

Executive Order No. 2009-01

WHEREAS, it is vital to an effective and responsive government that the public trust its hiring and promotion, and any other employment decisions; and

WHEREAS, it is the policy of the Forest Preserve District of Cook County ("District") to comply with all local, state and federal laws that protect the equal employment rights of applicants for employment and incumbent employees with the District; and

WHEREAS, the First Amendment to the Constitution of the United States and the policies of the District specifically protect applicants for positions in the District from discrimination on the basis of political association; and

WHEREAS, the District's hiring, promotion, and any other employment decisions must be made based on merit or another selection process that is free from influence from political reasons or factors; and

WHEREAS, in 1978, the United States District Court of the Northern District of Illinois ("District Court") entered a Consent Decree (the "1978 Decree") which, among other things, prohibited the District "conditioning, basing or knowingly prejudicing or affecting any term or aspect of governmental employment, with respect to one who is at the time already a governmental employee, upon or because of any political reason or factor"; and

WHEREAS, on January 7, 1994, the District Court entered another Consent Decree (the "1994 Consent Decree") that incorporated the 1978 Consent Decree's prohibitions and extended those prohibitions to include the District's hiring practices, with certain exclusions (collectively, the 1978 Consent Decree and the 1994 Consent Decree shall be referred to as the "Consent Decrees"); and

WHEREAS, the Consent Decrees provided that the District Court retained jurisdiction with respect to, among other matters, issues of political hiring and the designation of a number of positions which should be exempt from the prohibitions established under the Consent Decrees; and

WHEREAS, in order to provide redress for alleged past violations of the Consent Decrees and to obviate the necessity for the same, on January 7, 2009, the District Board of Commissioners agreed to the terms of a Supplemental Relief Order ("SRO"), thereafter, approved in final form by the District Court at a hearing held on March 5, 2009; and

WHEREAS, in January 2009, Judge Wayne R. Andersen of the District Court appointed Jan Carlson as the Monitor to oversee the District's hiring processes and procedures; and

WHEREAS, the court-appointed Monitor for the District has worked diligently to fulfill his duties and, working with the District, has begun the process of changing and updating the District's hiring processes and procedures; and

WHEREAS, after entering into an SRO in 2006 similar in form to the SRO recently entered into by the District, Cook County enacted Chapter 2, Article IV, Division 5 and Chapter 44, Article II, Section 44-56 of the Cook County Code of Ordinances, which established the Office of Independent Inspector General (the "OIIG") and which amended Cook County's Human Resource Ordinance to require any employee of the County who has reason to believe that unlawful political discrimination in connection with any aspect of government employment with the County has occurred, or is occurring, to report this information to the OIIG without undue delay, respectively; and

WHEREAS, pursuant to Section 17 of the Cook County Forest Preserve District Act, 70 ILCS 810/17, all employees of the District are subject to the provisions of Cook County's Human Resource Ordinance, including, but not limited to, Chapter 44, Article II, Sections 44-56 of the Cook County Code of Ordinances; and

WHEREAS, on September 2, 2008, President Todd H. Stroger, as President of the Board of Commissioners of Cook County, also adopted Executive Order No. 2008-1 which prohibits any Cook County officer or employee from retaliating against, punishing or penalizing any other County officer or employee for complaining to, cooperating with, or assisting the County's Compliance Administrator in an investigation, proceeding or hearing conducted by her in the performance of her court-appointed duties; and

WHEREAS, the aforementioned Executive Order 2008-1 requires Cook County employees and officials to report conduct in violation of the Executive Order 2008-1 to Cook County's Independent Inspector General and subjects violators of the Executive Order 2008-1 to discipline, up to and including termination; and

WHEREAS, this Executive Order No. 2009-01 is intended to adopt and incorporate the provisions of Cook County Executive Order 2008-1 and Chapter 44, Article II, Section 44-56 of the Cook County Code of Ordinances, including but not limited to, the prohibition against retaliation and the mandatory reporting requirements, as though fully set forth herein and made applicable to all District employees and officials, and to pledge the District's continuing cooperation with the federal Monitor and the District's commitment to implementing practices and regulations that will prevent unlawful political considerations to be used in connection with non-exempt District employment and will continue to encourage employees, officials, and job applicants to report allegations of unlawful political discrimination to the Independent Inspector General.

