

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MICHAEL L. SHAKMAN, PAUL M. LURIE, et al.,	)	
	)	
Plaintiffs,	)	Case No. 69 C 2145
	)	
v.	)	Hon. Edmond E. Chang
	)	District Judge
COOK COUNTY JUVENILE TEMPORARY DETENTION CENTER, et al.,	)	
	)	Hon. Gabriel A. Fuentes
Defendants.	)	Magistrate Judge
	)	

**AGREED ORDER  
APPROVING THE EMPLOYMENT PLAN FOR THE COOK COUNTY JUVENILE  
TEMPORARY DETENTION CENTER**


This matter comes before the Court on the Agreed Motion for Approval of the Employment Plan for the Cook County Juvenile Temporary Detention Center, the Court being fully advised:

**IT IS HEREBY ORDERED:**

The Employment Plan for the Cook County Juvenile Temporary Detention Center attached as Exhibit A is approved.

Dated: July 19, 2022

ENTERED:

  
 \_\_\_\_\_  
 Hon. Edmond E. Chang  
 District Judge

# **Exhibit A**

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<b>Cook County Juvenile Temporary Detention Center (JTDC)</b>	<b>Policy # _____</b>	<b>Volume: 2 Administrative and Legal Services</b>
	<b>Total Pages: __</b>	<b>Chapter: 3 Personnel Management Subject: Employment Plan</b>
ACA Standard: 3-JDF_1C-06, 3-JDF_1C-07		
NCCHC Standard:		IJDS Standard:
JDAI Standard:		PREA Standard:
Related JTDC Policies:		Other Related Standard:
JTDC Training Component:		Monitoring and Evaluation: Yes/No: Yes
		Performance Indicators and Outcome Measures: Yes/No: Yes
		Evaluation by: <input type="checkbox"/> Human Resources
Associated Forms:	Yes/No: Yes	Directive and Post Order Addendums:
Effective Date:		Distribution: PolicyTech
Revision Dates:		

## I. POLICY:

In order to recruit, screen, select, retain and promote a quality facility workforce, it is the policy of the JTDC to establish and follow procedures to ensure that all personnel (internal or external applicants) are selected or promoted on the basis of merit and fulfillment of specified qualifications.

This Employment Plan sets forth the general principles that will govern the JTDC's hiring and employment policies and procedures. This Employment Plan applies to: (1) all new hires and (2) all transfers, promotions, and demotions of current Employees, except those positions that are Exempt Positions. The Director of Compliance (DOC) has the right to monitor any and all

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Employment Actions in order to assess the JTDC's compliance with the Supplemental Relief Order for the Cook County Juvenile Temporary Detention Center (SRO) and progress toward Substantial Compliance with the SRO. This shall include, but not be limited to, the right to monitor any and all Employment Actions involving both union and non-union Employees, whether in Exempt Positions or in Non-Exempt Positions to the extent delineated herein. All capitalized terms shall have the meanings given such terms in Section II below.

## II. DEFINITIONS:

The following definitions apply to specific words and terms used in this Employment Plan:

Applicant: A person who has submitted an application to the Human Resources Department for a Position.

Applicant List: The list of all applications received for a Position prior to review and validation. See Section VI.G.3.

Candidate: An Applicant who, after review and validation of his or her application materials, has been found to possess the Minimum Qualifications required by the Position Description and thus whose name is included on the Validated Eligibility List.

Chief Legal Officer: The Chief Legal Officer or General Counsel of the JTDC.

Close Personal Relationship: Relationships that are intimate, romantic or sexual.

Collective Bargaining Agreement ("CBA"): The applicable collective bargaining agreement between the JTDC and any legally recognized collective bargaining representative of Employees.

Conflict of Interest: A situation in which impartiality and judgment may be compromised or may appear to be compromised because of an actual or potential inconsistency between a person's self-interest and his or her professional or public interest.

Cross-Training: Teaching an Employee assigned to perform the functions of one Position some or all of the skills required to perform a different assignment.

Demotion: A downgrade from one Position to another Position at a lower-grade.

Department: An operational unit within the JTDC.

Department Head: The Supervisor in charge of an operational unit within the JTDC.

Designee: An Employee selected and assigned to perform duties set forth in this Employment Plan on behalf of another Employee, typically subordinate to and in the same Department.

Director of Compliance ("DOC"): The Employee in charge of compliance who performs the tasks and responsibilities as described in Section V of this Employment Plan and the DOC Position Description and other tasks and responsibilities consistent with the SRO, the Employment Plan and DOC Position Description.

Discipline: An action taken by the JTDC in response to an Employee's conduct or performance, including verbal or written reprimands, suspensions, or terminations.

DOC Investigation Report: The report prepared by the Director of Compliance upon completion of his or her investigation pursuant to Section V.F.4.

Employee: An employee of the JTDC.

Employment Action: Any action (positive or negative) related to any aspect of employment, including, but not limited to, hiring, training, change in job assignment, Temporary Assignment, Cross-Training, Promotion, Demotion, Transfer, Reclassification, Layoff, assignment of Overtime (and other benefits of employment), Discipline, including grievance hearings, and Termination.

Employment Plan: This Employment Plan, including any amendments thereto.

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Executive Policy: The JTDC Policy signed and emailed to all JTDC employees by Superintendent Leonard B. Dixon prohibiting Political Discrimination and retaliation against any Employee for reporting Political Discrimination or for cooperating with an investigation.

Exempt List: The list of all Exempt Positions, as such list may be amended from time to time as provided in Section VIII.

Exempt Position: A Position that is included on the Exempt List because it is a job that involves policy making to an extent or is confidential in such a way that political party affiliation is an appropriate requirement for the effective performance of the job.

External Applicant: An Applicant who applies for a Position and is not an Employee of the JTDC at the time of application.

Final Interview List: The list of Candidates to be interviewed for a Position.

General Hiring Process: The hiring process described in detail in Section VI.

Hiring Department: The Department to which a Candidate who is hired will be assigned to work.

Household Members: Persons living with an employee, contract staff, or volunteer.

Human Resources (“HR”): The Human Resources Department of the JTDC.

Human Resources Director: The Supervisor in charge of HR.

Ineligible for Hire/Rehire List: A list of individuals who have been determined to be ineligible for hire or rehire by the JTDC pursuant to Section IV.O.

Internal Applicant: An Applicant who is employed by the JTDC at the time of application.

Internal Candidate Preference: A Position where qualified Internal Applicants for a Position will be given priority over qualified External Candidates because of the advantages of employing internally experienced Applicants in carrying out the duties and responsibilities of the Position being posted.

Internal Candidate Preference List: The list of Positions which have been designated for Internal Candidate Preference and is maintained by the Human Resources Director or his or her Designee pursuant to Section VI.B.3.

Interview Panel: The group of two to three individuals selected to interview Candidates.

Interview Panel Ranking Form: The form used by an Interview Panel to rank Candidates after all of the interviews are conducted.

Interviewer Evaluation Form: The form used by interviewers during the interview process to document interviews and score individual Candidates for Positions as described in Section VI.I.4.

Job Code: A numeric code assigned to each Position title.

JTDC: The Cook County Juvenile Temporary Detention Center.

JTDC Website: The JTDC’s website which provides information regarding the JTDC on a public online format and includes, among other things, access to the Employment Plan, Exempt List, Notices of Job Opportunities, and the Director of Compliance’s quarterly reports.

Justification to Hire: The form completed by the Human Resources Director or his or her designee upon completion of the Candidate selection process described in Section VI.L setting forth the objective basis or bases for the hiring of the selected Candidate.

Layoff: The involuntary, temporary or permanent separation of one or more Employees from employment with the JTDC for reasons other than termination.

Minimum Qualifications: The objectively ascertainable minimum requirements listed on the Position Description that an Applicant must possess to be considered for employment in that Position.

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No Political Consideration Certification (“NPCC”): The certification signed by all Employees involved in the JTDC’s employment processes that no Political Reasons or Factors have been or will be taken into consideration or have or will influence the Employment Action involved. A copy of the current NPCC language (which must accompany or be included on forms relating to any Employment Action) is attached as Exhibit A.

Non-Exempt Position: Any Position that is not included on the Exempt List.

Notice of Job Opportunity: The publicly available notice of a Position opening.

OCJ: The Office of the Chief Judge of the Circuit Court of Cook County.

OCJ Report: The report issued by the Chief Judge or his or her Designee in response to the DOC Investigation Report pursuant to Section V.F.6.

Overtime: Time worked by an Employee in excess of the 40-hour work week. Employees shall be awarded compensatory time or paid time for overtime worked pursuant to any applicable Collective Bargaining Agreement, or applicable federal, state, and/or local law.

Performance Evaluation: A formal written review of an Employee’s job-related performance.

Personnel File: A file maintained by HR for each Employee, including personal information and information about the Employee’s work history, such as the Employee’s application, resume, licenses, recommendations, disciplinary history, training, rate of pay, salary history, and benefits.

Plaintiffs’ Counsel: The legal counsel to plaintiffs in the *Shakman* Case.

Political Contact: Any contact of any kind whatsoever (oral or written, direct or indirect) from any Politically-Related Person or Organization to an Employee regarding an Employment Action relating to any person known likely to be an Applicant or Employee holding or applying for a Non-Exempt Position.

Political Contact Log: The log maintained by the DOC recording all Political Contacts from any Politically-Related Person or Organization regarding any person known likely to be an Applicant, or Employee holding or applying for a Non-Exempt Position. A copy of the Political Contact Log Reporting Form is attached as Exhibit B.

Political Reasons or Factors: Any reasons or factors relating to political matters in connection with any Employment Action including, but not limited to: 1) any recommendation for or against the hiring, Promotion, Transfer, or the taking of any other Employment Action with respect to any person from any Politically-Related Person or Organization that is not based on personal knowledge of the person’s work skills, work experience, or other job-related qualifications; 2) the fact that the person works or worked for a Politically-Related Person or Organization or works or worked on a political campaign or belongs to a political organization or political party, or the fact that the person chose not to work in a political campaign or to belong to a political organization or a political party, unless related to a recommendation based on the person’s skills, work experience, or other job related characteristics; 3) the fact that any person is or was, or is not or was not a member of any political party or Politically-Related Organization; 4) the fact that the person contributed money, raised money, or provided something else of value to a Politically Related Person or Organization, or refrained from doing so; 5) the fact that a person is a Democrat or Republican or a member of any other political party or group, or the fact that the person is not a member; or 6) the fact that the person expressed views or beliefs on political matters.

Politically-Related Person or Organization: Any elected or appointed public official, any person acting as an agent of or representing any elected or appointed public official, or any person employed by, acting as an agent of, or representing any political organization or politically-affiliated group.

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Position: Any probationary, temporary, part-time, full-time, permanent, or any other relationship that constitutes employment at common law, other than intern/extern, with the JTDC.

Position Description: A written document that describes the Position’s typical duties and current responsibilities, Minimum Qualifications, Preferred Qualifications (if applicable), the knowledge, skills, and abilities performed by the person holding the Position, and any testing protocols (if applicable).

Posting File: A file containing a copy of all documents related to a job posting, including the Request to Hire, current Position Description, Notice of Job Opportunity, Applicant List, Validated Eligibility List, testing protocols, Justification to Hire, No Political Consideration Certifications, and all other employment documents relating to a job posting or filling of a Vacancy.

Preferred Qualifications: The objectively ascertainable criteria listed in the Position Description that are preferred (but not required) in an Applicant for a Position.

Prescreening Questions: A question included in the application materials designed to identify whether an Applicant possesses specific Minimum Qualifications or Preferred Qualifications contained in the Position Description.

Prohibited Political Activity: Any of the following activities performed during any compensated time (other than vacation, personal, or compensatory time off):

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including, but not limited to, the purchase of, selling, distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum questions or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

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- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

Promotion: The advancement of a current Employee to a higher graded Position than his or her current Position.

Ranking Meeting: The meeting at which the Interview Panel completes the Interview Panel Ranking Form.

Recall Candidate: An individual who has been laid off from a Position and is eligible to return to work at the JTDC.

Reclassification: The process by which a Position’s Job Code and/or pay grade is changed.

Recommendation: A written opinion, personal or professional, submitted in connection with an Employment Action.

Relatives: a spouse, domestic partner, parent, grandparent, child, brother, sister, aunt, uncle, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister.

Request to Hire (“RTH”): The form completed by the Department Head and submitted to the Human Resources Director requesting recruitment and hiring activities to fill a Vacancy or create a new Position.

Shakman Case: *Shakman et al. v. Democratic Organization of Cook County, et al.*, United States District Court for the Northern District of Illinois, Eastern Division, Case Number 69 C 2145.

SRO: The Supplemental Relief Order for Cook County Juvenile Temporary Detention Center approved by the Court on July 7, 2022 in the *Shakman* Case (Docket No. 8019).

