

IN THE MATTER OF ARBITRATION)	
)	Marvin Hill
BETWEEN)	Arbitrator
)	
POLICE OFFICER CODY LETTIERE)	Officer Cody Lettiere
AND ILLINOIS FOP LABOR COUNCIL)	
(UNION))	30-day suspension
)	
-- and --)	IL FOP Labor Council,
)	Western Springs, Illinois
COUNTY OF COOK,)	
COOK COUNTY SHERIFF'S OFFICE)	Hearing Date: 7-31-2019
(EMPLOYER))	OPR2018-0240
<hr/>)	GR-190123-LBMT (2018)

APPEARANCES:

For the FOP:	Gary L. Bailey, Esq. Jennifer Sexton, Esq. IL FOP Labor Council 5600 South Wolf Road, Ste 120 Western Springs, IL 60558-2268 G.Bailey@fop.org JSexton@fop.org
For the County:	Peter Kramer, Esq. Special Counsel Legal and Labor Affairs Division Cook County Sheriff's Office Richard J. Daley Center 50 West Washington St. Room 704 Chicago, IL 60602 Peter.Kramer@cookcountyil.gov

I. BACKGROUND, FACTS AND STATEMENT OF JURISDICTION

The essential facts giving rise to this arbitration are not in dispute. In a nutshell, the record indicates that on September 4, 2018, at approximately 12:48 AM, Officer Cody Lettiere created a Facebook post that contained a picture of Jose Maldonado's booking photo (AKA "mug shot") taken on August 31, 2018 at the Cook County Department of Corrections. The record indicates that Mr. Maldonado was de-deputized on October 28, 2013 and eventually separated as a police officer on January 23, 2014. Apparently the photo was obtained from the Sheriff's website, cookcountysheriff.org/inmate lookup, a page readily available to the public. Included with the picture were the words: "To all my jail guards buds, if anyone is looking for a good hall worker I got a good one. And he knows his way around the jail too lol." (See attached exhibit A depicting photo and comments). Upon further review of the Facebook Comment section. It showed that Mr. Lettiere had posted that Maldonado, who was classified as "protective custody." was being housed in Cermak hospital. Officer Lettiere also made disparaging comments about Maldonado in the comment section as well as citing previous arrests Maldonado had. Officer Lettiere also posted the arrest picture (copied from the same public website) of another detainee, Burt Robinson, along with the comment: "And don't give this guy crap. He ran out of my squad car lol. Had to chase him all over the Westside like an idiot lol." Another CCDOC Officer had commented with the exact housing location of Mr. Maldonado in Cermak. This comment resulted in an additional OPR investigation to be opened up. Several other CCDOC officers had made remarks about Maldonado in the comment section of the post, however the Administration found nothing significant enough to have violated the Sheriff's policy on social networking. See, Review of Facebook Post Created by Police Officer Cody Lettiere JDE #766888.

Interview of Sheriff's Police Officer Lettiere on October 4, 2018

On October 4, 2018 OPR Investigators interviewed Officer Lettiere, who was accompanied by FOP Representatives Michael Murphy and Gary Bailey. Officer Lettiere was provided with a pre-printed Brady Advisement form. Officer Lettiere was also given a pre-printed form advising him of his administrative investigation rights to which he signed indicating that he acknowledged that he was informed of his rights. Officer Lettiere was given a pre-printed form that advised him of the administrative allegations against him, which he signed indicating that he received the notification. Also, Officer Lettiere signed the request to secure legal counsel/union representation indicating that he had appeared with both legal counsel and union representation.

The record indicates that Director Rita T. Mendez and Senior Investigator Sergeant Nicole Pagani conducted the interview.

The following is taken in relevant part from the summary of the interview ¹:

* * *

¹ Without changing the substantive meaning of the summary, I have taken the liberty of correcting spelling and grammar when appropriate.

