

**COOK COUNTY SHERIFF'S MERIT BOARD**

<b>Sheriff of Cook County</b>	)	
	)	
<b>vs.</b>	)	
	)	<b>Docket No. 1839</b>
<b>Correctional Officer</b>	)	
<b>Alicia Webster</b>	)	
<b>Star # 10397</b>	)	

**DECISION**

This matter coming on to be heard pursuant to Notice before Patrick M. Brady, Board Member, on October, 20, 2016 and February 2, 2017, The Cook County Sheriff's Merit Board finds as follows:

**Jurisdiction**

**Alicia Webster**, hereinafter Respondent, was appointed a Correctional officer on August 19, 1993. Respondent's position as a Correctional Officer involves duties and responsibilities to the public; each member of the Cook County Sheriff's Merit Board, hereinafter Board, has been duly appointed to serve as a member of the Board pursuant to confirmation by the Cook County Board of Commissioners, State of Illinois, to sit for a stated term; the Board has jurisdiction of the subject matter of the parties in accordance with 55 ILCS 5/3-7001, *et seq*; and the Respondent was served with a copy of the Complaint and notice of hearing and appeared before the Board with counsel to contest the charges contained in the Complaint.

As a threshold matter, a proceeding before the Merit Board is initiated at the time the Sheriff files a written charge with the Merit Board. 55 ILCS 5/3-7012. A document is considered filed, in this case with the Merit Board, "when it is deposited with and passes into the exclusive control and custody of the [Merit Board administrative staff], who understandingly receives the same in order that it may become a part of the permanent records of his office." *See Dooley v. James A. Dooley Associates Employees Retirement Plan*, 100 Ill.App.3d 389, 395 (1981)(quoting *Giel v. Comminssioners of Drainage District No. One*, 384 Ill. 499, 501-502 (1943) and citing *Hamilton v. Beardslee*, 51 Ill. 478 (1869)); accord *People ex rel. Pignatelli v. Ward*, 404 Ill. 240, 245 (1949); *in re Annex Certain Terr. To the Village of Lemont*, 2017 IL App (1<sup>st</sup>) 170941, ¶ 18; *Illinois State Toll Highway Authority v. Marathon Oil Co.*, Ill. App. 3d 836 (1990) ("A 'filing' implies delivery of a document to the appropriate party with the intent of having such document kept on file by that party in the appropriate place." (quoting *Sherman v. Board of Fire & Police Commissioners*, 111 Ill. App. 3d 1001, 1007 (1982))); *Hawkyard v. Suttle*, 188 Ill. App. 168, 171 (1914 ("A paper is considered filed when it is delivered to the clerk for that purpose.")).

The original Complaint in this matter was filed with the Merit Board's administrative staff on October, 13, 2015. Regardless of whether or not Merit Board Members were properly

**Docket No. 1839**  
**Correctional Officer**  
**Alicia Webster**  
**Star # 10397**

appointed during a given term, the Merit Board, as a quasi-judicial body and statutorily created legal entity, maintained at all times a clerical staff not unlike the Clerk of the Circuit Court ("Administrative Staff"). These Administrative Staff members receive and date stamp complaints, open a case file, assign a case number, and perform all of the functions typically handled by the circuit clerk's office. Just as a timely filed complaint would be accepted by the circuit clerk even if there were no properly appointed judges sitting on that particular day, so too was the instant Complaint with the Administrative Staff of the Merit Board. Accordingly, the Complaint filed on October, 13, 2015, commenced the instant action, was properly filed, and will be accepted as the controlling document for calculating time in this case.

### **Findings of Fact**

The Sheriff filed a complaint on October 13, 2015. The Sheriff is seeking Termination.

The evidence presented at the hearing conclusively established that the Respondent, repeatedly and intentionally violated the work attendance policies by incurring 6 unauthorized absences between January 23, 2013 and February 19, 2015. The Respondent received counseling on the rules and regulations relating to absences and received several unfavorable rulings through the Grievance Processes. The Respondent received numerous warnings as to the potential ramifications of her repeated unauthorized absences. The Respondent also acknowledged that she understand the rules and regulations regarding unauthorized absences and the potential consequences. Testimony at the hearing also established that the Respondent was counseled and was fully aware that it is the Officer's responsibility to track available excused absence time. The Hearing Officer also finds that the Respondent's attempts to blame the Sheriff's Office for improperly recording her time and therefore that her absences were in fact legitimate to be incredible and contrary to the manifest weight of the evidence presented at the Hearing.

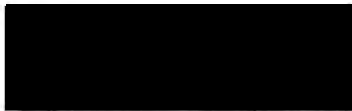
### **Conclusion**

Based on the evidence presented, and after assessing the credibility of witnesses and the weight given by the evidence in the record, the Board finds that Respondent did violate the Sheriff's Orders # 3401.11.4.1.1, 11.2.20.0 and the Cook County Sheriff's Department Rules and Regulations, Article X, Paragraph B and that the Respondent should be terminated.

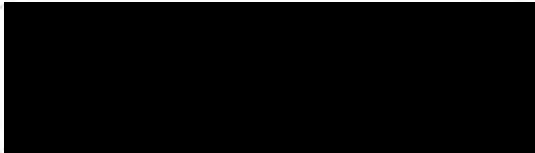
### **Order**

Wherefore, based on the foregoing, it is hereby ordered that Alicia Webster be separated effective October 14, 2015,

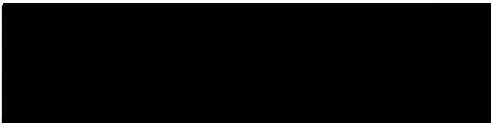
Alicia Webster  
Deputy Sheriff  
Docket #1839



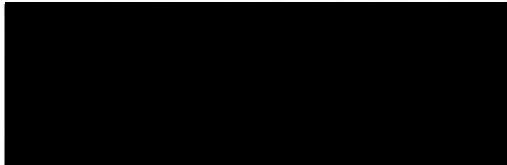
James P. Nally, Chairman



Byron Brazier, Vice-Chairman



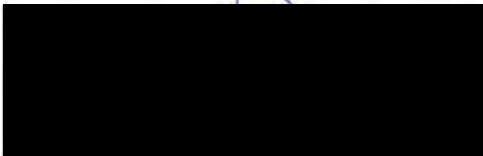
John Dancandro, Secretary



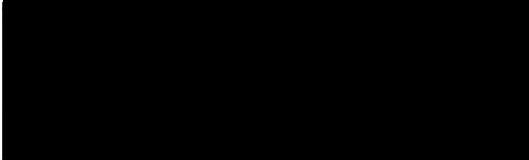
Kim R. Widup, Board Member



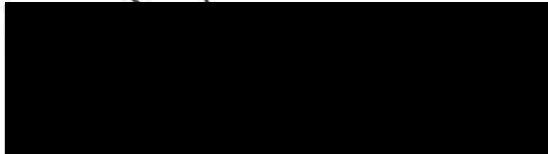
Vincent T. Winters, Board Member



Juan L. Baltierres, Board Member



Patrick Brady, Board Member



Gray Mateo - Harris, Board Member

Date December 14, 2018