Superintendent: The Superintendent of the JTDC.

Supervisor: Any Employee in the JTDC who, among other duties, has the authority to authorize, execute, or recommend any Employment Action.

Temporary Assignment: The assignment for a limited time of an Employee to a different Position from which he or she is permanently assigned.

Termination: The involuntary separation of an Employee from employment with the JTDC.



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Transfer: The movement of an Employee from a Position in one Department to a Position in another Department within the JTDC without changing the payroll designation (*i.e.*, step, grade, or compensation) for the Position held by the Employee.

Unlawful Political Contact: Any contact of any kind whatsoever (oral or written, direct or indirect) from any Politically-Related Person or Organization that is intended to affect or influence, based on Political Reasons or Factors, any Employment Action involving an Applicant, potential Applicant, Candidate, or Employee applying for, being considered for, or holding a Non-Exempt Position.

Unlawful Political Discrimination: Any positive or negative Employment Action involving an Applicant, potential Applicant, Candidate, or Employee who is applying for, being considered for, or holding a Non-Exempt Position that is based on any Political Reasons or Factors.

Upgrade: The process by which an Employee’s Position is changed from one pay grade to a higher pay grade.

Vacancy: An unfilled Position.

Validated Eligibility List: A listing of those Applicants whose application materials support the Applicant’s claim to possess the Minimum Qualifications of the applied for Position.

Written or in writing: Any communication in hard copy, electronic or digital form, unless otherwise indicated.

### III. GENERAL PRINCIPLES AND COMMITMENTS APPLICABLE TO JTDC HIRING

The JTDC will adhere to the following general employment-related policies, practices, and procedures with respect to any Employment Action or other action covered by this Employment Plan:

A. Commitment. The JTDC will implement pro-active and transparent employment-related policies, practices, and procedures that will prevent and remedy the negative effects of any alleged Unlawful Political Contacts and Unlawful Political Discrimination as required by this Employment Plan, the SRO, and the Executive Policy. No CBA or other agreement between the JTDC and any other individual or entity shall provide otherwise.

B. Equal Opportunity Employer. The JTDC is an equal opportunity employer and shall not discriminate on the basis of race, sex, color, religion, national origin, disability, age, or political opinions / affiliations.

C. No Employment Actions Influenced by Political Reasons or Factors. The JTDC shall consistently select the most suitable Applicant whose experience, education, and abilities best match the knowledge, skills and competencies identified for satisfactorily performing the duties and responsibilities of a Position. No Employment Action affecting an Employee holding a Non-Exempt Position shall be influenced by any Political Reasons or Factors.

D. Reasonable Accommodations. The JTDC shall comply with the Office of the Chief Judge Human Resources policies and procedures as well as the American with Disabilities Act (ADA) which mandate that reasonable accommodations shall be considered for applicants with a disability. The accommodation need not be granted if it would impose undue hardship or direct threat for the JTDC.

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E. Notice of Exemption. An Employee holding a Non-Exempt Position that is to become an Exempt Position will be given a minimum of 30 days' advance notice of such change and will be given the opportunity to Transfer to any then available funded non-union, Non-Exempt Position for which he or she is qualified in lieu of remaining in his or her Position and holding an Exempt Position.

F. Recommendations. The following will apply to the submission and consideration of certain Recommendations of individuals who are Applicants for any Non-Exempt Position:

1. Prohibited Contacts. Except as provided in Section III.F.2, no Politically-Related Person or Organization may contact any Employee involved in any Employment Action covered by this Section to influence any Employment Action. Employees shall report all such contacts to the DOC immediately.

2. Permitted Recommendations. The prohibitions of Section III.F.1 do not limit the right of any person, including any Politically-Related Person or Organization or any Employee, to submit a written Recommendation where such Recommendation is not based on Political Reasons or Factors and where such Recommendation is based on such person's personal knowledge of the individual's work, skill, experience, or other job-related qualifications, provided the following procedures are followed.

- a. All written Recommendations for any Applicant or Employee shall be reviewed by the Human Resources Director or his or her Designee and the DOC for compliance with this Section III.F.
- b. The DOC will review the Recommendation covered by this Section from the Politically-Related Person or Organization and conduct any additional investigation DOC deems necessary to determine whether the Recommendation complies with this Section III.F. In accordance with the DOC's investigation process and procedures, DOC will document the reasons for his or her determination of whether the Political Contact complies with this Section III.F. A copy of the DOC's determination will be provided promptly to the Human Resources Director. If the DOC determines that the Recommendation violates this Section III.F., the DOC shall also provide written notification of his or her finding to the Politically-Related Person or Organization, the OCJ, and Plaintiff's Counsel.
- c. If the DOC determines there is cause to believe that the Recommendation constitutes an Unlawful Political Contact, the DOC will take appropriate action in accordance with DOC's procedures, and the Recommendation will not be considered and will not be included in the individual's Personnel File.
- d. Only Recommendations that are determined by both the Human Resources Director or his or her Designee and the DOC to not be based on Political Reasons or Factors shall be included in the individual's Personnel File.

G. Duty to Report Unlawful Political Discrimination.

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1. **Any Employee of the JTDC who learns of or has a reasonable belief that Unlawful Political Discrimination has occurred or is occurring in any Employment Action covered by this Employment Plan is required to promptly report such matter to the DOC for investigation on an anonymous or credited basis, in person, by phone, or in writing.**

2. **Human Resources will post the hotline telephone number of the DOC at all places where individuals apply for employment with the JTDC, on its bulletin boards, and any job postings on Taleo. The hotlines will allow individuals to call the DOC on an anonymous or credited basis. The Taleo.net job postings and JTDC bulletin boards shall state the following: “The JTDC is an equal opportunity employer and complies with the Shakman Decree.”**

3. **The OCJ and all Employees and agents of the JTDC are required to cooperate fully in any investigation of such matter conducted by the DOC. Any Employee who fails to report and/or cooperate as required will be subject to disciplinary action, up to and including Termination. No person shall be compelled to respond to any request for information in violation of her or his constitutional rights.**

H. Political Contact Reporting. Any Employee who receives or has reason to believe a Political Contact has occurred or is occurring in any Employment Action covered by this Employment Plan is required to promptly complete a Political Contact Log Reporting Form and submit it to the DOC for investigation. The OCJ and all Employees are required to cooperate fully in any investigation of such contact conducted by the DOC. Any Employee who fails to submit a Political Contact Log Reporting Form and cooperate as required will be subject to disciplinary action, up to and including Termination. No person shall be compelled to respond to any request for information in violation of her or his constitutional rights.

I. No Retaliation. The JTDC shall prohibit retaliation, punishment, or penalty for reporting or investigating a Political Contact, Unlawful Political Discrimination, or violation of the Employment Plan or Employee Handbook; initiating a complaint related to any alleged Unlawful Political Contact or Unlawful Political Discrimination; or cooperating with or assisting the DOC or any other person or authority in connection with any such report, complaint, or investigation.

J. Human Resources Staff. The JTDC will maintain an HR staff of experienced and knowledgeable professionals who meet the Minimum Qualifications contained in the Position Descriptions for their Positions. Such persons will be responsible for fulfilling the JTDC’s obligations under this Employment Plan.

K. Union Relations. The JTDC respects the relationships with the Employees’ legally recognized collective bargaining representatives and the provisions of the CBA negotiated with such representatives. Those relationships are governed by the Illinois Public Labor Relations Act, 5 ILCS 315, *et seq.*, as amended and the CBA. This Employment Plan will be construed and administered consistently with that Act and the CBA to the extent that the construction or administration does not conflict with the United States Constitution, the Illinois Constitution, or federal or state civil rights laws. If a CBA provision is in conflict with the language in this Employment Plan, the language in the CBA will govern, provided the CBA does not permit or

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involve the use of any Unlawful Political Contact or Unlawful Political Discrimination or does not violate any other applicable federal, state, and/or local law. The DOC will be given prior notice of any Employment Action that is based on a CBA provision that is in conflict with this Employment Plan. If any provision in a CBA allows for management discretion involving any Employment Action, such management discretion must be exercised subject to the Executive Policy, the SRO, and the Employment Plan. If the CBA does not contain a specific procedure or is otherwise silent, the relevant procedure in this Employment Plan must be followed.

L. No Political Consideration Certification. Employees of the OCJ and all Employees will be required to sign, in hard copy or electronically, as applicable, a NPCC whenever they initiate or are involved in any Employment Action. Such NPCC shall be incorporated into all applicable forms as described in this Employment Plan.

M. General Selection Procedures.

1. **General Provisions.**

- a. **All hiring for Positions shall be initiated by submission of a Request to Hire (“RTH”). The RTH, including a copy of the current job description and written justification for filling or creating the Position, must be completed and signed by the Department Head and submitted to HR.**
- b. **All applicants must meet the minimum qualifications of the job and any other required qualifications for the position as established by statute, court rule or by the JTDC administration, prior to being interviewed for employment.**
- c. **Selection criteria for vacant Positions must be job related and hiring personnel must be able to support their selection decision with documentation of the selection criteria and the selection process.**
- d. **Selection materials must be maintained by the Human Resources Department in accordance with established retention schedules.**
- e. **The Human Resources Director or designee shall ensure that the Hiring Checklist (attachment) is completed prior to any offer of employment or promotion. This checklist shall be maintained in the employee personnel file.**

2. **Preparation of Selection Process.**

- a. **The Human Resources Director and assigned Department Head will review the job descriptions for vacant Positions to ensure that the responsibilities are current and accurate. If necessary, the job descriptions will be updated prior to the development of the selection instrument and/or advertising the vacant Position.**

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- b. **The Human Resources Director will ensure that the position is properly budgeted. If the job description does not accurately describe the functions of the job to be performed, the Human Resources Director and the Department Head, with notice to the DOC, shall draft a new or update the current job description to accurately reflect the requirements of the Position. Before the Position is posted, copies of the final new or updated Position Description and the previous job description, if applicable, shall be given to Plaintiff's Counsel to review for compliance if material or substantive changes are made to that job description. Notice to Plaintiff's Counsel shall be provided at least 24 hours prior to any substantive or material changes being made. Nothing in this paragraph shall prevent the JTDC from implementing changes to a job description after notice of material or substantive changes has been provided to Plaintiff's Counsel.**
- c. **The Human Resources Director in conjunction with the assigned Department Head must establish written job-related, nondiscriminatory selection criteria before advertising the position. The selection criteria may include, but is not limited to, education, relevant work experience, and an evaluation of the competencies, knowledge, skills, and abilities, required to successfully perform the job. (The JTDC Job Description is a primary resource in establishing relevant selection criteria.)**
- d. **Selection criteria will be based on:**
- (1) Describable, observable ways of satisfactorily performing the work required for the position (behavioral focus);
  - (2) Primary position responsibilities; and
  - (3) Minimum competencies (knowledge, skills and abilities) needed to perform the job.

N. Interpretation of the Employment Plan. All portions and provisions of this Employment Plan will be interpreted as being in furtherance of the above principles and commitments, as well as the SRO and the Executive Policy.

#### **IV. GENERAL PRINCIPLES AND RESPONSIBILITIES RELATED TO HR**

HR is responsible for initiating, directing, coordinating, and overseeing the human resources processes, policies, and procedures of the JTDC relating to all Employment Actions. HR shall utilize a variety of recruitment strategies to target a well-qualified pool of potential applicants in order to fill vacant Positions at the facility. The following will apply to activities of HR:

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A. JTDC Website. HR will create and maintain a *Shakman* Compliance page, which shall be conspicuously placed on the main page, the job opportunities page, and the Human Resources page on the JTDC's Website.

B. Employee Handbook. HR will create and maintain an Employee Handbook to be distributed to all employees. The Employee Handbook shall be consistent and in compliance with and effectuate this Employment Plan. HR may revise and update the Employee Handbook as required, provided HR shall first send a copy of the proposed revision or update to the DOC and the Plaintiffs' Counsel for comment. If no comment is received within 14 calendar days, HR will post the revision and update the Employee Handbook. If comments are received, HR will review the comments and may revise the policy prior to revising the Employee Handbook.

C. Notification of Employment Actions. In order to provide the DOC with a reasonable opportunity to monitor Employment Action(s), the Human Resources Director or his or her Designee will provide the DOC with written or electronic notice of all Employment Actions, other than overtime for direct care staff, no less than 2 days prior, except where circumstances outside the control of the Human Resources Director preclude advanced notice.

