

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

JIMMY DOE, WILLIE ROE,)
JOHNNY WOE, DANNY ZOE,)
CHARLIE ROE, and ANDREW LOE,)
on behalf of themselves and all)
similarly situated,)

Plaintiffs,)

v.)

COOK COUNTY and SUPERINTENDENT,)
Cook County, Juvenile Temporary)
Detention Center,)

Defendants.)

No. 99 C 3945

Judge James F. Holderman

Magistrate Judge Ashman

AGREED ORDER

It is hereby ordered, good cause having been shown, and the parties being in agreement that:

1. Marcus Collier, Richard Ordonez, Mark Quillen, and Joseph Hill (hereinafter collectively the "Employees") shall be reinstated to their employment at the Cook County Juvenile Temporary Detention Center (JTDC), without loss of seniority, subject to the terms and conditions set forth below.

2. Immediately upon reinstatement, each Employee shall accept permanent reassignment to a newly created position (hereinafter "Position"). Each Position shall be classified as Juvenile Detention Counselor (JDC) within the JTDC bargaining unit, but each Position will have defined duties and responsibilities of a JDC-Support Clerk. If the Employees permanently vacate these Positions for any reason, these Positions may be closed. The Employees may not at any time in the future work in, bid on, or be considered for any other position at the JTDC. Each Employee shall receive the compensation of a JDC; shall be a member of the JTDC collective bargaining unit, currently represented by Teamsters' Local 714; and shall enjoy all rights and privileges and be bound by all provisions of membership in the collective bargaining unit, subject to the exceptions set forth in Paragraphs 6 and 7 below. No Employee shall be disciplined for delays in mastering the various JTDC information systems and computer programs such as Word or Excel, provided he makes reasonable and continuing efforts to master them.

3. Marcus Collier, Richard Ordonez, and Joseph Hill shall be made whole by Cook County for all lost wages and benefits as a result of their terminations on November 30, 2006. Mark Quillen will be made whole by Cook County for all lost wages and benefits as a result of his non-reinstatement on March 4, 2008. The parties shall meet within fourteen (14) days of the

entry of this order for the purpose of calculating the back wages, benefits, and interim earnings.

4. None of the Employees named in Paragraph 1 of this order shall: (1) have contact with any JTDC resident; (2) work in any position that involves contact with JTDC residents; (3) enter any area of the JTDC that is designated for resident use; (4) be directed to enter any area or engage in any activity that would result in a violation of this paragraph.

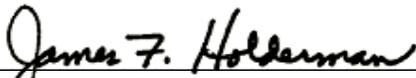
5. Acceptance of the reassignment referenced in Paragraph 2 shall not result in a reduction in pay or a loss in seniority to any of the Employees named in Paragraph 1, nor shall it have an impact on any such Employee's right to back pay.

6. If the Office of the Transitional Administrator (OTA) decides to terminate any of the Employees named in Paragraph 1 based on just cause involving allegations of resident abuse, unauthorized contact with a resident, or conduct that results in physical harm to a resident (hereinafter "Misconduct Involving a JTDC Resident"), such a decision shall be reviewable only by the Magistrate Judge of the U.S. District Court for the Northern District of Illinois assigned to this case. If the Magistrate Judge, after applying an abuse of discretion standard, reverses the OTA's decision to terminate, the Magistrate Judge shall determine what, if any, discipline should be imposed on the Employee based on the alleged Misconduct Involving a JTDC Resident, and whether the Employee is entitled to back pay in connection with the termination. All other discipline shall be subject to procedures under the applicable collective bargaining agreement then in effect, if any.

7. By accepting reinstatement at the JTDC, each Employee named in Paragraph 1 expressly consents to the procedures set forth above in Paragraph 6 and waives his right to use the grievance process set forth in any collective bargaining agreement to challenge any termination decision made by the OTA that is based on Misconduct Involving a JTDC Resident.

8. Nothing in this order shall be construed as superceding the seniority rights of any other JTDC bargaining unit employee except to the extent necessary to implement this Agreed Order.

9. The following sentence shall be added to Paragraph 5.C of the Court's May 8, 2008, Order: "Nothing in this paragraph suspends any laws or ordinances requiring compliance with provisions of the CBA involving employee discipline or discharge arising from alleged abuse, neglect or similar misconduct."



The Honorable James F. Holderman
Chief Judge, Northern District of Illinois

Dated: March 12, 2009