Officer Lettiere was asked how he knew of Jose Maldonado and Officer Lettiere stated that Maldonado used to be a Correctional Officer who he worked with in Division 8-RTU and that Maldonado was not very well liked. Officer Lettiere stated that he posted Maldonado's arrest picture on Facebook "to get a chuckle from some of our mutual friends." Officer Lettiere stated that he obtained the picture from the Sheriff's publically available website. Officer Lettiere was asked if he understood that Maldonado was placed in a protective custody status and he responded affirmatively. Officer Lettiere stated that a mutual friend of his and Maldonado told him that there was a warrant for Maldonado's arrest out of Midlothian.

Officer Lettiere was asked if he ever ran Maldonado through the LEADS system and Officer Lettiere stated "I might have looked him up on ICLEAR." Officer Lettiere stated that he didn't think he looked up Maldonado on LEADS, he didn't think he was even LEADS certified.

Officer Lettiere related that normally when they learn of someone having a warrant for their arrest, it would be acted on or he would notify the Police Department. Officer Lettiere related that awhile after he learned about Maldonado's warrant, he again asked his friend, not identified investigator Juan Leon if Maldonado was still wanted and Leon confirmed that he was. Officer Lettiere related that he might have checked ICLEAR to determine if Maldonado had been arrested yet.

Officer Lettiere then stated that a few weeks passed by and his friend, Juan Leon, re-contacted him and asked if he knew that the warrant was still valid on Maldonado and he told Leon that he would check when he got into work. Officer Lettiere then stated that he was not sure if he utilized ICLEAR to check to see if he was arrested. He did, however, check the Sheriff's website and saw that he was arrested and in custody.

Officer Lettiere was asked if he ever accessed ICLEAR when he was off duty and Officer Lettiere stated that he did not remember. He further related that he probably wouldn't because he does not think he would have started up his computer just to ruin him. Investigators asked Officer Lettiere if it was a "personal think" to be seeking out information regarding Maldonado. Officer Lettiere responded "It's not like I did not like this guy enough to be knocking on his door. Sometimes we work in the south suburbs. I wasn't sure if he was from the south suburbs or not. Most case scenarios I would have contacted Midlothian PD and told them hey, this is where he is at."

Officer Lettiere related that he learned of Maldonado's protective custody status after he had posted Maldonado's picture on Facebook.

Officer Lettiere was asked about the other picture he posted in the comment section of the original post, a picture of Burt Robinson with the comment: "And don't give this guy crap. He ran out of my squad car lol. Had to chase him all over the west side like an idiot lol." Officer Lettiere related that he looked Robinson up on the Sheriff's Website just to see if he was still locked up. He posted the comment about Robinson for the same reason he posted Maldonado's picture, just to get laughs.

Officer Lettiere acknowledged that he should have not posted the aforementioned posts on Facebook and stated, "I made a mistake, an immature post that I should not have posted."

Review of ICLEAR Usage by Officer Cody Lettiere

* * *

All the aforementioned inquiries yielded negative results in finding evidence of Officer Lettiere searching for Jose Maldonado on these law enforcement data bases.

FINDINGS

POLICE OFFICER CODY LETTIERE

Upon completion of this investigation, OPR finds that Officer Lettiere violated Policy 118 Employee Speech, Expression and Social Networking, 118.4 Prohibited Speech, Expression and Conduct (a) Speech or expression made pursuant to an official duty that tends to compromise the mission, function, reputation or a professional of the Sheriff's Office or its members. (E) Speech or expression that is contrary to the canons of the Code of Ethics as adopted by the respective department. (G) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of the Sheriff's Office logos, emblems, patches, marked vehicles, equipment or other material that specifically identifies the Sheriff's Office on any personal or social networking website or other website or web page, without the express authorization of the respective department head or authorized designee. Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the member (e.g., social or personal website).

