

Safeguard Against Political Discrimination

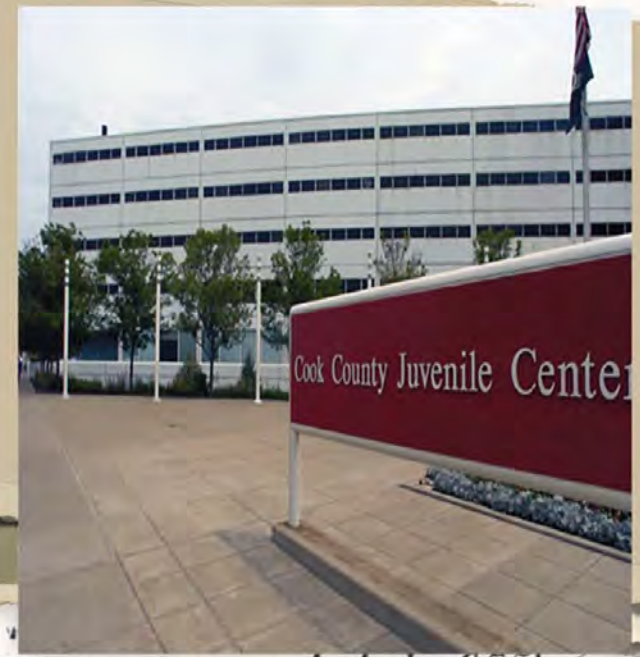
Office of the Chief Judge

History

TIMELINE

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Employment
Plan



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Learning Objectives

Understand the meaning of the Shakman Decree and its implications for the Cook County Juvenile Temporary Detention Center

Create awareness of the non-discriminatory hiring policies and procedures of the Juvenile Temporary Detention Center

Become familiar with the application of the JTDC Employment Plan

Review practical applications of non-discriminatory employment actions for all affected positions



Summary of Shakman Allegations Regarding Government Hiring

- To keep your job, you had to show active political support for a candidate or political faction. (Conflict of Interest)
- Candidates had to receive sponsorship from a party committee member to get a job. (Not based on merit)
- Employees had to perform precinct work or make financial contributions to keep job. (Quid pro quo)
- At one time there were up to 40,000 Democratic patronage jobs in Cook County. (Not based on merit)
- Public employment was maintained for the benefit of the political party, not the people of Illinois. (Party Interests impacted democratic values)



Shakman Argued

- Patronage system put non-organized candidates and their supporters at a disadvantage
- Politicians could hire, fire, promote, and transfer employees for not supporting the system, or a certain politician
- This practice wasted taxpayer money because employees would perform political activities on the job



Timeline

October 1969

Case filed seeking to prohibit Cook County and the Board of Commissioners of Cook County from conditioning, basing or affecting any term or aspect of governmental employment upon or because of any political reason or factor.



May 1972

Consent Judgments entered prohibiting the conditioning, basing or affecting any term or aspect of governmental employment upon or because of any political reason or factor.

February 2007

Supplemental Relief Order agreed by the plaintiffs and Cook County was approved.



August 14, 2007

Agreement Order signed to appoint a transitional administrator, Earl Dunlap



2015
Negotiations continued

May 20, 2015

Cook County Juvenile Temporary Detention Center transferred from the Transitional Administrator ("TA") to the Office of the Chief Judge of the Circuit Court of Cook County.



Appointed Superintendent Leonard Dixon



September 16, 2015

Federal litigation ended. Supplemental Relief Order entered.

July 2022

Employment Plan impacts UPD

Shakman Exempt Hiring
Non-Shakman Exempt
Non-Bargaining Unit
Entry Level Bargaining Unit
Transfers, Promotions,
Demotions,
Reclassifications, Layoff,
assignment of overtime,
discipline which include
grievance hearings and
termination.



Results of Case

Public employers bound by the **consent decree** are required to develop and implement a plan that describes in detail the method of hiring, the criteria and selection methods for all employment actions.



JTDC's employment plan outlines the agreement and the responsibilities of all employees.

In order to recruit, screen, select, retain and promote a quality facility workforce, it is the policy of the JTDC and OCJ 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.

An appointed Director of Compliance will ensure future compliance with the **consent decree** and supplemental relief order via JTDC's employment plan.

DATE

VERY MONDAY

The

July 2022

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Employment Actions

Exempt and
Non-Exempt

Unlawful
Political
Discrimination?