D. HR Personnel Training. The Human Resources Director, in conjunction with the DOC, will provide comprehensive mandatory training programs for all personnel within HR to ensure that they are aware of and knowledgeable about this Employment Plan and the Employee Handbook and will be able to administer relevant portions of this Employment Plan and the Employee Handbook and answer questions they may receive. The Human Resources Director or his or her Designee, in conjunction with the DOC, will also conduct mandatory comprehensive training of all HR Employees who will review and validate applications for any Position before they conduct such review and validation. Such training will include, but is not limited to, information concerning proper validation and review protocols. Such training will be conducted no less frequently than once a year and no later than 30 days after any individual becomes an Employee in HR. Receipt of such training must be certified in writing by the Human Resources Director (or Designee) and the certification placed in such Employees' Personnel File. HR will continue to provide training to HR personnel regarding changes to this Employment Plan and the Employee Handbook as necessary between annual training sessions.

E. Supervisor Training. HR, in conjunction with the DOC, will provide comprehensive mandatory training for all Supervisors to ensure they are aware of and knowledgeable about this Employment Plan and the Employee Handbook. All Supervisors will receive such training no later than 60 days following their appointment as a Supervisor and no less frequently than annually thereafter. Receipt of such training must be certified in writing by the Human Resources Director and the certification placed in the Supervisor's Personnel File. HR will continue to provide training to Supervisors regarding interim changes to this Employment Plan and the Employee Handbook as necessary between annual training sessions.

F. Employee Training. HR, in conjunction with the DOC, will conduct comprehensive mandatory training of all Employees to ensure they are aware of and knowledgeable about this Employment Plan, the Employee Handbook, and Unlawful Political Discrimination. HR shall provide new Employees with copies of this Employment Plan and the Employee Handbook within

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10 days of employment. All Employees will receive such training no later than 60 days following the beginning of employment and no less infrequently than annually thereafter. Receipt of such training must be certified in writing by the Human Resources Director (or Designee) and the certification placed in the Employee's Personnel File. HR, in conjunction with the DOC, will continue to provide training to Employees regarding changes to the Employment Plan and the Employee Handbook as necessary between annual training sessions. Amendments to the Employment Plan and/or Employee Handbook need not require immediate re-training of employees, but HR or the DOC must provide written notice to all Employees of the amendment(s) and allow a reasonable period of time to address any questions prior to implementing and enforcing any such amendment. Any written notices of amendments or certifications of interim training related to amendments to the Employment Plan or Employee Handbook must be maintained in the Employees' Personnel File.

G. Interviewer Training. HR, in conjunction with the DOC, will conduct mandatory comprehensive training of all Employees who are eligible to interview Candidates for any Position regarding proper interviewing conduct, techniques, and requirements, as well as the prohibition of Unlawful Political Contacts and Unlawful Political Discrimination. Receipt of such training must be certified in writing by the Human Resources Director (or Designee) and the certification placed in such Employee's Personnel File. The DOC shall compile and the Human Resources Director (or Designee) will maintain a list of all Employees who have been certified as completing such training and consult the list when an Interview Panel is assembled. Only Employees who have been certified in interviewer training will be eligible to participate on any Interview Panel.

H. Access to Information Regarding Applicants. The Human Resources Director and the DOC will take steps to ensure that no information about any Applicant is available to or shared with any individual or entity unless that individual or entity is specifically authorized to receive such information. The Human Resources Director, with written notice to the DOC, will designate specific Employees of HR who will be authorized to access and input information concerning Applicants and Candidates from the application materials submitted. Such authority will be given only after such Employees have received training on the provisions of this Employment Plan.

I. Review of Position Descriptions. All Position Descriptions must include: (a) a list of all day-to-day essential duties and the related knowledge, skills, and abilities required to perform those duties; (b) a list of Minimum Qualifications; (c) a list of any Preferred Qualifications; (d) a list of testing protocols, if applicable; and they must be accurate and readily available to the public. The Superintendent and Human Resources Director shall review all Position Descriptions at least annually, and revise as needed. Accordingly, the Superintendent and Human Resources Director, with notice to the DOC, shall:

1. consult with the Department Head and appropriate staff, including the Administrative Office of the Illinois Court (AOIC) Probation Division, if necessary, and evaluate the Position Description for each Position for which the JTDC receives a RTH to ensure that the Position Description is accurate and reflects the actual duties and Minimum Qualifications or Preferred Qualifications for the job;

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2. conduct an evaluation of Position Descriptions as Vacancies are posted to ensure they accurately describe all Minimum Qualifications and Preferred Qualifications, testing protocols, if any, and reflect the actual duties of the Positions;

3. update and revise any such Position Description that is not accurate;

4. provide the updated or revised Position Description and the previous Position Description, if applicable, to the DOC and Plaintiffs' Counsel, for comment; and

5. post the accompanying Position Descriptions whenever a Position opening is posted in the same manner and locations as the Vacancy is posted.

Nothing in this Section IV.I will prevent HR from reviewing and updating Position Descriptions as described in this Section IV.I to keep the Position Descriptions current and accurate, regardless of whether there is an anticipated posting. Furthermore, nothing in this Section IV.I will relieve HR from complying with the requirements of any applicable CBA.

J. Forms. HR is responsible for creating and maintaining all forms required under this Employment Plan and the Employee Handbook. Accordingly, the Human Resources Director or his or her Designee, in conjunction with the DOC, shall create any standard form to be used in connection with Employment Actions. If the Human Resources Director determines that a form should be amended, the Human Resources Director or his or her Designee, in conjunction with the DOC shall review the form and make any necessary amendments.

K. Cooperation with the DOC. All HR staff will cooperate fully at all times with the DOC by assisting the DOC in carrying out his or her duties under this Employment Plan, including, but not limited to, respectively, immediately reporting any allegations of Unlawful Political Discrimination or Political Contacts, providing documents and information regarding any allegation or investigation, and assisting in any investigation or DOC inquiry unless specifically prohibited by applicable law.

L. Complaint Line. HR will post the hotline telephone number of the DOC at all places where individuals apply for employment with the JTDC, on its bulletin boards, and on Taleo.net. HR will include a link to the DOC's hotline on all of these websites. The hotlines will allow individuals to call the DOC on an anonymous or credited basis.

M. Forwarding of Complaints. HR shall immediately forward to the DOC for investigation all calls and information alleging or reporting Unlawful Political Discrimination or a Political Contact (or a written transcript of such a message) or any other violation of this Employment Plan or any section of the Employee Handbook referenced in this Employment Plan.

N. Recordkeeping. HR will keep Posting Files for a minimum of three years following the date of Notice of Job Opportunity posting, unless longer retention is required by applicable law. HR will also keep Personnel Files for Employees for a minimum of three years after the date the Employee is no longer employed by the JTDC, or longer, if required by law or under a CBA.



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O. Ineligible for Hire/Rehire List. The Human Resources Director or his or her Designee shall maintain a list of individuals (“Ineligible for Hire/Rehire List”) who were previously employed with the JTDC or who applied for employment with the JTDC and who shall be ineligible for employment with the JTDC for 5 years if the individual was terminated, has resigned or retired in lieu of termination, or was disqualified for consideration for employment as a result of:

1. a finding by the DOC that the individual engaged in Unlawful Political Discrimination or engaged in Prohibited Political Activity; or
2. a finding by the DOC that the individual intentionally provided materially false information to the DOC or otherwise obstructed or refused to cooperate with an investigation of the DOC; or
3. a finding by the DOC that the individual falsified any JTDC document concerning any Employment Action.

Any individual who was an Applicant or Candidate for employment at the JTDC who was found to have provided false information to the DOC in connection with his/her application for employment and/or in connection with an investigation into a hiring process at the JTDC shall be placed on the Ineligible for Hire/Rehire List for 5 years.

Individuals added to the Ineligible for Hire/Rehire List shall be given notice by the Human Resources Director or his or her Designee prior to being added to the Ineligible for Hire/Rehire List, which notice will include the basis for the decision, a copy of any applicable policies or procedures, and instructions on how to appeal the decision. Such individuals may appeal the decision to the Human Resources Director within 30 days of the date the notice is sent by requesting a hearing in writing. Any hearings conducted for the purpose of determining whether an individual should be included on the Ineligible for Hire/Rehire List shall be conducted by the Human Resources Director. Such individuals who are bargaining unit members may also challenge their addition to the Ineligible for Hire/Rehire List in accordance with the terms of an applicable CBA. Unless reversed upon appeal, all such individuals shall remain ineligible for employment with the JTDC for 5 years.

The Ineligible for Hire/Rehire List shall include the following: name of the individual; title of last Position held; reason for placement on the Ineligible for Hire/Rehire List (termination, resignation in lieu of termination, or retirement in lieu of termination); and prospective date for removal from the Ineligible for Hire/Rehire List.

The Ineligible for Hire/Rehire List shall be maintained by the Human Resources Director or his/her designee, who shall promptly provide copies of the Ineligible for Hire/Rehire List and any revisions thereto to the DOC and Plaintiffs’ Counsel. The Human Resources Director may provide copies of the Ineligible for Hire/Rehire List to the head of Human Resources of other governmental entities, unless otherwise prohibited by law.

HR shall use the Ineligible for Hire/Rehire List during the validation process described in this Employment Plan. Any Applicant who is ineligible for consideration for any JTDC hiring process shall have such ineligibility confirmed in writing by the Human Resources Director or the DOC before being excluded from further consideration for that hiring process. Failure of the Human Resources Director or the DOC to confirm or document ineligibility shall not bar later action to remove an ineligible individual if hired in violation of this Section.

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The DOC shall be notified in writing at least 5 business days in advance of an individual being removed from the Ineligible for Hire/Rehire List to permit the DOC the opportunity to consult with the Human Resources Director to determine whether the appropriate time period for ineligibility has been instituted and expired.

The DOC shall maintain a copy of the Ineligible for Hire/Rehire List, which will be made available to the public within ten (10) days of receipt of a written request addressed to the DOC.

**V. GENERAL PRINCIPLES AND DUTIES RELATED TO THE DIRECTOR OF COMPLIANCE.**

The Human Resources Director shall recruit and the JTDC shall hire a Director of Compliance pursuant to the process set forth in the DOC Job Description entered by the Court on July 7, 2022. The DOC will be an employee of the JTDC and will report to the Superintendent and the Chief Judge. If any Employee becomes aware of or receives a complaint of a violation of the Employment Plan or Employee Handbook or that involves an allegation of a Political Contact or Unlawful Political Discrimination, the Employee shall refer the complaint to the DOC.

A. Responsibilities. The DOC functions as the Employment Plan compliance officer for the JTDC by assuming responsibilities related to monitoring, investigating, and auditing Employment Actions to ensure compliance with the Employment Plan and policies in the Employee Handbook referenced in this Employment Plan. The DOC shall conduct his or her responsibilities as set forth in the DOC Job Description in a manner that minimizes interference with or hindrance of operations. In furtherance of that goal, the DOC's primary responsibilities will include, but not be limited to:

1. understanding the JTDC's organization, its business, and operational objectives and needs, and its staffing needs;
2. overseeing compliance with this Employment Plan;
3. overseeing compliance with the policies of the Employee Handbook referenced in this Employment Plan;
4. maintaining and reviewing the Exempt List to ensure continued compliance;
5. actively working with the Human Resources Director in developing strategies for this Employment Plan as well as any necessary policies and procedures to ensure compliance with the Employment Plan;
6. accepting, investigating, and reporting on complaints related to this Employment Plan and policies in the Employee Handbook referenced in this Employment Plan;
7. accepting, investigating, and reporting on complaints alleging Unlawful Political Discrimination in any aspect of employment with the JTDC;
8. accepting, investigating, and reporting on Political Contacts and maintaining the Political Contact Log;

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9. making recommendations to the Chief Judge, the Superintendent, the Human Resources Director and Department Heads to eliminate and remedy any instances of noncompliance with the Employment Plan, the Employee Handbook, and Unlawful Political Discrimination or Unlawful Political Contact;

10. working with HR to implement training programs, prepare training materials, and conduct training for all Employees on the Employment Plan and policies in the Employee Handbook referenced in this Employment Plan, and ensuring that Unlawful Political Reasons or Factors are not utilized in Employment Actions;

11. reviewing Position Descriptions and Notices of Job Opportunity and taking appropriate steps to assure their accuracy;

12. auditing activities as required by this Employment Plan and policies in the Employee Handbook referenced in this Employment Plan;

13. monitoring activities pertaining to the employment of non-Exempt Positions, including, but not limited to, participation as required or as appropriate in validation, interviews, and Candidate selection meetings;

14. preparing periodic reports and issue-specific reports to the Chief Judge and the Superintendent concerning the DOC's duties and responsibilities as delineated in this Employment Plan related to the prohibition of Unlawful Political Discrimination;

15. working directly with the Human Resources Director and JTDC staff, as necessary, on all of the above; and

16. other tasks and responsibilities consistent with this Employment Plan and the DOC Position Description as may be assigned by the Chief Judge or the Superintendent from time to time.