Officer Lettiere posted on Facebook the booking photos of two inmates (Maldonado and Robinson) who were in the custody of the Sheriff. It is not argued that both pictures were taken from a public website that the Sheriff maintains, however, Officer Lettiere did not have permission to post the pictures. Officer Lettiere knows or should have known that posting information about how a subject he arrested (Robinson) who had escaped his custody, compromises his and the department's reputation, and professionalism. In addition, posting disparaging remarks about Maldonado is contradictory to the Code of Ethics to which Officer Lettiere has sworn. Finally, allowing another CCDOC officer to post the location of a protective custody detainee and not removing it in an expeditious manner subjects the protected detainee to a negative impact on his safety.

* * *

OPR found insufficient evidence to support that Officer Lettiere used Law Enforcement data bases to obtain information of Jose Maldonado's arrest history.

COMPLAINT REGISTER

On or about September 12, 2018, Attorney Frank Avila filed a complaint against Sergeant William Margalus and Officer Lettiere for the August 2018 incident. With respect to Officer Lettiere, Mr. Avila alleged that both employees misused ICLEAR or LEADS in order to obtain information about his client, Jose Maldonado. While Avila referenced the Facebook posting, he did not cite any violations by Officer Lettiere's posting other than misuse of ICLEAR and LEADS in obtaining criminal information about Maldonado.

Officer Lettiere is Given a 30-day Suspension by the Cook County Sheriff's Office (CCSPD)

On January 17, 2019, Cook County Sheriff's Office (CCSPD) determined that Officer Cody Lettiere "has been found to have violated one or more of the Rules and Regulations of the Cook County Sheriff's Office." The recommended penalty, determined through Command Channel Review, was a 30-day suspension

FOP Files a Grievance

On January 29, 2019, the IL FOP Labor Council filed a grievance on behalf of Officer Lettiere (GR-190123-LBMT). Citing a violation of Articles 2.1 and 11.3, the FOP asserted the 30-day suspension was without just cause. As a remedy, the FOP requested that the Administration rescind suspension, remove the disciplinary paperwork from all files, and reimburse the Grievant for any lost wages and benefits, including a request for make-whole relief.

II. ISSUE FOR RESOLUTION

The parties stipulated that the issue for resolution is whether the 30-day suspension given Officer Lettiere was for just cause and if not what shall be the remedy?

III. POSITION OF THE ADMINISTRATION

The Administration argues that the Grievant's conduct was serious enough to warrant a suspension penalty. Addressing the FOP's argument that the Grievant already served a penalty while he was de-deputized, it submits that an administrative assignment is generally given while an investigation is conducted. Management points out that Officer Lettiere's conduct resulted in an additional problem for the Administration as Maldonado has made a complaint through legal counsel. Still, in light of Officer Lettiere's cooperation during the investigation and his acknowledged admission of the alleged facts, the Administration submits that the imposed suspension should be between 14 and 21 days.

IV. POSITION OF THE FOP LABOR COUCIL

The FOP asserts that a 30-day suspension is without just cause. While acknowledging that the Grievant was at all times forthright in admitting his mistake in posting Maldonado's mug shot, the FOP insists that Officer Lettiere's Facebook post was based on information already available to the general public, specifically included in the Sheriff's website. As such, Officer Lettiere did not post anything that was private. At the same time, the Grievant already received a "penalty" when he was de-deputized and given an administrative assignment for 90 days. Although the assignment was paid, still it interfered with his normal duties and schedule as a deputy. The FOP insists that the suspension number is somewhere between zero (counsel declined to provide a number at the hearing) and the low end of what the Administration outlined at the hearing, specifically 14 days.

