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City Clerk
City of Chicago



OFFICE OF THE MAYOR
CITY OF CHICAGO

RICHARD M. DALEY
MAYOR

Executive Order No. 2009-3

WHEREAS, the City of Chicago is committed to the highest standards of integrity, honesty, efficiency and accountability; and

WHEREAS, ethical conduct is a key ingredient in building and sustaining taxpayer trust; and

WHEREAS, it is vital that taxpayers trust the City's hiring, promotion, and other employment decisions; and

WHEREAS, on January 18, 2008, Judge Wayne R. Andersen of the United States District Court for the Northern District of Illinois approved the City of Chicago's Hiring Plan; and

WHEREAS, the City of Chicago's Hiring Plan vests the Executive Director of the Office of Compliance with the authority and responsibility for overseeing compliance with the City of Chicago's hiring processes and procedures; and

WHEREAS, the City's Hiring Plan ensures fair and competitive hiring due to structural changes and audit capabilities in all phases of the process; and

WHEREAS, the Office of Compliance will work with the City's Office of Inspector General which will investigate allegations of unlawful political influence in the hiring process; and

WHEREAS, this Executive Order builds upon the goals and prohibitions contained in Executive Order No. 2007-1 and Executive Order Nos. 2005-2 and 2005-3; and

WHEREAS, by this Executive Order, the City and the Mayor convey an unmistakable message about the City's commitment to eliminating employment decisions based on influence from political reasons or factors; now, therefore,

I, RICHARD M. DALEY, Mayor of the City of Chicago, do hereby order as follows:

1. Prohibited activities relating to employment.

(a) No City officer, member, agent, servant, employee, attorney or those acting at the direction of and/or in concert with such persons may condition, base, or knowingly prejudice or affect any term or aspect of government employment (which includes, but is not limited to, hiring, firing, promotion, demotion, lay-off, reinstatement, reemployment, transfer, reclassification, overtime, pay increase, acting up, detailing, job assignment, job location and/or the assignment of any job benefit) or offer employment (whether to a prospective or current City employee) based upon or because of any political reason or factor, including, without limitation, an individual's political affiliation, political support or activity, political financial contributions, promises of such political support, activity or financial contributions, or such individual's political sponsorship or recommendation.

(b) No City officer, member, agent, servant, employee, attorney or those acting at the direction of and/or in concert with such persons may knowingly induce, aid, abet, participate in, or cooperate with the commission of any act which is proscribed in subsection (a).

(c) The provisions of this section shall extend to all employment by or for the City, or by or for any person or entity under the direction and control of the City.

(d) The provisions of this section shall not apply to employment actions with respect to positions that may be lawfully affected by political reasons or factors pursuant to court order, or otherwise.

(e) For purposes of this section, "employment" shall mean the relationship that constitutes employment at common law by the City or by or for any person or entity under the direction and control of the City and includes probationary, temporary, part time and permanent employment, whether pursuant to a written contract or otherwise. "Employment" shall not include the retention of independent contractors by the City, or employment of other units of local government or school districts not under the direction and control of the City, including but not limited to the Chicago Transit Authority, the Chicago Public Schools, the Chicago Housing Authority, the Board of Elections, the Public Buildings Commission, or the Chicago Park District.

2. Prohibited activities relating to employment through City contractors.

(a) No City officer, member, agent, servant, employee or those acting at the direction of and/or in concert with such persons may knowingly direct a person to apply for a position with a City contractor, either as an employee or as a subcontractor.

(b) No City officer, member, agent, servant, employee or those acting at the direction of and/or in concert with such persons may knowingly direct a City contractor to hire a person as an employee or as a subcontractor.

3. Duty to Cooperate.

It is the duty of every officer, employee, department, and agency of the City to cooperate with the Executive Director of the Office of Compliance in any activities undertaken by the Office. Each department must make its premises, equipment, personnel, books, records and papers readily available to the Executive Director.

If the Executive Director issues a recommendation to a department head regarding hiring processes or procedures, that department head must respond to that recommendation within 30 days with a written response to the Executive Director. This response must include either (1) a description of any action the department head has taken with regard to the recommendation; or (2) a request for a 30-day extension of the 30-day decision period if additional time is needed by the department head to review the recommendation. If the department head does not take action with regard to the recommendation, or takes a different action than that recommended by the Executive Director, the department head must describe the different action and explain the reasons for the different action in the written response. This response must be submitted to the Executive Director within the 30-day decision period or any extension thereof.

4. Duty to Report.

All contacts by, or on behalf of, elected or appointed officials or members of the Mayor's Office attempting to influence employment decisions on non-exempt employees must be reported to the Hiring Process Compliance Manager in the Office of Compliance.

5. Non-Retaliation.

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

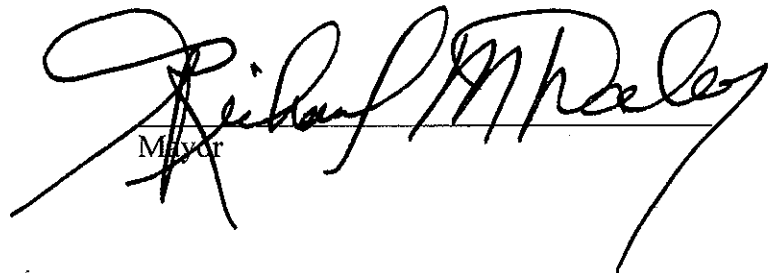
City employees shall not retaliate against, punish, or penalize any job applicant, City employee or City official for cooperating with or assisting the Office of Compliance, the Office of the Inspector General, or law enforcement authorities investigating any alleged violation of the above prohibitions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

6. **Violations.**

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

7. **Effective Date.**

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


Mayor

Received Oct 14, 2009.


City Clerk

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