of consecutive workdays on which a suspension is served.

As stated above, the City's longstanding practice has been to issue suspensions in calendar days and not work days. With respect to holidays, if a holiday falls within the range of dates that an employee is suspended, the employee would not receive holiday pay for that holiday. As a result, the holiday would be treated the same as a regular paid work day. Furthermore, the Salary Resolution already dictates that

“if an employee is absent without pay on the last working day preceding or the first working day following such holiday, the holiday shall be considered as an additional day absent without pay.”<sup>1</sup>

**Recommendation:** *The Personnel File of the disciplined employee in both DHR and the employing department each include documentation of the imposed discipline.*

We agree with this recommendation. The draft policy proposes that a copy of the Suspension Notice be placed in the employee’s personnel file and that a copy be provided to DHR when the suspension transaction is entered into CHIPPS.

**Recommendation:** *Docking of pay of salaried employees operate on the basis of a single assessment schedule.*

We agree with this recommendation. DOF will be working on a means of docking pay based on the annual salary rather than the number of days in a respective pay period. This will require a change in programming between the City’s time and attendance system and CHIPPS, which may take some time for the DOF to complete.

Finally, we would like to note that we have worked closely with the relevant departments to correct the coding issues that you outline in your report. It is our hope that our new policy will prevent these issues from occurring again in the future. The proposed policy would apply to all City employees unless an applicable Collective Bargaining Agreement (“CBA”) provides otherwise. As noted above, the draft policy will need to be provided to the unions for their comments, and it is possible that some of the proposed procedures may change as a result. However, the ultimate goal of your recommendations, which we agree should be attained, will be fully accomplished by the policy. Once the policy is finalized, we will provide all City departments with a copy of the policy, post it on DHR’s intranet site, and provide training to HR Liaisons and to departmental timekeepers. We will also provide IGO Hiring Oversight with a copy of the finalized policy and with the dates of all scheduled trainings.

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<sup>1</sup> See Regulations Governing the Administration of the Classification Plan and Employee Benefits for Classified Positions Set Forth In the Annual Appropriation Ordinance (“Salary Resolution”), Section G, (1)(d).