V. DISCUSSION

There is no serious dispute, and none is offered by the FOP, that an Employer has the right to regulate, monitor and discipline employees for what they post on Facebook and other social media. Inappropriate postings that undermine the Administration's policies and threaten the Employer's lawful business objective are subject to regulation by the Administration. While employees may engage in protected activities under the First Amendment specifically related to matters of "public concern" (public employees may not be compelled to relinquish their First Amendment rights they would otherwise enjoy as citizens to comment on matters of public interest, *Pickering v. Bd of Educ.*, 391 U.S. 563 (1968)), care must be taken by the employee to refrain from postings that are discriminatory, racist, obscene, pornographic, and maliciously vectored to individual co-workers. As articulated by one court, "a citizen who accepts public employment 'must accept certain limitations on his or her freedom.' Government employees enjoy considerable discretion to manage their operations, and the First Amendment 'does not require a public office to be run as a roundtable for employee complaints over internal office affairs.'" *Liverman v. City of Petersburg*, 844 F.3d 400, 2016 ILRC 3253, 41 IER Cases 1449 (4th Cir. 2016), citing *Connick v. Myers*, 461 U.S. 138, 149 (1983)). See, "Riding with the Cops and Cheering for the Robbers:" Employee Speech, Doctrinal Cubbyholes, and the Duty of Loyalty, 25 *Pepperdine Law Review* 721 (1998)(lead article)(with James Wright). Confidential information about the employer or his customers, such as trade secrets and information known only to the police community, is presumptively not fair game for postings, via Facebook or Twitter. At the same time discussion between employees about wages and working conditions is presumptively protected as opposed to mere gripes not related to group activity. See, e.g., *The NLRB and Social Media*, www.nlr.gov/rights-we-protect/rights/mlrb-and-social-media. See also, Christine O'Brien, *The Top Ten NLRB Cases on Facebook Firings and Employer Social Media Policies*, 92 *Oregon Law Rev.* (January 2014), reprinted at <http://law.upregon.edu/org/oir>; Robert Sprague, *Facebook Meets the NLRB: Employee Online Communications and Unfair Labor Practices*, 14 *Univ. PA J. Business Law* 957 (1012)(discussing social media cases considered by the NLRB through early 2012).

Fortunately, the reporting services, specifically Bloomberg Law (successor to BNA), are replete with reported court and arbitration decisions involving social media/Facebook posts. Of

