

MANDATORY OVERTIME - KNOW YOUR RIGHTS

Mandatory Overtime is Not Automatically Required if You Have Already Worked Voluntary Overtime

The Cook County Correctional Officers CBA requires overtime to be paid at 1.5x pay rate for all hours worked over 80 in a pay period (Article 13.5). However, it does not require any officer to work a minimum number of mandatory overtime shifts

Once you have voluntarily exceeded 80 hours in a pay period, further mandation may violate fair rotation practices and can be challenged if it shows targeted or excessive use.

WHAT ABOUT EMERGENCY MANDATION?

Yes, the contract includes a limited exception: If the overtime list is exhausted and a genuine emergency exists, management may mandate staff.

However:

- The CBA does not permit chronic or routine use of this clause.
- Mandating officers who have already contributed overtime shifts is not required, nor is it protected as management's unlimited right.
- Importantly, this exception cannot be used to justify overusing the same officers week after week.

REPEATED MANDATION - EVEN IF NO ONE IS SKIPPED - IS LEGALLY CHALLENGEABLE

If you are being mandated multiple times per week - even without being skipped in the rotation - it still violates your legal protections under labor law and safety regulations.

This may constitute:

- Coercion under the Illinois Public Labor Relations Act (5 ILCS 315/10(a)(1))
- "It shall be an unfair labor practice for an employer to interfere with, restrain or coerce employees..."
- Constructive retaliation if used to punish or target vocal officers
- Unsafe work practices under OSHA's General Duty Clause (29 U.S.C. § 654) if fatigue sets in
- Violation of the CBA's implied duty of equitable treatment, if mandation is not fairly distributed

Even if the department follows technical procedures, repeated overuse of specific employees - especially those who have already volunteered - is abuse of discretion, arbitrable, and legally actionable.

FATIGUE IS A RECOGNIZED WORKPLACE HAZARD UNDER OSHA

OSHA states that: "Fatigue can lead to safety hazards and decreased productivity. Long work hours and irregular shifts can contribute to reduced alertness and increased risk of injury." - OSHA: Extended or Unusual Work Shifts

Employers must maintain a workplace free from recognized hazards, including cognitive impairment caused by excessive work hours. Repeated mandatory overtime - especially on short rest - is a violation of OSHA's General Duty Clause.

IF YOU ARE RETALIATED AGAINST FOR REFUSING MANDATION OR REPORTING OVERUSE:

You are protected by the following federal and state laws:

- Fair Labor Standards Act (FLSA) 29 U.S.C. § 215(a)(3) - prohibits retaliation for asserting overtime rights
- Illinois Whistleblower Act (740 ILCS 174/) - prohibits retaliation for reporting improper practices
- Illinois One Day Rest in Seven Act (ODRISA) - requires a full 24-hour rest every 7-day period
- OSHA Protections - prohibit overwork leading to fatigue-related harm

PCOs (PROBATIONARY OFFICERS) ARE FULLY PROTECTED

The CBA applies to all employees, including probationary correctional officers (PCOs). It does not distinguish their rights on overtime, mandation, or safety.

- PCOs are protected under CBA Article 13.5
- Covered by FLSA, OSHA, ODRISA, and Illinois labor statutes
- Cannot be disproportionately used due to probationary status

C4 STRATEGIC RECOMMENDATION

To stay compliant while protecting yourself:

- Pick up 2-3 voluntary overtime shifts per pay period
- Keep printed or digital copies of your overtime shift confirmations (sign-in logs, timecard records)

If mandated despite your contributions:

- Politely decline, citing your already-worked overtime
- File a grievance citing unequal burden or unsafe scheduling
- Report to OSHA if you are working under fatigue or unsafe shift rotation

Verified under the Cook County Correctional Officers CBA, Illinois Labor Law, OSHA Standards & Federal Statutes

LEGALLY PROTECTED MANDATION REFUSAL EMAIL

(To be sent to your supervisor, watch commander, or administrative chain of command.)

Subject: Formal Notice of Mandation Refusal Based on Legal and Contractual Protections

To: [Supervisor/Commander Name]
CC: Yourself (always), Union (optional), HR (if retaliation occurs)
Date: [Insert date]
Time: [Insert time]

Dear [Supervisor's Name],

This email serves as formal documentation of my refusal to accept mandatory overtime on [insert date] for [insert shift or time frame].

My refusal is based on the following legally protected and contractually supported grounds:

1. I have already worked overtime this pay period, exceeding my 80-hour base obligation as defined in Article 13.5 of the Cook County Correctional Officers CBA.
2. The mandation does not meet emergency threshold criteria nor was it presented as an emergency with OT list exhaustion, as required by the contract.
3. I am asserting my right under the Illinois Public Labor Relations Act (5 ILCS 315/10(a)(1)), which prohibits coercive or retaliatory scheduling practices.
4. I am also protected by the OSHA General Duty Clause (29 U.S.C. § 654) due to rising fatigue, which is a recognized occupational hazard under federal law.

Please consider this communication a clear and respectful exercise of my labor rights. Any attempt to discipline me for this refusal will be met with a formal grievance, an OSHA safety complaint, and legal action if necessary.

I am available and willing to serve during my regularly scheduled hours, and I continue to act in good faith to support the facility's operational needs. However, I will not sacrifice my health or safety under unlawful pressure.

Respectfully,
[Your Name]
Correctional Officer
[Badge/Star #]
[Division/Shift]

C4 Website QR Code



GRIEVANCE TEMPLATE: REFUSAL OF MANDATORY OVERTIME

To: [Grievance Officer / Union Rep / Designated Grievance Filing Contact]

Subject: Grievance – Unlawful Discipline or Threat of Discipline Following Refusal of Mandatory Overtime

Grievant Name: [Your Name]
Star # [Insert]
Classification: CO1
Division / Shift: [Insert]
Date of Incident: [Insert]
Supervisor at Time of Incident: [Insert]

Nature of Grievance: Violation of Contractual Overtime Protections / Retaliation

Statement of Grievance:

On [insert date], I was subjected to [disciplinary action/threat of discipline/harassment] for refusing mandatory overtime, despite the following:

- I had already worked [insert number] hours of overtime this pay period, exceeding the 80-hour base.
- No emergency was declared, and no formal documentation was provided showing OT list exhaustion.
- I was acting in accordance with Article 13.5 of the Cook County Correctional Officers CBA, which defines overtime obligations and makes no requirement for mandatory overtime under these conditions.

My refusal is further protected under:

- OSHA General Duty Clause (29 U.S.C. § 654) - due to work fatigue and safety concerns,
- Illinois Public Labor Relations Act (5 ILCS 315/10(a)(1)) - protects against coercive scheduling,
- Fair Labor Standards Act (FLSA 29 U.S.C. § 215(a)(3)) - protects employees from overtime retaliation,
- Illinois Whistleblower Act (740 ILCS 174) - protects reporting of unsafe practices.

Remedy Requested:

- Immediate reversal of any disciplinary record or write-up
- Written acknowledgment that my refusal was legally protected
- Assurance that future mandation requests will comply with the CBA, OSHA, and state/federal law
- Cease and desist order for further targeted mandation without proper rotation or emergency justification

Submitted Respectfully,
[Your Full Name]
[Date]