B. Quarterly Reports. The DOC will issue quarterly reports within 30 days after the close of each quarter to the Chief Judge, the Superintendent, and Plaintiff's Counsel describing his or her activities during the prior quarter, including, but not limited to any: (i) auditing activities as required by this Employment Plan; (ii) discovered violations of this Employment Plan or policies in the Employee Handbook referenced in this Employment Plan; (iii) complaints of Unlawful Political Considerations in Employment Actions that result in investigations and any findings related to such investigations; (iv) remedial actions recommended; and (v) corrective actions taken by the JTDC to address the violations. The DOC's quarterly reports will be posted on the JTDC's website.

C. Monitoring of Employment Actions. The DOC shall have full and continual access to review all Employment Actions of Employees to ensure policies and procedures are being followed pursuant to the Employment Plan, the SRO, and the Employee Handbook and to assist in any investigation of alleged violations. The JTDC shall provide the DOC with two days advance written notice, except where circumstances outside the control of the JTDC preclude advanced

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notice, of all Employment Actions, including, but not limited to, hiring, training, Demotion, change in job assignment, Temporary Assignment, Cross-Training, Promotion, Transfer, Reclassification, Layoff, assignment of Overtime, and other benefits of employment, Discipline, including grievance hearings, and/or Termination.

D. Reporting. The DOC shall be a Non-Exempt Position reporting to the Chief Judge and the Superintendent and shall operate with the requisite independence and specific responsibilities set forth in the Position Description and in accordance with this Employment Plan.

E. Termination. The Chief Judge shall have the right to terminate the employment of the DOC upon (i) ninety days' prior written notice to the DOC or ninety days' salary continuation and (ii) the Chief Judge or his or her designee sending written advance notice to the DOC and Plaintiffs' Counsel describing the reasons for Termination and providing Plaintiffs' Counsel 60 days to determine if the Termination is based upon Political Reasons or Factors.

F. Alleged Violations of the Employment Plan, Certain Policies in the Employee Handbook, or Unlawful Political Discrimination or Political Contacts. If any Employee becomes aware of or receives a complaint that involves an allegation of a violation of this Employment Plan or any section of the Employee Handbook referenced in this Employment Plan, including any allegation of a Political Contact or Unlawful Political Discrimination, the Employee shall refer the complaint to the DOC. The DOC may initiate investigations into any potential violations of the Employment Plan and section of the Employee Handbook referenced in this Employment Plan, including any allegation of a Political Contact or Unlawful Political Discrimination. The DOC shall provide written notice of any complaint to Plaintiffs' Counsel within three days of receipt of the complaint by the DOC. The DOC shall do the following:

1. DOC Investigation. The DOC shall investigate alleged violations of this Employment Plan, and alleged violations of any section of the Employee Handbook referenced in this Employment Plan, including allegations of Unlawful Political Discrimination and Political Contacts. Such investigation shall include, but not be limited to, a review of all relevant documents and interviews with witnesses. The DOC may coordinate with the Human Resources Director or his or her Designee on further investigation of any aspect of the violation. Except as necessary to conduct an investigation or to confirm to the Attorney General's Office that a plaintiff in a lawsuit alleging political discrimination in connection with employment with the JTDC does not have a complaint pending with the DOC, the DOC shall not disclose the identity of any complainant to anyone other than the Court and Plaintiffs' Counsel.

2. Cooperation with DOC. The OCJ, and all Employees, and their agents shall fully cooperate with the DOC investigation, by, among other things, promptly providing all requested non-privileged documents and information to the DOC, in a manner that will preserve the confidentiality of the DOC's investigation. No person shall be compelled to respond to any request for information in violation of her or his constitutional rights.

3. Privileged Materials. If any privileged materials are withheld from the DOC, the privileged materials will be listed on a privilege log that is provided to the DOC. If, after a review of the privilege log, the DOC disputes the claim of privilege as to a particular document or

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information, he or she will so notify the JTDC General Counsel in writing. The JTDC General Counsel will review the document in question and, if he or she continues to claim the document is privileged, promptly meet and confer with the DOC in an attempt to resolve the dispute. If the JTDC General Counsel and the DOC are not able to reach agreement, they will submit the dispute to the Chief Judge for a final determination of whether the privilege should be asserted.

4. DOC Investigation Report. At the conclusion of an investigation, the DOC shall prepare a written report (the “DOC Investigation Report”) documenting the results of the investigation and provide copies to the Chief Judge, the Superintendent, the Human Resources Director, the Chief Legal Officer, the Complainant (if applicable), and Plaintiffs’ Counsel. If the DOC finds at the conclusion of the investigation that Unlawful Political Reasons or Factors were considered in an Employment Action, the DOC Investigation Report shall include the names of all individuals who, according to the investigation, were subject to an Employment Action based on Political Reasons or Factors in connection with any aspect of his or her employment with the JTDC and the names of any individuals responsible for such discrimination or contact. The copy of the DOC Investigation Report sent to the Complainant shall be accompanied by a Notice of Rights and Request for Settlement Conference Form, a copy of which is attached hereto as Exhibit C.

5. Contents of DOC Investigation Report. The DOC Investigation Report shall include the following:

- a. A description of the allegations and any other information pertinent to the investigation, including a list of the documents reviewed and individuals interviewed;
- b. A description of the DOC’s findings, including any violation regarding the provisions of this Employment Plan or the Employee Handbook or a confirmation that no non-compliance was discovered;
- c. Regardless of a positive or negative finding, a recommendation that either no action be taken or that a specific corrective or preventative action be taken, and a full explanation of the basis for such recommendation; and
- d. Such other information as the DOC may deem relevant to the investigation or resulting recommendations.

6. OCJ Report.

- a. The Chief Judge or his or her Designee shall review the DOC Investigation Report and may conduct additional inquiry of the alleged violations found in the DOC Investigation Report to determine whether to accept, reject, or offer alternative proposals to the DOC’s recommendations.
- b. If the DOC Investigation Report contains a finding that no violation occurred, the Human Resources Director shall file the DOC Investigation Report and no OCJ Report will be required. If the DOC Investigation Report

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contains a finding of a violation of or non-compliance with this Employment Plan or sections of the Employee Handbook referenced in this Employment Plan, or includes a recommendation of corrective or preventative action, the OCJ or his or her Designee shall prepare an OCJ Report. The OCJ Report shall include the following:

- (1) A description of the complaint and any other information received pertinent to the investigation, including a list of the documents reviewed and individuals interviewed;
  - (2) A description of the findings discovered in the course of the DOC's investigation and the OCJ's follow-up inquiry;
  - (3) The recommendations of the DOC from the DOC Investigation Report, if applicable;
  - (4) Such other information as the OCJ may deem relevant to the DOC's investigation or resulting recommendations; and
  - (5) For each recommendation made by the DOC, the OCJ Report shall include a statement confirming implementation of the DOC's recommended action or explaining why the recommended action was not implemented and describing any alternative action the OCJ has elected to take and the specific reasons for such alternative action.
- c. The OCJ or his or her Designee shall submit a copy of the OCJ Report to the DOC, the Superintendent, the Human Resource Director, and the Plaintiffs' Counsel within 30 days of his or her receipt of the DOC's Investigation Report. The OCJ or his or her Designee may extend the deadline by an additional 30 days by providing notice to the DOC and Plaintiffs' Counsel.
- d. The Human Resources Director may suspend or terminate the Employment Action (if applicable) and may impose other remedial actions upon receipt of the DOC Investigation Report and pending the issuance of the OCJ Report.

7. Availability of Reports. A redacted DOC Investigation Report and the OCJ Report shall be made available to members of the public upon request. Prior to disclosing any DOC Investigation Report to the public, the DOC shall redact the names of any informants, complainants, witnesses, and persons investigated. The DOC shall also redact all information that is protected by statute or other applicable law or privilege (e.g. Health Insurance Portability and Accountability Act of 1996, law enforcement privilege, etc.).

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G. Union Disputes or Claims of Discrimination Other Than Unlawful Political Discrimination. Any complaints received by the DOC involving union disputes or claims based on discrimination that bear no relationship to the Employment Plan or sections of the Employee Handbook referenced in this Employment Plan and do not implicate or suggest Unlawful Political Discrimination or Political Contacts (e.g. race, gender, age, national origin, sexual orientation, etc.) shall be referred to the Chief Legal Officer and the Human Resources Director for investigation. If a union dispute includes allegations of Unlawful Political Discrimination or Political Contacts, the DOC shall investigate those allegations pursuant to Section V.F. The DOC shall not have jurisdiction to investigate complaints based on race, gender, age, national origin, sexual orientation, or any other complaint basis that is unrelated to Unlawful Political Discrimination or Political Contacts.

## VI. GENERAL HIRING PROCESS

The specific elements of the General Hiring Process, which apply equally to External Applicants and Internal Applicants, are described in detail below. Except as specifically provided in Sections VIII and IX below, all Applicants will be required to go through the General Hiring Process.

A. Recruitment. HR will take steps to ensure that all employee recruitment efforts are conducted in a manner that maximizes the pool of Applicants and avoids any Unlawful Political Contacts or Unlawful Political Discrimination including, but not limited to, the following:

1. Recruitment Procedures. **The JTDC Human Resources Department shall utilize a variety of recruitment strategies to target a well-qualified pool of potential applicants in order to fill vacant positions at the facility. The recruitment strategies used shall be as approved by the OCJ and may include, but are not limited to, the following:**

- a. **Job posting in highly visible areas at the JTDC's main office and at locations required by any CBA.**
- b. **Job posting on the Cook County website or the Circuit Court of Cook County website.**
- c. **Job posting published in area newspaper.**
- d. **Job posting published in applicable professional journals or on relevant professional association websites.**
- e. **Job posting published on internet job placement websites.**
- f. **Job posting published in college or university job placement departments and/or websites.**
- g. **Other recruitment strategies as approved by the Superintendent and Human Resources Director, or the Chief Judge of the Circuit Court of Cook County.**

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2. Employee Recruitment and Hiring-Related Outreach Training. Any Employees who engage in any employee recruitment and/or hiring-related outreach activity will receive training in proper practices that comply with this Employment Plan by HR in conjunction with the DOC prior to engaging in any such activity. Such training will be certified in writing by the Human Resources Director and included in the Employee's Personnel File. All training materials used shall be submitted to the DOC for comment and a good faith exchange of best practices prior to use. Employees who send notifications of postings to schools and community organizations shall not be considered as engaging in recruitment or outreach activities for purposes of this Employment Plan based on those activities alone. Any such materials and communications, however, must be provided to the DOC.

3. Employee Recruitment and Hiring-Related Outreach Event Participation. All Employees involved in employee recruiting may participate in a variety of events including, but not limited to, job fairs, school sponsored campus recruitment events and community-based employment and outreach program forums. The JTDC shall provide prominent written notice at any such event to attendees that the JTDC does not hire or accept recommendations for Non-Exempt Positions based on Political Reasons or Factors. The Human Resources Director or his or her Designee will document all employee recruitment and hiring-related outreach events attended by representatives of the JTDC. All such documentation shall be provided to the DOC.

B. Requests to Hire. All hiring for Positions shall be initiated by submission of a RTH in accordance with the following:

1. Submission of RTH. The RTH, including a copy of the current Position Description and written justification for filling or creating the Position, must be completed and signed by the Department Head and submitted to HR. On the RTH, the Department Head must receive written approval to fill the Position from the Human Resources Director. The Human Resources Director will provide a copy of the RTH, written justification, and the basis for the approval or denial of the RTH to the DOC at the same time the approval or denial is sent to the Department Head. If the RTH is approved, the remainder of this Section VI shall apply. Before approving the RTH, the Human Resources Director will ensure that the Position is properly budgeted.

2. Current Position Description. Pursuant to Section IV.I the Human Resources Director or his or her Designee shall review with the Department Head the current Position Description containing a list of all Minimum Qualifications and, if applicable, Preferred Qualifications, as well as a description of the knowledge, skills, and abilities relating to the Position. The Human Resources Director and the Department Head will confirm that any such Minimum Qualifications, Preferred Qualifications, and knowledge, skills and abilities are, in fact, related to the Position's requirements. If no Position Description exists or the Department Head claims the current Position Description is not accurate, the Department Head, and the Human Resources Director or his or her Designee, with notice to the DOC, shall draft a new or update the current Position Description to accurately reflect the requirements of the Position in compliance with Section IV.I. Before the Position is posted, copies of the final new or updated Position Description and the previous Position Description, if applicable, shall be given to the DOC and Plaintiff's Counsel for comment.