The employment plan sets forth general principles that govern the hiring and [employment actions](#) of the JTDC.



[Employment Actions](#): Hiring, training and cross-training, interim assignment, temporary assignment, compassion transfer, promotion, demotion, reclassification, layoff, discipline, termination, and assignment of overtime and other benefits.

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Exempt and Non-Exempt

The employment plan applies to bargaining unit and non-bargaining unit job applicants and employees, including exempt employees.

An **exempt** employee is a high-level supervisory/management position. An employee whose position involves policymaking or requires confidentiality to an extent that political affiliation IS an appropriate consideration.

Hiring of exempt employees is pursuant to the exempt position hiring process in the employment plan.

A **non-exempt** employee is a bargaining unit employee, non-bargaining unit employees not in high-level supervisory positions, and middle management non-bargaining unit employees.

**Political
reasons or
factors?**



Who?

Examples

Any positive or negative employment action involving a current employee, or a job applicant or potential job applicant who is applying for or being considered for a non-exempt position, that is based on any political reasons or factors.



These factors include:

Any recommendation for or against an Employment Action based on politics and not personal knowledge, skills, experience, or qualifications.

Whether or not a person has worked for a politically-related person or organization, or whether a person belongs to a political organization.

Whether or not a person is a member of any political party or politically-related organization.

Whether or not a person contributed money or raised money or provided something else of value to a politically-related person or organization.

Whether or not a person is a Democrat or Republican or a member of any other political party or group.

A person's expressed views or beliefs on political matters.

Handwritten text in cursive script, including the words "posum dolor" and "adipiscing".



Manipulating interviews, applications or test scores due to an individual's expressed political views.

Lowering the minimum requirements so that a politically connected individual can apply/qualify for a position.

Requiring financial contributions or political support in exchange for a promotion.

Failing to discipline an employee due to his or her political party affiliation.

Giving preferential work assignments based on an employee's political support.

Requiring employees who did not work on a campaign to do the work of co-workers who did work on a campaign.

Requiring Non-Exempt employees to do the work of Exempt employees.

Permitting individuals who worked on a campaign to unfairly gain salary increases or positions.

Awarding overtime, start time or transfer requests based on political factors.

Taking a negative action against an employee who does not make a financial contribution or provide political support.



**Director of
Compliance**



**Prohibited
Political
Activity**



Who are Politically-Related Persons or Organizations?

- Any elected or appointed public official.
- Any person employed by or acting as an agent or representing a political organization or group.
- Agents or representatives of elected or appointed officials.

Examples of Prohibited Political Activity:

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

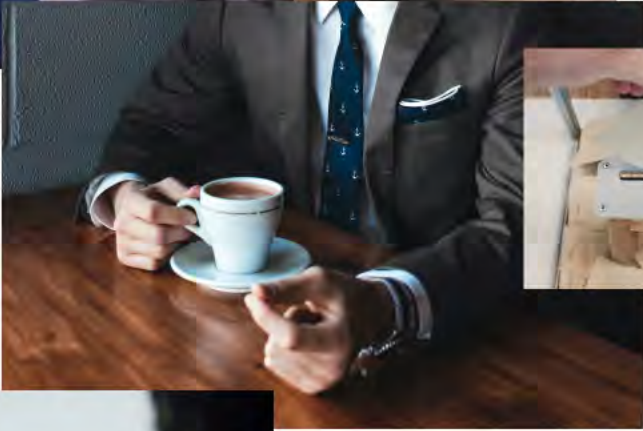
Preparing for, organizing or participating in any political meeting, political rally, political demonstration, or other political event.

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.

Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.

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.

See full list on page 5 of Employment Plan. Attached link on final slide.





Employee responsibilities and duties under Shakman

Director of Compliance for JTDC:

is required to review and audit the employment practices of the Juvenile Temporary Detention Center and recommend measures to prevent the recurrence of Unlawful Political Discrimination. See page 16 of EP for general principles.