special note, several courts have held that Facebook activity, including a “like,” is speech. *Bland v. Roberts*, 730 F.3d 368, 386, 36 IER Cases 1045 (4th Cir. 2013)(finding that a Facebook “like” is speech). No case is on all fours with Officer Lettiere’s, but they illustrate numerous combinations and permutations of facts regarding Facebook and social media posts. What is clear is this: Due to the nature of Facebook postings in cyberspace, the line between off-duty/off premises conduct and on-premises conduct is blurred. What is permissible speech is dependent upon a matrix of variables, making most legal generalizations problematic. See generally, *Emmanuel v. Cushman & Wakefield*, 2015 FEP Cases 275183, 2015 US Dist Lexis 11328 (DCNY 2015)(posting of messages regarding pregnancy on Facebook while at work; court notes that policy of prohibiting employees from posting on social networking sites during business hours is reasonable means of maintaining workplace environment conducive to work of the enterprise); *Jackson-George Regional Library System v. Mississippi Department of Employment Security Analysis*, 226 So. 3d 133 (Miss. Ct. App. 2017)(terminated employee posted a picture of library patrol on Facebook; photo detected patron sitting at library computer with underwear exposed with caption “St. Martin’s finest.”); *Zucker v. City of Los Angeles*, 2018 IER Cases 220779 (Cal. App. 2d Dist 2018)(holding department’s showing of potential disruption of Facebook post outweighed plaintiff’s First Amendment right. Speech (plaintiff commented on news article, followed by “kiss my ass ya greedy house mouse”) found to be matter of public concern, but court finds Facebook post inappropriate); *Susan Graziosi v. City of Greenville Miss.*, 775 F.3d 731, 39 IER Cases 1151 (5th Cir. 2015)(sustaining dismissal of sergeant police officer for Facebook posting critical of Employer who refused to accommodate officers who desired to attend funeral of co-worker killed in line of duty; court rejects argument that postings violated officer’s First Amendment rights, reasoning that speech was not a matter of public concern but, rather, an intra-departmental decision. Court described posts as a “rant” attacking the chief); *Liverman v. City of Petersburg*, 105 F.Supp. 3d, 2015 ILRC 1827 (E.D. Va. 2015)(finding comments on Facebook were relevant to performance of government, but (with respect to one plaintiff) concluded that comments were focused on personal grievances regarding experience of individuals promoted; court concludes that speech was not protected under First Amendment. Court reasons “If an employee’s speech cannot be fairly characterized as constituting speech as a matter of public concern, it is unnecessary for us to scrutinize the reasons for [the employee’s] discharge.” Other employee’s comments found protected under Pickering balancing test); *Hamm v. Williams*, 2016 IER Cases 323061, 2016 US Dist Lexis 134486 (ND Ohio 2016)(involving Facebook posts, made off-duty on home computer, regarding indictments and expressing support for fellow police officers charged with killing unarmed driver; court holds the expressing personal views of a public matter (indictment of police officers) protected under *Connick v. Meyers*, 461 U.S. 138, 103 S.Ct. 1684, 75 L.Ed. 2d 708 (1983); court reasons “[W]hen public employees make statements pursuant to their official duties, the employees are not speaking as citizens for First Amendment purposes, and the Constitution does not insulate their communications from employer discipline. But where the speech ordinarily does not fall within the scope of the public employee’s duties, he speaks in his role as a citizen even if his speech involves the subject matter of his employment.”); *Samantha Gary v. Walgreen La. Co.*, 2016 BL 427025 (la. App 1st Cir. 2016)(involving an employee’s posting picture of herself on Facebook and challenging comments made by co-workers; comments included alleged medical and personal information obtained by co-workers; motion for summary judgment in favor of defendants granted); *NLRB v. Pier Sixty, LLC*, 855 F.3d 115, 2017 ILRC 1647, 208 LRRM 3619 (2d Cir. 2017)(holding that employee’s Facebook posting not

so opprobrious as to lose protection under NLRA. Facebook post read: “Bob is such a NASTY MOTHERFUCKER don’t know how to talk to people!!!!!! Fuck his mother and entire fucking family!!!! What a loser!!!! Vote YES for the UNION!!!!!!”; *IBT Local 700 v. IL Labor Relations Board*, 2017 IL App (1st) 152993, 411 IL December. 394, 73 N.E. 3d 108, 208 LRRM 3554 (2017)(holding mere maintenance of social media policy not violative of statute); *Bush v. Gulf Coast Electric Coop., Inc.*, 2015 BL 185569, 2015 US Dist Lexis 80669, 2015 WL 38627728 (N.D. FL 2015)(involving off-duty Facebook posts); *Jason Duchaeen v. L.A. United School District*, 2018 BL 32194 (Cal. App. 2d Dist. 2018)(involving damage claim by art teacher who was the object of a false Facebook profile containing lewd and sexually explicit posts made by a student); *Brian Kane v. Finance of America Reverse, LLC*, 2018 BL 152223, 2018 FEP Cases 152223, 2018 WL 2001810 (S.D. Indiana 2018)(white employee posted message on Facebook feed criticizing Black Lives Matter movement, post stated all lives matter and people should be judged by their actions, not their race; court denied employer’s motion for judgment on the pleadings); *Varissa Dehoyos v. Bloomfield Public School District*, 2013 BL 144286, 2013 ILRC 1996 (D.N.M. 2013)(sustaining issuance of written reprimand for comments teacher made regarding her students; posting referred to students as “lame,” “disrespectful,” “lazy,” and “subhuman.”); *Lineberry v. Richards*, 2013 BL 30991m 2013 US Dist Lexis 15540, 2013 WL 438689 (E.D. Mich. 2013)(using Facebook posts to counter employee’s misuse of FMLA, concluding that an employer is entitled to summary judgment under “honest belief” doctrine, i.e., when the employer believes the employee lied about her medical condition and misused FMLA leave); *Grutzmacher v. Howard County*, 851 F.3d 332, 41 IER Cases 1738 (4th Cir. 2017) (noting that “to demonstrate that an employee’s speech impaired efficiency, a government employer need not prove that the employee’s speech actually disrupted efficiency, but only that an adverse effect was reasonably to be appreciated.”); *In re O’Brien*, 2013 ILRC 1045, 2013 NJ Super Unpub Lexis 28, 2013 WL 132508 (N.J. Super. Ct. App. 2012)(sustaining dismissal of tenured teacher for Facebook posts for statements made regarding her students, including “I’m not a teacher – I’m a warden for future criminals,” and “They had a scared straight program in school – why couldn’t [I] bring [first] graders?”); *Yancy v. U.S. Airways*, 469 Fed. Appx. 339 (5th Cir. 2012)(dealing with retaliation claim of employee whose picture was put on Facebook by a co-worker; picture depicted Yancy leaning over on a table while at work, revealing a portion of her underwear); *Martinez v. Department of Workforce Serv.*, 2015 Ark. App. 717, 478 S.W. 3d 276, 2015 ILRC 3281 (Ct.App.Ark. 2015) (reversing decision denying employee unemployment benefits for Facebook post critical of employer).