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3. Internal Candidate Preference. The Human Resources Director, working with the Department Heads and the DOC, shall create and maintain an Internal Candidate Preference List. For those Positions not already on the Internal Candidate Preference List, the Department Head may request in writing that the Human Resources Director designate a Position as eligible for an Internal Candidate Preference. Such request shall include a description of the specific basis or bases for such requested designation and be submitted in accordance with Section VI.C.2. The Human Resources Director and the DOC shall review all requests that a Position be designated as eligible for an Internal Candidate Preference and shall evaluate whether the request is appropriate based on the Department Head's justification, the nature and level of the Position, and the likelihood that the experience of the current Employees in the Department or related Department seeking to fill the Position will be beneficial in carrying out the duties and responsibilities of the Position being posted. The Human Resources Director may request in writing that the Department Head provide additional information. If the Human Resources Director determines the Position is not appropriate for eligibility for an Internal Candidate Preference, the Department Head's request shall be denied. The Human Resources Director shall notify the Department Head of the decision and send a copy to the DOC. That a Position is designated "Internal Candidate Preference" in no way precludes External Applicants from applying, and shall be filled in accordance with applicable federal, state, and/or local law. When promotional opportunities arise within a collective bargaining unit at the JTDC, HR will comply with the provisions regarding promotions as stipulated in the CBA.

C. Preparation of Notice of Job Opportunity. The Human Resources Director or his or her Designee shall prepare the Notice of Job Opportunity in accordance with the following:

1. Confirmation of Accuracy. The Human Resources Director or his or her Designee shall take steps to ensure that all information, including, but not limited to, all Minimum Qualifications and Preferred Qualifications, if applicable, included in the Notice of Job Opportunity, are accurate and relate to the duties of the Position described in the Position Description.

2. Contents of Notice of Job Opportunity. The Notice of Job Opportunity shall be prepared based on information contained in the RTH and applicable Position Description. The Notice of Job Opportunity shall include, but not be limited to: (a) the job title and Job Code; (b) the deadline for applying; (c) the Position Description, including the Minimum Qualifications and Preferred Qualifications, if applicable; (d) whether the Position is designated as Internal Candidate Preference; (e) the amount or range of compensation; (f) directions on how and where to apply; (g) the time period during which applications will be accepted; (h) a list of all certifications, licenses, and documents that the individual must produce in order to be considered eligible for the Position and the time period for producing such information; (i) a description of any testing protocols that will be administered for an Applicant to be considered eligible for the Position, (j) a nondiscrimination clause; (k) a statement that the JTDC does not hire for Non-Exempt Positions based on Political Reasons or Factors, and (l) a statement that any Applicant who fails to comply with any of the requirements of the Notice of Job Opportunity will not be considered eligible for the Position.

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D. Posting of Notice of Job Opportunity. All Notices of Job Opportunity shall be posted in compliance with the following:

1. Posting Locations. All Notices of Job Opportunity shall be posted as described in Section VI.A. HR shall provide the DOC a list of all posting locations prior to posting. The methods of posting as well as posting locations will be documented in the Posting File.

2. Union Postings. The Notice of Job Opportunity for a Position covered by a CBA shall be posted pursuant to any applicable provisions of the CBA.

3. Posting Period. All Notices of Job Opportunity shall be posted for a minimum of 14 days. If HR decides to extend the final date for posting, a notice of such extension shall promptly be added to the Notice of Job Opportunity. Notice of the extension and the reason for the extension shall immediately be given to the DOC.

E. Conflicts of Interest. If at any time an Employee who is involved in any way with a hiring process discovers that any Employee has had, or currently has, a personal or professional relationship with an Applicant or Candidate, that Employee who discovered the relationship must disclose immediately in writing the details of that relationship to the Superintendent, the Human Resources Director and the DOC. The Superintendent or Designee shall determine whether the reported relationship rises to the level of a Conflict of Interest and what restrictions (if any) shall be placed on the Employee's continued involvement with the hiring process. All documentation concerning the disclosure and HR's decision shall be placed in the Posting File.

F. [Intentionally left blank].

G. Application Process.

1. Submission of Applications. All applications and required application materials must be submitted to HR in the form specified in the Notice of Job Opportunity. Applications may contain Prescreening Questions that HR will use during the screening process to determine whether Applicants possess each Minimum Qualification and Preferred Qualification for the Position Description. Applicants will be informed that verifiable references are a condition of employment. Applicants will be asked to provide the name, title and telephone number of their current and previous supervisors. Any Applicant who does not comply with any of the requirements or directions of the Notice of Job Opportunity will be considered ineligible for the Position.

2. Permitted Contacts from Applicants. Applicants may contact HR with any questions they may have with respect to the application process. Any contact with an Applicant will be memorialized in writing and entered on a Contact Log maintained by the Human Resources Director or his or her Designee for each job posting. The Contact Log shall be included in the Posting File for the job posting. Applicants with disabilities may contact HR to request an accommodation during the application process.

3. Creation of Applicant List. After five (5) days from the last day for applying for a Position as listed in the Notice of Job Opportunity has passed and before the meeting to screen and

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validate all the applications, HR will retrieve all applications and create an Applicant List for the Position containing the names of all Applicants who submitted applications pursuant to Section VI.G.1. HR will assign each Applicant a unique application number for tracking purposes. Applicants who failed to submit completed applications pursuant to Section VI.G.1 will have their ineligibility documented on the Applicant List and will not be further screened pursuant to Section VI.G.4, below.

4. Application Screening. During the process of creating the Applicant List for a Position, the Human Resources Director or his or her Designee will screen each Applicant's application materials for completeness. A complete application includes an application form with the correct Prescreening Questions, a cover letter and resume, and a list of references.

5. Notice of Validation. Prior to starting the validation process, the Human Resources Director or his or her Designee shall provide written notice at least 7 days in advance of the date and time thereof to the DOC. The DOC may request to contemporaneously validate the Applicants with HR by providing written notice at least 1 day in advance of the date and time for validation set by the Human Resources Director or his or her Designee. Any comments or issues will be discussed and addressed at the time of the contemporaneous validation.

6. Creation of Validated Eligibility List. The Human Resources Director or his or her Designee will create a Validated Eligibility List using the following procedures:

- a. Ineligible for Hire/Rehire. The Human Resources Director or his or her Designee shall compare the list of Applicants that have not been disqualified to the Ineligible for Hire/Rehire List and remove from consideration any Applicant on the Ineligible for Hire/Rehire List. The reason for the ineligibility will be noted on the Applicant List.
- b. Validation of Applicants. The Human Resources Director or his or her Designee will validate the information in the employment application materials concerning the Applicant's work experience, education, and skills and compare it with the Minimum Qualifications and the Preferred Qualifications, if applicable, to determine whether the application materials show on their face that the Applicant meets the Minimum Qualifications and Preferred Qualifications, if applicable. If necessary, the Human Resources Director or his or her Designee may consult with individuals with specific knowledge of the qualifications for the Position during the validation process to assist in the determination of whether an Applicant possesses a Minimum Qualification or Preferred Qualification that is technical in nature. The consultation shall be documented in the Applicant List. In the event the information does not support the Applicant's claim to possess the Minimum Qualifications of the Position, the Applicant shall be considered ineligible for the Position, his or her name shall not be placed on the Validated Eligibility List, and the reason for ineligibility will be noted on the Applicant List. All Applicants whose application materials indicate that they possess at least the Minimum Qualifications for the Position will be placed on the Validated

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Eligibility List. If none of the Applicants possess all the Minimum Qualifications for the Position, the Position shall be reposted. The Director of Human Resources or his or her designee may review the Minimum Qualifications pursuant to Section IV.I and Section VI.C to determine if any changes are appropriate.

- c. Sorting Applicants. The Validated Eligibility List will be sorted into the following groups:
- (1) If the Position is on the Internal Candidate Preference List, the Internal Applicants will be in the first group.
  - (2) Applicants who possess all of the Preferred Qualifications will be in the second group;
  - (3) Applicants who possess all but one Preferred Qualification; sorting will continue with Applicants who possess all but two Preferred Qualifications, etc. depending on the number of Preferred Qualifications will be in the next respective group or groups;
  - (4) Applicants who do not possess any of the Preferred Qualifications will be in the last group.
- d. Validation of Disciplinary History for Internal Applicants or Former Employees. Following the validation procedure described in Section VI.G.4, HR shall conduct the following additional review for (a) Internal Applicants and (b) External Applicants who indicated on their applications that they were employed by the JTDC at any time during the 36 months preceding the Applicant's application for hire:
- (1) Internal Applicant's Disciplinary History Validation. Any Internal Applicant who was suspended for misconduct while working for the JTDC during the 18-month period prior to his or her application for a Position shall not be considered eligible for the Position, and his or her name shall be removed from the Validated Eligibility List, subject to the terms of any applicable CBA. Any such ineligibility shall be noted on the Applicant List.
  - (2) Former Employees' Disciplinary History Validation. Any External Applicant employed by the JTDC within the 36 months preceding the date he or she submitted his or her application who was suspended, terminated, or resigned while under investigation for misconduct during the last 36 months of his or her employment by the JTDC shall not be considered eligible for the Position, and his or her name shall be removed from the Validated Eligibility List. Any such ineligibility shall be noted on the Applicant List.

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(3) Record of Determinations. HR shall record the specific reason for any decision to exclude any Applicant's name from the Applicant List or Validated Eligibility List along with a NPCC.

e. Notification of Completion of Validation. The Human Resources Director or his or her Designee shall provide the results of the validation process to the DOC for each posting within two days of completion of the Validated Eligibility List.

7. Review of Determinations by DOC. The DOC shall review the application materials and may object to the inclusion or exclusion of any Applicant on the Validated Eligibility List. The Human Resources Director and the DOC shall meet and confer in an effort to reach agreement on any disputed Applicant. A written explanation of the disagreement and how the disagreement was resolved shall be included in the Posting File. In considering whether an Applicant meets a Minimum Qualification, disputes regarding the qualification of an Applicant will be resolved in favor of meeting the Minimum Qualification in question, to result in the broadest applicant pool for a Position. Issues regarding Preferred Qualifications are resolved against meeting the Preferred Qualification so as not to provide any advantage based on a disputed qualification. If the Human Resources Director and the DOC still are not able to reach agreement, the Superintendent or his or her Designee will make the final determination of whether the Applicant should be included on the Validated Eligibility List. Any changes regarding the validation of any Applicant will be documented on the Applicant List.

8. Interview List. After sorting the Validated Eligibility List into the groups as described in Section VI.G.6.c, HR will interview all of the Candidates that passed the pre-employment tests.

9. Review by DOC. The DOC along with the Human Resources Director or his or her Designee shall have full access at all times to all documents and all aspects of the general hiring process for each posting and may review them on an ongoing basis. If the DOC concludes that an error was made at any point during the hiring process, a notice of the error shall be given immediately to the Human Resources Director or his or her Designee, along with a request to take appropriate steps to resolve the error. The DOC may suspend a hiring process until the Human Resources Director and the DOC have met and conferred about the error. If the Human Resources Director disagrees with the DOC and moves forward with the hiring process, the Human Resources Director shall provide a written response documenting the reasons for the decision.

10. Use of Validated Eligibility List. The Validated Eligibility List shall be valid and may be used for purposes of filling vacancies for the posted Position for a period of twelve (12) months from the date created. The Human Resources Director, in consultation with the Department Head, shall decide if an existing Validated Eligibility List will be used to fill a Vacancy or if the Vacancy will be Posted. Written notice of the decision to use or not use an existing Validated Eligibility List shall be provided to the DOC before a List is used or the Position is posted.

H. Interview Preparation.

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1. Interview Scheduling. The Human Resources Director or his or her Designee shall schedule interviews of all Candidates listed on the Final Interview List and provide the schedule to the DOC at least 72 hours prior to the date of the first interview. If an applicant requests reasonable accommodations under the American with Disabilities Act, the Human Resources Director will consult with the Superintendent and/or The Office of The Chief Judge.

2. Interview Panel Selection. The Human Resources Director shall select the Interview Panel consisting of (i) the Human Resources Director or the Department Head and (ii) two to three Employees who are at the same pay grade or higher than the vacant Position and who possess knowledge and competence in the skills and abilities sought of the Position to be filled. (Interview Panel members of a lower pay grade than the Position being interviewed for must be approved by the Human Resources Department and the Superintendent.) The individuals selected for the Interview Panel must be representative of the diversity of the facility and its residents. HR shall send a list with the names of the Employees who will make up the Interview Panel to the DOC at least two days prior to the interviews for review and comment. No Employee may be assigned to an Interview Panel without first receiving interview training and certification described in Section IV.G above. No Employee, including the Department Head, may be assigned to the Interview Panel if a Conflict of Interest exists pursuant to Section VI.E.