NOW THEREFORE, by virtue of the authority vested in me by the Constitution of the State of Illinois, the laws of the State of Illinois, and the Ordinances of the District, I, Todd H. Stroger, President of the District Board of Commissioners, do hereby order as follows:

I. Goal.

This Executive Order seeks to ensure that the District's hiring, promotion, and any other employment decisions are free of influence from political reasons or factors, except in those limited circumstances where such influence is appropriate and lawful; *i.e.*, for positions on the Exempt List.

2. Prohibited Conduct.

The District and those acting with it are prohibited from:

Conditioning, basing or knowingly prejudicing or affecting any term or aspect of government employment (other than for exempt positions) or offering employment (whether to a prospective or current District employee) based upon or because of any political reason or factor, including, without limitation, any individual's political affiliation, political support or activity, political financial contributions, promises of such political support, activity or financial contributions, or such individual's political sponsorship or recommendation; or assisting any other individual in engaging in any of the above-described conduct.

The above prohibitions do not apply to employment decisions concerning "Exempt Employees".

The impermissible political reasons or factors include:

(a) Recommendations for hiring, promotion or other employment terms for specific persons from public office holders or political party officials that are not based on personal knowledge of the person's work skills, work experience or other job-related qualifications.

(b) (i) The fact that the person worked in a political campaign or belongs to a political organization or political party; or (ii) the fact that the person chose not to work in a political campaign or to belong to a political organization or a political party.

(c) (i) The fact that the person contributed money, raised money or provided something else of value to a candidate for public office or a political organization; or (ii) the fact that the person chose not to contribute or raise money for a candidate for public office or a political organization.

(d) (i) The fact that the person is a Democrat or a Republican or a member of any other political party or group; or (ii) the fact that the applicant is not a member.

(e) The fact that the person expressed views or beliefs on political matters such as what candidates or elected officials he or she favored or opposed, what public policy issue he or she favored or opposed, or what views on government actions or failures to act he or she expressed.

The foregoing represents the policy of the District. All District personnel involved in the hiring, promotion, or supervision of District employees are required to understand and are expected to apply the foregoing rules and principles.

3. Reporting Obligation/No Retaliation.

Any employee of the District who learns of an allegation of unlawful political discrimination in connection with any aspect of government employment with the District, or who believes that such unlawful political discrimination has occurred or is occurring, shall report

this information to the Cook County Independent Inspector General's Office directly and without undue delay.

District employees and officials shall not retaliate against, punish, or penalize any job applicant, District employee or District official for making complaints, public disclosures, or reports about any alleged violation of the above prohibitions in this Executive Order.

District employees and officials shall not retaliate against, punish, or penalize any job applicant, District employee or District official for cooperating with or assisting the Monitor, the Inspector General, or law enforcement authorities investigating any alleged violation of the above prohibitions in this Executive Order.

4. Violations.

Any violation of this Executive Order shall be grounds for discipline, up to and including suspension or termination.

5. Pledge.

This Executive Order formally notifies District employees and officials and members of the general public that the District is committed to effecting the long-term prevention of the use of political considerations in connection with non-exempt District employment and to fully cooperating with the monitor and members of his staff and the Inspector General in changing, up-dating, and enforcing the District's employment processes and procedures.

6. Effective Date.

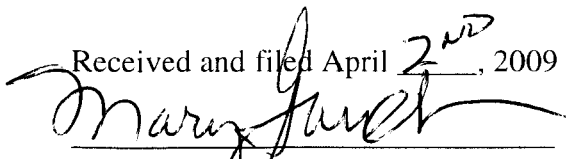
This order shall take effect upon its execution and filing with the District Clerk.

For more information regarding unlawful political discrimination, prohibited practices and reporting requirements, please reference the Cook County Code of Ordinances, specifically Chapter 2, Article IV, Division 5 and Chapter 44, Article II, Section 44-56, respectively.

Dated this 1 day of April 2009.



Todd H. Stroger
President
Board of Commissioners
Cook County Forest Preserve District

Received and filed April 2nd, 2009


Mary M. Gardner
Secretary to the Board of Commissioners