Researching arbitration decisions reveals they generally track courts’ analysis. See, e.g., *Labor Arbitration Decision*, 199238-AAA [number redacted], 2015 BNA LA Supp. 199238 (Stutz 2015)(sustaining grievant’s reduction in hours, finding that it was not result of her Facebook post); *Airtran Airways, Inc.*, 131 BNA LA 254 (Goldstein 2012)(denying of grievance of flight attendant for threatening remarks (employee stated that scheduling “better watch their backs” and were “dead”); employee also used the term “assholes” and “suck my d* * *” and “rot in hell.”); *Vista Nuevas Head Start*, 54-390-00037-11, 129 BNA LA 1519 (VanDagenes 2011) (sustaining dismissal of employee for Facebook posts where members of the group were grievant’s co-workers and where she made disparaging, abusive and vulgar remarks about coworkers, students, and parents at the school where she worked as a preschool teacher; Arbitrator reasons that speech was not concerted, protected activity. Protected activity, as no attempt was made to incite group action or to change terms and conditions of employment.

While posts were made off duty and off premises, Arbitrator holds that employer established a nexus to employee's workplace, as posts were about work and those she worked with); *City of North Bay Village*, 131 BNA LA 275 (Wood 2012)(reversing 72-hour suspension for police officer for insubordination due to Facebook posts regarding a public campaign); *Department of Homeland Security*, 132 BNA LA 161 (Scholiz 2013)(reversing discharge for Border Patrol employee pointing out that Facebook users that have their privacy setting set to "private" have an expectation of privacy; Arbitrator excludes Facebook postings illegally obtained); *International Association of Machinists*, 135 BNA LA 301, FMCS Case No. 14/01841-T (Feigenbaum 2015) (sustaining removal of employee as Grand Lodge Representative for disloyalty evidenced by Facebook posts seeking to unseat the incumbent); *Labor Arbitrator Decision* [Number redacted], 2016 BNA LA Supp. 205126 (Roumell 2016)(termination upheld of employee for creating intimidating, hostile and offensive work environment; sexual posting regarding employee held a form of bullying toward co-worker); *Orange City Public Schools*, 139 BNA LA 344 (Skulina 2019)(sustaining termination of teacher who stalked former girlfriend; Arbitrator cites Facebook posts "with no purpose other than to harass [former girlfriend]."); *Labor Arbitration Decision 4645355* American Arbitration [Number redacted], 2018 BNA LA Supp. 4645355 (Glazer 2018)(reducing termination to suspension for employee who posted sexually offensive material on Facebook; Arbitrator reasons that long-term employee with good work record may not have known that social media posts could result in discharge).