3. Interview Questions. The Department Head shall prepare a list of a minimum of 10 interview questions relating to the open Position. The interview questions shall establish, at a minimum, the Candidate's: (i) willingness and ability to do the job; (ii) prior job performance; (iii) knowledge and understanding of the Position; (iv) relative qualifications for the Position as compared with other Candidates; and (v) overall credibility. The Department Head or his or her Designee shall send the list of interview questions, including proposed assigned weights for each question, to the Human Resources Director or his or her Designee. The Human Resources Director or his or her Designee, in conjunction with the Department Head, shall amend or approve the questions, select five or more questions to be used for interviews for that posting, and determine final scoring weights for each question. The Chief Legal Officer or his or her Designee shall verify that the questions asked will not violate any employment/labor laws or regulations, including those laws or regulations pertaining to employment discrimination. The Human Resources Director or his or her Designee shall then send the final list of questions to the DOC at least three days prior to the interview for review and comment. All questions shall be considered and treated as confidential, and they may not be disclosed to anyone other than the Human Resources Director, his or her Designee, and the DOC prior to the interviews. The interview questions developed for a particular Position may be used for subsequent vacancies for that Position, provided appropriate precautions are taken to prevent advance dissemination of the questions or answers to Candidates and provided the questions remain related to the duties of the Position.

4. Pre-Interview License and Certification Verification. All Candidates must produce copies of required documents (e.g. current driver's license, diploma or proof of graduation, certifications, etc.) listed on the Notice of Job Opportunity by the conclusion of all of the interviews for the Position. Copies of all documents provided by the Candidates shall be included in the Posting File. Candidates who do not produce the required documents by the conclusion of all of the interviews for the Position shall be considered ineligible for further consideration. Any such ineligibility will be noted on the Final Interview List.

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I. Interview of Candidates. The following shall apply to the interview of Candidates:

1. Notification. At least 48 hours prior to any interview, the Human Resources Director or his or her Designee shall notify the DOC in writing of the time and place of each interview. The Human Resources Director or his or her Designee and the DOC may be present to monitor any interview.

2. Pre-Interview Testing. Pre-Employment Testing is governed by Employment Policy No. V2C03P05. Failure to pass any of the required tests will eliminate the Candidate from consideration for the vacant Position.

3. Conducting the Interview. The Interview Panel shall interview each Candidate on the Final Interview List in accordance with the following:

- a. The Human Resources Director or his or her Designee shall facilitate the conducting of interviews by informing the Interview Panel and the Department Head of the interview process, being available while interviews are being conducted to answer any questions from the Interview Panel and Candidates, requesting that any applicable forms be completed, picking up completed forms and other required documentation at the conclusion of each interview, and reviewing forms for completeness.
- b. At least 48 hours prior to any interview, the Human Resources Director or his or her Designee shall circulate to the Interview Panel the list of interviewee names and applicant materials to review and to determine whether a Conflict of Interest, as outlined in Section VI.E, exists.
- c. In the event a panel member discovers a Conflict of Interest between a Candidate and a member of the Interview Panel prior to or during any interview, the panel member shall, as soon as possible, notify the other members of the Interview Panel, the Human Resources Director or his or her Designee, and the DOC that a Conflict of Interest exists and that a substitution is needed. In the event any panel member becomes aware that any other panel member has a Conflict of Interest prior to or during any interview, he or she will advise the Human Resources Director or his or her Designee, who will determine whether a Conflict of Interest exists. If a Conflict of Interest is determined to exist, the conflicted panel member shall be removed from the Interview Panel and shall not participate in the interviews or the selection process. If a Conflict of Interest involving an Interview Panel member is discovered during or after an interview, the Human Resources Director and the DOC must be promptly notified, and the Human Resources Director shall resolve the conflict by selecting a new panel member or convening a second Interview Panel. Any Conflict of Interest discovered prior to, during, or after an interview shall be documented by the Human Resources Director or his or her Designee and reviewed by the DOC and included in the Posting File.

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- d. The interview questions selected in accordance with Sections VI.H.3 shall be used to evaluate Candidates and complete the Interviewer Evaluation Form.
- e. All Candidates interviewed for the same Position will be asked to respond to the same pre-approved interview questions. Follow-up questions by the panel members are permitted and encouraged, provided the follow-up questions are related to the original question and is relevant to a determination of the Candidate's suitability for the Position.
- f. The employment application or resume will be used to complement the interviewing of the Candidate. Questions directly pertaining to information provided on the application or resume are permissible.
- g. Candidates who fail to appear for interview within 15 minutes of the scheduled time will not be interviewed. Any such Candidate will not be considered for the Position during the current posting cycle. Also, any Candidate who cancels an interview less than 48-hours prior to the scheduled time slot will not receive further consideration for the Position during the current posting cycle.

4. Interviewer Evaluation Form. Each interviewer shall independently and personally complete and sign an Interviewer Evaluation Form for each Candidate at the conclusion of each interview and shall score each Candidate as 1 (unacceptable), 2 (marginally acceptable), 3 (acceptable), 4 (very good), or 5 (excellent) in each category listed on the Interviewer Evaluation Form. The basis of any score of 5 or 1 must be explained in detail by the interviewer on his or her Interviewer Evaluation Form. Upon conclusion of each interview, no person may alter, add to, or delete from any Interviewer Evaluation Form other than the interviewer who completes and signs it. The interviewers shall submit the original completed Interviewer Evaluation Forms to the Human Resources Director or his or her Designee.

5. Scored Interview List. The Human Resources Director or his or her Designee shall tabulate the scores of the Candidates and rank them in order from the highest to lowest score for the Scored Interview List. The DOC shall verify the tabulated scores prior to the Ranking Meeting. Any Candidate who receives a combined overall average score of less than 3 will not be eligible for further consideration.

J. Candidate Ranking Procedure. Following completion of interviews with all eligible Candidates on the Scored Interview List, the final Candidate(s) shall be selected in accordance with the following:

1. Ranking Meeting. Within three days following the last Candidate interview, the Interview Panel shall conduct a Ranking Meeting at which all of the interviewers are present and at which each interviewer has an opportunity to freely and without fear of retaliation express his or her opinion regarding those Candidates on the Scored Interview List who received average interview scores of 3.0 or higher. The Interview Panel shall be provided with a copy of the Scored



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Interview List and will discuss those Candidates in the order they appear on the Scored Interview List. The Human Resources Director or his or her Designee shall be available to the panel to provide advice and expertise. The DOC may attend Ranking Meetings. Members of the Interview Panel may not discuss Candidates prior to the Ranking Meeting.

2. Documentation of Ranking Meeting. The Human Resources Director or his or her Designee shall take notes at the Ranking Meeting. The notes shall include a description of why, how and by whom each Candidate was ranked; and how each Candidate was ranked by each member of the Interview Panel. The notes shall also indicate the objective basis or bases on which any Candidate was ranked by the panel, or the basis or bases on which any Candidate was not ranked by the panel. The notes and the Interview Evaluation Forms and the Interview Panel Ranking Form shall be included in the Posting File.

3. Interview Panel Ranking Form. The Interview Panel shall create an Interview Panel Ranking Form, listing in order of preference for hire, those Candidates who are deemed suitable for hiring by a majority vote of the Interview Panel. The Interview Panel Ranking Form shall be valid and may be used for purposes of filling vacancies for the posted Position for a period of 12 months from the date created.

4. Use of Interview Panel Ranking Form for Subsequent Vacancy. The Department Head, in consultation with the Human Resources Director, shall decide if a subsequent Vacancy will be filled using the Interview Panel Ranking Form or if the subsequent Vacancy will be Posted. The decision shall be documented and placed in the Posting File for the additional Vacancy and provided to the DOC.

5. Internship/Externship Weight. In the course of evaluating Applicants and Candidates for employment into Positions in the JTDC, the JTDC shall give no consideration or weight to whether an Applicant has, at any point, performed an Internship or Externship with the JTDC.

K. Final Screening. HR shall conduct a final screening of the Candidate or Candidates on the Interview Panel Ranking Form as follows:

1. Review of Interview Panel Ranking Form. The Human Resources Director or his or her Designee and the DOC shall review the Interview File and verify that the Candidate or Candidates listed on the Interview Panel Ranking Form and recommended by the Interview Panel for selection are in compliance with the requirements of this Employment Plan. After the interview process is completed, the Human Resources Director or Designee will check the references of the Candidates on the Interview Panel Ranking Form. Reference checks will be documented in the Interview Panel Ranking Form. If either the Human Resources Director (or his or her Designee) or the DOC determines that the selection of a Candidate or Candidates listed on the Interview Panel Ranking Form was not in compliance with this Employment Plan, the process shall be suspended until the issue is resolved to the satisfaction of the Human Resources Director.

a. Employment of Relatives/Household Members and Relationships Between Employees. All Applicants for employment must complete JTDC Form

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2.03.46 Employment of Relatives-Household Members Acknowledgement and Disclosure before being considered for employment. A copy of JTDC Form 2.03.46 is attached as Exhibit D. If any Applicant is a Relative or a Household Member of a current JTDC Employee, or has a Close Personal Relationship with a current JTDC Employee, the JTDC Form 2.03.46 shall be forwarded to the Human Resources Director, the Superintendent or his or her Designee, and the DOC. The Human Resources Director, the Superintendent or his or her Designee, and the DOC will review the circumstances on a case-by-case basis to ensure compliance with the Employment Plan and Employee Handbook. If all procedures have been followed, the Human Resources Director will seek approval from the Superintendent or Designee, who shall have the sole authority to approve the employment of relatives/household members of current JTDC Employees.

- b. Current employees will report to their immediate supervisor any current or future employment relationships that may violate this policy by completing JTDC Form 2.03.46. Failure to report such relationships may result in disciplinary action up to and including termination.

2. Drug Testing. Pre-Employment Drug Testing is governed by Employment Policy No. V2C03P42. Failure to pass the drug test will eliminate the Candidate from consideration for the vacant Position.

3. Physical Examinations and Criminal Records. Prior to employment, a Candidate shall be required to undergo a physical examination and pre-employment drug test as scheduled by the Human Resources Department with a local health care provider.

- a. Each Candidate shall be evaluated on his/her ability to perform the physical requirements of the position.
- b. Prospective Rapid Response Team employees are required to undergo physical exams and meet the physical agility testing requirements outlined in JTDC Policy 3.09.25 Rapid Response Team.
- c. Each Candidate shall also be tested through a two (2) step process for communicable tuberculosis and be free of same, prior to employment.
- d. All Employees shall have tuberculosis screening conducted annually and any other tests as designated by the Superintendent.
- e. Health screening and assessments for Employees shall be conducted as needed.
- f. All Candidates selected for employment must submit to a criminal records check. The check must be completed prior to any offer of employment.

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4. Ineligible Candidate. If a selected Candidate is found to be ineligible after the final screening, the Department Head shall remove the Candidate from the Interview Panel Ranking Form.

L. Final Selection; Justification to Hire. The Human Resources Director shall review the Interview File including the Interview Panel Ranking Form and Ranking Meeting notes, make the final selection, and shall authorize the hiring of the final Candidate, or Candidates if multiple vacancies, by signing the Grant of Authority along with an NPCC. The Department Head shall submit a Justification to Hire along with an NPCC to the Human Resources Director setting forth the objective basis or bases for the hiring with an explanation of the justification for the selection. The Human Resources Director shall provide a copy of the Justification to Hire and NPCC to the DOC. If the Candidate selected is other than the Candidate ranked highest by the Interview Panel in the case of a single vacancy, or a Candidate ranked among the top Candidates equal to the number of vacancies to be filled by the Interview Panel in the case of multiple vacancies, the Superintendent or his/her Designee shall prepare a written explanation of the basis or bases on which the selection was made and send it to the Human Resources Director along with an NPCC. The Human Resources Director shall provide a copy of the written explanation and NPCC to the DOC.

M. Grant of Authority. The Human Resources Director, or his or her Designee, shall prepare the Grant of Authority Form, which shall include at least the name(s) of the selected Candidate(s) and the proposed salary. The Superintendent or his or her Designee shall authorize the hiring of the selected Candidate, or Candidates if multiple vacancies, by signing the Grant of Authority prepared by the Human Resources Director, along with an NPCC.

N. Posting File. The Human Resources Director shall maintain the full Posting File. The Posting File shall include the Request to Hire, current Position Description, Notice of Job Opportunity, Contact Log, Applicant List, Validated Eligibility List, Final Interview List, a list of the persons on the Interview Panel, the interview questions, testing protocols, documented Conflicts of Interest, Interview Evaluation Forms, Scored Interview List, notes from the Ranking Meeting, the Interview Panel Ranking Form, Justification to Hire with written explanation provided pursuant to Section VI.L, if applicable, Grant of Authority, NPCC, and any other documentation regarding the selection and ranking of the selected Candidate, including all forms identified in Section VI. Copies of all such documentation shall also be made available to the DOC within two days of the final selection of the Candidate, if not previously provided.