- **Auditing** past hiring, promotions, and transfers since July 19, 2022.
- **Investigating** evidence of Unlawful Political Discrimination.
- **Recommending** measures that may be necessary or appropriate to prevent recurrence of Unlawful Political Discrimination.
- **Proposing** how to remedy violations of the court's decree.
- **Reviewing** and approving Exempt Candidates.
- **Monitoring** all bargaining unit hiring, promotions, transfers, terminations, in addition to all non-bargaining unit non-exempt hiring and transfers. Essentially monitoring all employment actions.
- **Monitoring** the Exempt hiring processes to ensure compliance with the Employment Plan.
- **Conducting** investigations, employee interviews, and desk audits.
- **Training** alongside JTDC HR/Training Department employees on compliance with the Employment Plan and employment practices, policies, and procedures.

*See page 16 & 17 of the Employment Plan for general principles and duties.



Prohibition on Retaliation



Equal Opportunity Employer



All Employees **MUST** Report suspected Unlawful Political Discrimination to the DOC without delay.

Report can be in person, by phone, or by email.

Report can be anonymous.

Failing to report your belief that UPD occurred could result in disciplinary action up to and including termination.

All Employees **MUST** cooperate fully with the DOC in any audit, investigation, or monitoring effort.

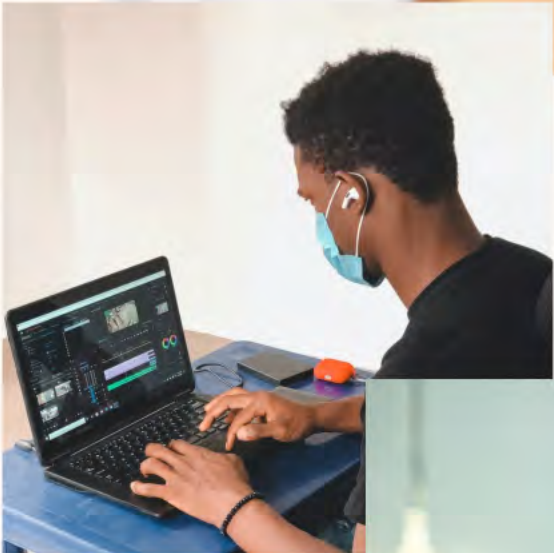
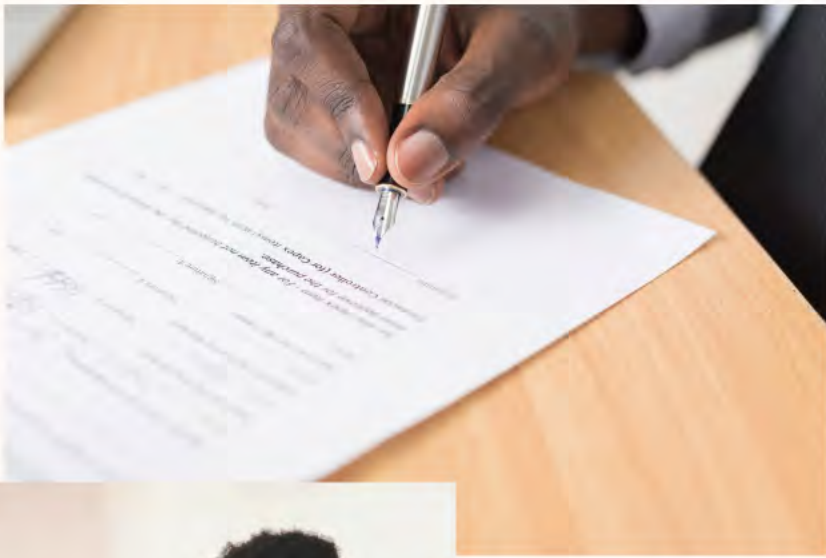
Cooperation may include witness interviews and desk audits.

Cooperation may include providing reasonable access to documents, employees and meetings.

Failing to cooperate could result in disciplinary action up to and including termination.

*see page 9 of EP

The JTDC is committed to being an equal opportunity employer, hiring qualified candidates and prohibiting Unlawful Political Discrimination with respect to all employment actions.



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Filing a Post-SRO Complaint SRO=Supplemental Relief Order

July 19, 2022

Contact Information:

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Complaints of Unlawful Political Discrimination occurring on or after this date must be made in writing to the DOC before an employee or job applicant can file a federal lawsuit based on the Unlawful Political Discrimination.

No individual who in good faith reports unlawful political discrimination shall be subject to retaliation. Below is the URL for the Employment Plan and fillable forms for UPD.

https://drive.google.com/file/d/1PD5h372-t-zmhbo0EqpkoQK72qPNQK1O/view?usp=share_link

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