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Officer Lettiere has been cited with violating the following provisions:

Policy 101 Cook County Sheriff's Police Department
Law Enforcement Services Manual

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Policy 118 Employee Speech, Expression and Social Networking

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118.4 PROHIBITED SPEECH, EXPRESSION AND CONDUCT

To meet the safety, performance and public-trust of the Sheriff's Office, the following are prohibited unless the speech is otherwise protected:

(a) Speech or expression made pursuant to an official duty that tends to compromise the mission, function, reputation or a professional of the Sheriff's Office or its members.

* * *

(e) Speech or expression that is contrary to the canons of the Code of Ethics as adopted by the respective department.

(g) Posting, transmitting or disseminating any photographs, video or audio recordings, likenesses or images of the Sheriff's Office logos, emblems, patches, marked vehicles, equipment or other material that specifically identifies the Sheriff's Office on any personal or social networking website or other website or web page, without the express authorization of the respective department head or authorized designee.

* * *

Members must take reasonable and prompt action to remove any content, including content posted by others, that is in violation of this policy from any web page or website maintained by the member (e.g., social or personal website).

* * * *

As noted, Officer Lettiere acknowledged his violation of the Administration's proscriptions. He has not made a First Amendment claim that his posting was protected. While his motives were personal (he stated he did it for a laugh ("lol," his words)), it is understandable that the Sheriff found the posting disturbing. The posting was not taken from a private source but, rather, the Sheriff's website available to the public. Also of note, apparently the posting was not defamatory, obscene, threatening or intimidating, nor did it disparage management or Officer Lettiere's associates/co-workers – it simply reflected the status of Mr. Maldonado and his qualifications regarding knowledge of the jail. A relatively long-term employee, Officer Lettiere has no discipline in his file/record. At hearing counsel asserted that its suspension number was between 14 and 21 days, given this specific evidence record. Significantly, and to the Administration's credit, Officer Lettiere's post did not involve any discussion of wages, working conditions or shared employee concerns, i.e. discipline of Officer Lettiere was not for any activity or speech that would otherwise be protected under external labor relations statutes or the Constitution. No propriety information was disclosed in the post.

In summary, based on the testimony of Officer Lettiere at the arbitration hearing, I don't see him ever posting anything relating to his job or inmates on Facebook or other social media. Again, to his credit the Grievant did not post anything derogatory about his employer or co-workers, nor did he post any confidential, non-public information about Maldonado. His posting was not done on the Employer's computers (as I understand this record). Nor did the posting interfere in the employer's duties in law enforcement. I find no interference with the mission of the Sheriff of Cook County, and no impairment of efficiency of the organization. To be sure, the posting, indelicate as it was, violated the Employer's rules, and for this I conclude that some punishment is warranted.²

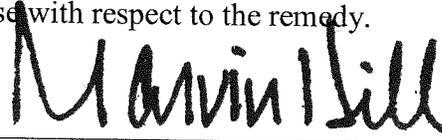
For the above reasons the following award is issued:

² With respect to posting mug shots, the real problem for the Sheriff is the employee who posts the shot, and other employees who "like" or view it, is this: If any question arises regarding the treatment or conduct of Maldonado, Officer Lettiere's credibility is suspect once he posts the shot. Any defense attorney worth his or her fee would assert that the photo and comments cements Officer Lettiere's prejudice. The Administration's interest in avoiding this type of inquiry is not unreasonable.

V. AWARD

The grievance is sustained in part and denied in part. Officer Lettiere's 30-day suspension is reduced to 10 working days (the equivalent of two working week shifts). Jurisdiction is retained in the event that issues arise with respect to the remedy.

Dated this 12th day of August, 2019 at
DeKalb, Illinois, 60115

A handwritten signature in black ink that reads "Marvin Hill". The signature is written in a cursive style and is positioned above a horizontal line.

Marvin Hill
Arbitrator