O. Documentation Review. The Human Resources Director or his or her Designee shall review the full Posting File to ensure that it contains all required documentation relating to the posting before extending an offer of employment to any selected Candidate. No offer shall be extended prior to the Human Resources Director and the DOC receiving all required documents and supporting materials from the Hiring Department, Interview Panel, or the Superintendent.

P. Conditions for Employment: All Candidates determined to be eligible for employment must submit to a "CANTS" (Child Abuse and Neglect Tracking System) check and a criminal records check, which must be completed before any offer of employment is made. All Candidates offered JTDC employment in designated Positions will be required to successfully complete a drug

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test for the presence of illegal drugs. All Candidates offered employment in a direct care services, security, food service or custodial must successfully complete a pre-employment physical.

Q. Offers of Employment. HR shall extend employment offers in accordance with the following:

1. Extension of Offer. After the Superintendent's signed authorization and selection of the Candidate on the completed Grant of Authority Form, the Human Resources Director or his or her Designee shall extend a written offer of employment to the selected Candidate(s). All offers of employment shall be made in writing and copies shall be included in the Posting File and each Candidate's Personnel File. The Human Resources Director or Designee shall notify the Superintendent, the Department Head and the DOC of the disposition of the offer.

2. Unaccepted Offer. If a Candidate does not accept the offer of employment, the OCJ or Designee shall make a further selection pursuant to Section VI.L and so on. Any communication from a Candidate declining an offer of employment, whether written or verbal, shall be included on the Contact Log, included in the Posting File, and timely communicated to the DOC.

3. No Additional Candidates. If no interviewed Candidate on the Interview Panel Ranking Form is eligible and accepts the offer of employment, the Position will be reposted.

4. NPCC. The selected Candidate shall complete and sign an NPCC.

5. Probationary Term. All Employees shall be on probation for the first six (6) months of their employment, beginning with the completion of the pre-service training period. Non-probationary Employees who are hired for a Position other than his or her current Position will be on probationary status for the first six (6) months.

- a. Supervisors shall meet at least monthly with assigned probationary Employees to provide ongoing coaching and feedback and determine if he/she is satisfactorily performing the duties of the Position.
- b. Following the completion of pre-service training, the Training Department must complete a standardized written evaluation within two (2) weeks of assignment. Upon completion of pre-service training and during the probationary period, he/she will be evaluated by their assigned Supervisor after three (3) and six (6) months using a standardized form created by the Human Resources Department. Performance issues will be addressed through performance improvement plans and/or progressive discipline, during probationary periods.
- c. Probationary Employees may be terminated or laid off at the sole discretion of the Employer at any time during the probationary period so long as the termination does not otherwise violate this Employment Plan. The individuals involved in the decision to terminate or lay off the Probationary Employee shall complete and sign an NPCC.

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- d. Following successful completion of the probationary period, involuntary termination or demotion shall be for “just cause.”
- e. The probationary period may be extended for up to an additional six months for cause at the request of the immediate supervisor and as approved by the Department Head, Human Resources Director and Superintendent.

## VII. EMPLOYEE CERTIFICATION.

All Employees involved in any Employment Action, including, without limitation, the Human Resources Director and the Department Head taking the Employment Action, but excepting Employees providing purely clerical functions, shall complete and sign an NPCC for each such Employment Action. All Applicants must complete an Applicant NPCC.

## VIII. EXEMPT POSITION HIRING PROCESS

A. Hiring Process. To document that all persons employed in Exempt Positions possess the Minimum Qualifications for the Exempt Position in which they are being placed, the following process shall apply to the hiring of all individuals in Exempt Positions:

1. Position Description. The OCJ, or his or her Designee, and the Human Resources Director, or his or her Designee, shall create, revise and maintain a current and accurate Position Description containing Minimum Qualifications for each Exempt Position pursuant to Section VI.C.2. The OCJ, or his or her Designee, and the Human Resources Director, or his or her Designee, will also review the Position Description of a vacant, Exempt Position prior to seeking to fill that Position. The Human Resources Director shall maintain the Exempt List and shall post the Exempt List and all Exempt Position Descriptions on Cook County’s Website, and the Circuit Court of Cook County website.

2. Submission and Screening of Application. The individual selected to fill the Exempt Position shall complete an employment application. The Human Resources Director shall provide a copy of the employment application to the DOC. The Human Resources Director, or his or her Designee, and the DOC shall review the application and conduct a validation to confirm that the individual possesses the Minimum Qualifications and any applicable required license or certification for the Exempt Position. If the DOC or the Human Resources Director determines that the individual does not possess the Minimum Qualifications or any applicable required license or certification for the Exempt Position, the DOC and the Human Resources Director, or his or her Designee, shall meet and confer. If after meeting, the DOC or the Human Resources Director still does not believe that the individual possesses the Minimum Qualifications or any applicable required license or certification, the DOC shall prepare a memorandum to the OCJ documenting the deficiency. If the OCJ maintains that the individual possesses the Minimum Qualifications and any applicable required license or certification, the OCJ shall provide a written explanation of why he or she believes the individual possesses the Minimum Qualifications and, if applicable, any licenses or certifications, required for the Exempt Position to the DOC.

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3. Confirmation of Exempt Position. Prior to the hiring of an Exempt Applicant, the Human Resources Director, or his or her Designee, shall obtain written confirmation from the DOC that the Position title for the Exempt Position is contained on the Exempt List.

B. No Other Specific Selection Process Required. Except as specifically provided in this Section VIII, the OCJ and HR are not required to follow any other selection process in filling an Exempt Position and may consider any factor in making his or her and its decision, so long as it is not an illegal factor.

C. Changes to Exempt List. The OCJ or Designee and Plaintiffs' Counsel will develop an Exempt List within 30 days after the effective date of this Employment Plan. The OCJ may from time to time change the Exempt List by adding Exempt Positions, or deleting Exempt Positions, or amending the titles or job duties of Exempt Positions contained on the Exempt List. Such changes shall be made as follows:

1. Request to Change by the OCJ. The OCJ or his or her Designee shall send written notice of any proposed change to a Position on the Exempt List, along with supporting documentation including, but not limited to (a) the Job Code of the Exempt Position (including a copy of the current Position Description) and (b) a description of the basis on which the change is proposed to the DOC. Until the effective date of a court order finding that the JTDC is in Substantial Compliance with the SRO, a copy will also be sent to Plaintiffs' Counsel. The DOC shall provide a written approval or objection to the proposed change within five days of receipt. If the DOC provides an objection to the change, the OCJ or his or her Designee and the DOC shall meet to discuss the matter within three days from the objection. If the DOC does not rescind his or her objection following such discussion, the proposed change shall not be implemented unless otherwise approved by a court of competent jurisdiction. If the OCJ proceeds with implementing the proposed change over the DOC's objection and without court approval, such implementation shall be considered a violation of this Employment Plan. The DOC's objections shall be available to the public. It is expressly acknowledged and understood that the DOC is being provided authority to opine on proposed additions or deletions to the Exempt List, any reduction or elimination of any of the duties of an Exempt Position, and any change to the Minimum Qualifications or the reporting responsibilities of an Exempt Position. Nothing herein shall be deemed to be an abdication or transfer of authority from the OCJ to the DOC.

2. Notice to Plaintiffs' Counsel. Until the effective date of a court order finding that the JTDC is in Substantial Compliance with the SRO, if the DOC approves the proposed change, the OCJ shall send confirmation of the DOC's approval or disapproval to Plaintiffs' Counsel. Proposed changes to the Exempt List shall not be implemented until after ten days of providing confirmation of the DOC's approval to Plaintiffs' Counsel. If Plaintiffs' Counsel sends a written objection of the proposed change to the Exempt List to the OCJ and the DOC within ten days of the OCJ providing written notice of the DOC's approval of the Exempt change, the Position shall not be removed from, placed on, or revised on the Exempt List and the matter shall be referred to the court having jurisdiction in the *Shakman* Case for final resolution. If Plaintiffs' Counsel does not send a written objection of the proposed change to the Exempt List to the OCJ and the DOC within ten days of the OCJ providing written notice of the DOC's approval of the Exempt change,

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the change shall be implemented and notice of such action will be filed with the court having jurisdiction in the *Shakman* Case.

D. Posting of Exempt List. The OCJ or his or her Designee shall post the then-current Exempt List at the JTDC's offices and on the JTDC's Website, and the Circuit Court of Cook County website. The postings shall include (i) the name of the Department to which the Exempt Position is assigned, (ii) the job title, (iii) the grade level, and (iv) the date the Exempt List was approved. A copy of the JTDC's then-current year's Annual Appropriation Ordinance shall also be posted on the JTDC Website and the Circuit Court of Cook County website. The OCJ shall repost and update the Exempt List within five days of the occurrence of any applicable change made pursuant to Section VIII.C.

E. Removal. An Employee holding an Exempt Position may be terminated or subject to any action covered by this Plan with or without cause, so long as it is not an illegal reason.

F. Maintenance of Exempt Position Status. Any Employee who is appointed to an Exempt Position shall continue to be considered Exempt, even if subsequently placed into a Non-Exempt Position, and his or her Exempt status shall not change unless he or she is subsequently hired into a Non-Exempt Position that is filled through the General Hiring Process or otherwise required by applicable federal, state, or local law.

## **IX. PROVISIONAL APPOINTMENTS.**

The Superintendent may hire full time, part time, or temporary employees in emergency situations or to address personnel shortages in accordance with JTDC or Circuit Court policies. Employees who are hired for the purpose of provisional appointments shall meet all of the specific qualifications for the assigned Position and shall be expected to perform the same tasks as the regular full time JTDC personnel in the Position. The DOC and the Plaintiffs' Counsel shall be advised whenever the Superintendent exercises his or her authority to make a provisional appointment in accordance with this Section IX.

The Superintendent shall assign the employee to a specific Department Head or Supervisor in the area in which the emergency or shortage exists. The assigned Supervisor shall be responsible for the general supervision and monitoring of the employee's performance and for providing feedback to the employee regarding his/her performance. The Supervisor shall advise the Superintendent of any concerns or problems noted in the employee's performance and take any corrective action that is necessary. The Superintendent shall monitor the ongoing need for the provisional appointment and shall discontinue the appointment within 30 days or when the emergency situation or personnel shortage has passed.

## **X. DUAL EMPLOYMENT**

In order to maintain the effectiveness and efficiency of the facility operation and avoid situations that may constitute a conflict of interest, it is the policy of the JTDC to regulate secondary employment/dual employment of facility employees. JTDC Policy No. V2C03P33 is incorporated by reference into this Employment Plan and is attached hereto as Exhibit E.

## **XI. EMPLOYMENT PLAN AMENDMENTS**

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The JTDC may from time to time amend the Employment Plan following written notice of any proposed changes to the Chief Judge and the DOC. The DOC shall be given an opportunity to review and comment on the proposed amendment prior to implementation. If the DOC objects to the change, he or she must do so in writing within ten days and submit the same to the Superintendent and the Chief Judge. The Superintendent or his or her Designee and the DOC will meet to discuss the matter within three days thereafter. If the Superintendent and the DOC are not able to reach agreement, the dispute will be submitted to the Chief Judge for resolution. The decision of the Chief Judge on any proposed change to the Employment Plan shall be final, subject to the following paragraph. Proposed changes to the Employment Plan shall not be implemented until after ten days from either the date the DOC was provided notice of the proposed changes or the date the Chief Judge makes his or her decision resolving any objections to the proposed changes, whichever is later.

Until the effective date of a court order finding that the JTDC is in Substantial Compliance with the SRO, after following the procedures described above, the JTDC General Counsel shall send any proposed changes to the Employment Plan to Plaintiffs' Counsel. If Plaintiffs' Counsel sends a written objection to the proposed change to the Employment Plan to the JTDC General Counsel, the OCJ General Counsel, and the Assistant Attorney General representing the JTDC within ten days of the provision of notice of the change, the parties will meet to discuss the proposed change in a good faith effort to reach agreement within three days thereafter. If the parties are unable to reach agreement, the JTDC may file a motion to amend the Employment Plan with the court in the *Shakman* Case. Until the effective date of a court order finding that the JTDC is in Substantial Compliance with the SRO, all changes to the Employment Plan must be filed and approved by the court in the *Shakman* Case prior to being implemented by the OCJ.

## **XII. CONCLUSION**

The JTDC is committed to continuing its practices of being an equal opportunity employer, hiring qualified Candidates and prohibiting Unlawful Political Discrimination with respect to all Employment Actions of the JTDC. This Employment Plan is intended to create transparent and workable processes and procedures that meet the business needs of the JTDC and comply with legal requirements. It is not possible to anticipate and address every situation that may give rise to Unlawful Political Contact or Unlawful Political Discrimination, and the JTDC is prepared to comply with the spirit of the law to meet those situations in the future.



# **Exhibit A**

NO POLITICAL CONSIDERATION CERTIFICATION (NPCC)

Employee Name: \_\_\_\_\_

Employment Action: \_\_\_\_\_

With respect to all jobs under the jurisdiction of the Cook County Juvenile Temporary Detention Center (JTDC) that are not Exempt under *Shakman et al. v. Democratic Organization of Cook County, et al.*, United States District Court for the Northern District of Illinois, Eastern Division, Case Number 69 C 2145, I certify that I am aware that I am strictly prohibited from conditioning, basing or knowingly prejudicing or affecting any term or aspect of employment or hiring upon or because of any political reason or factor or knowingly inducing, aiding, abetting, participating in, cooperating with or threatening any act which is proscribed above. I certify, under penalty of perjury, as provided by the law that, to the best of my knowledge, political reasons or factors did not enter into any JTDC employment action taken with respect to the above Applicant/Employee or the employment or hiring process. I understand that failure to comply with the above prohibitions may result in sanctions, including disciplinary action up to and including termination and may subject me to criminal prosecution.

\_\_\_\_\_  
Name/Title

\_\_\_\_\_  
Date

# **Exhibit B**

COOK COUNTY JUVENILE TEMPORARY DETENTION CENTER

[NAME OF DOC]  
 DIRECTOR OF COMPLIANCE  
 [ADDRESS]  
 [PHONE]  
 [EMAIL ADDRESS]

**Political Contact Log Reporting Form**

It is prohibited by law and the policies of the Cook County Juvenile Temporary Detention Center for any employment action to be taken regarding any position based on political factors or considerations *unless* the position is on the “*Shakman* Exempt List” because political party affiliation is an appropriate requirement for the effective performance of the position. Examples of employment actions include, but are not limited to, hiring, promoting, demoting, transferring, terminating, imposing discipline or awarding overtime.\*

*All* employees have a duty to report *any* contact they have with any politically-related person or organization - or with any individual acting on behalf of such person or organization - if that contact involves an attempt to inquire about or to affect an employment action involving an employee who holds a non-exempt position or an applicant applying for such a position.\*\*

This form serves as notification and an official record of any contact you may have received from a politically related person or organization. **If you are contacted or know about such a contact, you are required to immediately complete this form** and return it directly to:

[Name], Director of Compliance, Cook County Juvenile Temporary Detention Center, [Address] by in person delivery, mail, or email using the contact information at the top of this form.

**You are *not* required to assess whether the contact is illegal; rather, you are *only* required to report its occurrence.** Please provide all the information requested by this form. If you have any questions, please contact [HR Director] and/or your supervisor.

Name of Person Making Contact:	Title/Assignment/Affiliation:
Address:	Phone:
Method of Contact:    Written                      Phone    Personal    Other (specify)	
Name of Political/Other Organization (See note 2 below):	
Name of Employee or Applicant Referenced:	
Position Applied for and Department Referenced:	
Employment Action Referenced (See note 1 below):	

Please describe contact in detail (all information received and given).  
Attach a copy of letter, memo, e-mail etc.

(Please use another sheet if necessary)

Date of Contact Log Report:

Print Your Name:

Title:

Sign Your Name:

Telephone:

1. \* Employment Action: Any change (positive or negative) related to the terms or conditions of employment including, but not limited to, recruitment, determination of eligibility, interviewing, pay, benefits, selection, hiring, transfer, demotion, promotion, detail, termination, discipline, recall, reemployment, reclassification, granting overtime or other job benefit, changing a job assignment, withholding any job benefit, imposition of any employment sanction or detriment.

2. \*\* A "Politically-related Person or Organization" is defined as any elected or appointed public official or any person employed by, acting as an agent of, affiliated with, promoting or representing any elected or appointed public official or any political organization or politically-affiliated group.

Date Received by DOC:

# **Exhibit C**

**NOTICE OF RIGHTS AND REQUEST FOR SETTLEMENT CONFERENCE FORM**

**Pursuant to the  
SUPPLEMENTAL RELIEF ORDER (“SRO”)**

**Entered in *Shakman, et al v. Cook County Juvenile Temporary Detention Center, et al.*  
(the “Shakman Case”)**

Enclosed is a copy of the Director of Compliance Report of Investigation for your Post-SRO Unlawful Political Discrimination Complaint. If you would like to seek relief from the JTDC for any injury you believe you may have suffered as a result of the unlawful political discrimination you alleged in your Complaint, you must participate in a mandatory settlement conference before you can seek relief through a federal lawsuit. You have **thirty (30) days** from the date of the Director of Compliance’s Report of Investigation to submit this **Request for Settlement Conference Form** to the Illinois Office of the Attorney General at the address set forth below.

Within sixty (60) days from the date upon which the Attorney General’s Office receives a Request for Settlement Conference, the Attorney General’s Office and you must hold an in-person Settlement Conference. The time period for conducting this settlement conference can be extended by agreement between you and the Attorney General’s Office. Any statements made and the positions taken during the Settlement Conference cannot be disclosed in any later federal lawsuit. You may be represented at the settlement conference by a lawyer or other representative of your choice.

You may receive a settlement offer at the discretion of the JTDC and the Attorney General’s Office. Settlement offers may include, but are not limited to, monetary damages, reinstatement, or other equitable relief. If you accept a settlement offer, the Director of Compliance and Plaintiffs’ Class Counsel will receive copies of the executed settlement agreement. You and the Attorney General’s Office may agree to additional settlement conferences.

If you do not accept the settlement offer or the settlement discussions reach an impasse, you have **thirty (30) days** after termination of the mandatory settlement conference procedure to file a complaint in federal court.

\*\*\*\*\*  
\*\*\*\*\*

Date: \_\_\_\_\_

To: Christopher Fletcher  
Office of the Attorney General  
RE: JTDC Settlement Conference Request Form  
100 W. Randolph Street, 12th Floor  
Chicago, Illinois 60601

From: \_\_\_\_\_  
Complainant’s Name

\_\_\_\_\_  
Phone Number

\_\_\_\_\_  
Complainant’s Signature

Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Email Address

# **Exhibit D**



JTDC Form 2.03.46

**Employment of  
Relatives/Household Members  
Acknowledgement and Disclosure Form**

<b>Employee Name:</b>	<b>ID #:</b>
<b>Division:</b>	<b>Center/Assignment:</b>

The Cook County Juvenile Temporary Detention Center (JTDC) defines Relatives: as Spouse, domestic partner, parent, grandparent, child, brother, sister, aunt, uncle, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother or half-sister. "Household Members" are persons living with an employee, contract staff or volunteer.

I have reviewed the provisions of [2.03.46 Employment of Relatives/Household Members and Relationships between Employees](#). I understand that before I will be considered for employment with the facility, I must disclose the identity of any Relatives/Household Members who are current employees of the JTDC. I also understand that once I become an employee of the JTDC, I must disclose the identity of any Relatives/Household Members who becomes an employee of the JTDC, as well as any JTDC employee who becomes my Relative/Household Member. I must make this disclosure within 3 work days of the event or of my becoming aware of the relationship.

I do not have any Relatives/Household Members working for the JTDC: \_\_\_\_\_  
(Initial Here)

My Relative(s)/Household Member(s) who work for the JTDC are: *(Attach additional sheets if necessary.)*

<b>Family Member's Name</b>	<b>Relationship to Employee</b>	<b>Center/Assignment</b>

\_\_\_\_\_  
Employee/Applicant's Signature & Date

\_\_\_\_\_  
Hiring Manager's/Supervisor's Signature & Date

Approved       Disapproved

\_\_\_\_\_  
Superintendent (or designee) Signature & Date

# **Exhibit E**

<b>Cook County Juvenile Temporary Detention Center</b>	<b>Policy # 2.03.33</b>  <b>Total Pages: 5</b>	<b>Volume: 2 Administrative and Legal Services</b>  <b>Chapter: 3 Personnel Management</b>  <b>Subject: Dual Employment</b>
ACA Standard:	Memorandum of Agreement	
NCCHC Standard:	IJDS Standard:	
JDAI Standard:	PREA Standard:	
Related JTDC Policies: <a href="#">2.03.27 - Code of Ethics - Professional and Conflict of Interest</a>	Other Related Standard:	
JTDC Training Component:	Monitoring and Evaluation: Yes/No: Yes	
	Performance Indicators and Outcome Measures: Yes/No: Yes	
	<b>Evaluation by:</b> <input type="checkbox"/> <b>Superintendent or his/her designee</b>	
Associated Forms: Yes/No: Yes <a href="#">JTDC Form 2.03.33 - Report of dual</a>	Directive and Post Order Addendums:	
Effective Date: 1/5/2015	Distribution: <b>Shared Drive and Individual Policy and Procedure thumb drives</b>	
Revision Dates: 5/4/2009, 12/22/2014		
Annual Review Dates: 12/22/2015		

Superintendent

**Official signed copies are maintained in the offices of the Superintendent.**

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#### **I. POLICY:**

In order to maintain the effectiveness and efficiency of the facility operation and avoid situations that may constitute a conflict of interest, it is the policy of the JTDC to regulate secondary employment/dual employment of facility employees.

#### **II. RATIONALE AND PURPOSE:**

To regulate secondary employment/dual employment of facility employees.

#### **III. DEFINITION:**

Employee: Any person who is employed directly by the JTDC and persons employed by the Circuit Court of Cook County providing direct services in the JTDC, whether full-time, part-time, or temporary.

Secondary Employment/Dual employment: Engaging in any business, profession, trade, or occupation while actually employed by the JTDC. Dual employment includes self-employment, practices, and services rendered by professional persons.

#### **IV. PROCEDURES:**

##### a. Report of Dual Employment

i. Pursuant to Cook County Human Resources Rule 13, [JTDC Form 2.03.33 - Report of dual Employment](#) must be executed by the following:

- A. Persons beginning employment at the JTDC, whether full-time, part-time, or temporary
- B. Any person who after entering the service as an employee becomes engaged in any gainful employment
- C. Any employee engaged in any outside employment, whose work schedule at the JTDC or work schedule in any gainful outside employment has changed
- D. Any employee whose dual employment has been discontinued

ii. The Report of Dual Employment form must be executed by persons employed by the Circuit Court of Cook County providing direct services in the JTDC, whether full-time, part-time, or temporary.

iii. All signed and dated Report of Dual Employment forms must be forwarded to the Human Resources Department and maintained in the employee's Personnel File.

iv. It shall be the sole responsibility of each employee engaged in dual employment to have on file at all times a Report of Dual Employment form reflecting his/her current dual employment status.

##### b. Parameters for Dual Employment

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i. As a condition precedent to any JTDC employee engaging in any business, profession, trade, or occupation while actually employed by the JTDC, every such employee shall report for review the nature and extent of such business, profession, trade, or occupation to the Superintendent or designee.

ii. Dual employment for JTDC employees is permissible only within the following considerations:

- A. Does not exceed twenty (20) hours per week.
- B. The type of work is approved by the Superintendent.
- C. The specific hours of outside employment are not in conflict with the employees' normal duty hours with the JTDC.
- D. Dual employment will also include self-employment, and practices or services rendered by professional persons.
- E. Part-time employees shall not be subject to the time restrictions of twenty (20) hours per week as set forth in bullet 1.

iii. No JTDC employee shall engage in business, profession, trade or occupation while actually employed by the JTDC which will:

- A. Impair his/her efficiency;
- B. Seriously interfere with such employee's ability to perform his/her duties satisfactorily;
- C. Impair or reflect poorly upon the reputation of the court or the JTDC;
- D. Impair an employee's independence of judgment and/or constitute a conflict of interest as defined by the Illinois Code of Judicial Conduct or policies of the Office of the Chief Judge or JTDC Policy [2.03.27 - Code of Ethics - Professional Conduct and Conflict of Interest](#).

c. Falsification or Omission of Information:

- i. Failure by an employee to disclose the above information or providing false information on the form shall be cause for disciplinary action up to and including discharge from employment.

## **V. EVALUATION AND MONITORING MECHANISM:**

a. Annual Reviews/Revisions

- i. These policies and procedures relating to Dual Employment are reviewed annually and revised as necessary.

**Official signed copies are maintained in the offices of the Superintendent.**

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REFERENCED STANDARDS:

<a href="#">American Correctional Association Standard References</a>
<a href="#">National Commission on Correctional Health Care Standards</a>
<a href="#">Illinois Detention Standards</a>
<a href="#">Juvenile Detention Alternatives Initiative Standards</a>
<a href="#">Memorandum of Agreement Agreed Supplemental Order: Modified Improvement Plan</a>
<a href="#">National Commission on Correctional Health Care Standard</a>
<a href="#">Prison Rape Elimination Act Standards</a>



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Directives, TA Bulletins and [Post Order](#):