



# Office of the City Clerk

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## Legislation Details (With Text)

**File #:** O2011-4440  
**Type:** Ordinance  
**Status:** Failed to Pass  
**File created:** 5/18/2011  
**In control:** City Council  
**Final action:** 5/20/2015  
**Title:** Amendment of Municipal Code Chapter 2-74 regarding Human Resource Rules and Regulations  
**Sponsors:** Moreno, Proco Joe  
**Indexes:** Ch. 74 Dept. of Human Resources  
**Attachments:** 1. O2011-4440.pdf

| Date      | Ver. | Action By                                    | Action            | Result |
|-----------|------|--|-------------------|--------|
| 5/20/2015 | 1    | City Council                                 | Failed to Pass    |        |
| 6/7/2011  | 1    | Committee on Workforce Development and Audit | Held in Committee | Pass   |
| 5/18/2011 | 1    | City Council                                 | Referred          |        |

### TAXPAYER PROTECTION ORDINANCE

WHEREAS, Employees of the City of Chicago are paid through revenues received from the taxpaying citizens of the City of Chicago; and

WHEREAS, It is the fiduciary duty of the City of Chicago and the Chicago City Council to ensure that taxpayer dollars are not being wantonly wasted; and

WHEREAS, The Chicago Municipal Code does not explicitly prohibit City employees who have been convicted of a crime of corruption during the course of their public duties from continuing their paid employment with the City; and

WHEREAS, this legislative oversight has led to the payment of millions of taxpayer dollars to City employees who have been convicted of crimes of corruption; and

WHEREAS, this acknowledged squandering of taxpayer dollars undermines the public's trust in the City of Chicago's ability to safeguard the public treasure; now, therefore

### BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHICAGO

SECTION 1. The above recitals are expressly incorporated herein and made a part of this ordinance.

SECTION 2. Section 2-74 of the Municipal Code of the City of Chicago is hereby amended by inserting the language underscored, as follows:

#### 2-74-050 Human Resources Rules

The commissioner of human resources shall issue human resources rules, which may also be referred to as personnel rules. Prior to the effective date of such rules, the commissioner of human resources shall give public notice in one or more newspapers of general circulation, and in no case shall such publication be less than ten days before the effective date of the proposed rule or amendment to the rule. Such public notice shall include information concerning where the rules can be reviewed and where comments may be directed. Nothing contained herein shall prohibit the commissioner of human resources from giving other appropriate public notice. The rules shall provide:

(1) For the preparation, maintenance and revision of a position classification plan for all positions in the senior executive service, career service and department employment service, based upon similarity of duties performed and responsibility assigned, so that the same qualifications may reasonably be required for and the same schedule of pay may equitably be applied to all positions in the same class;

- (2) For the annual submission of a pay plan to the mayor;
  - (3) For the recruitment and selection of persons in the career service on the basis of their relative fitness, and job-related selection procedures in the department employment service;
  - (4) For the establishment of eligible lists for appointment and promotion in career service, upon which lists shall be placed the names of successful candidates in order of their relative excellence in the respective examinations. The commissioner may substitute rankings such as excellent, well-qualified and qualified for numerical ratings and establish eligible lists accordingly. Such rules may provide for lists by area or location, by department or other agency, for removal of those not available for or refusing employment, for minimum and maximum duration of such lists, and for such other provisions as may be necessary to provide rapid and satisfactory service to the operating agencies. The rules may authorize removal of eligibles from lists if those eligibles fail to furnish evidence of availability upon forms sent to them by the commissioner;
  - (5) For the certification to an appointing authority of the names (a) of the five highest persons available on the appropriate eligible list to fill each vacancy, or (b) from the highest ranking group if the list is by rankings instead of numerical ratings;
  - (6) For promotions which shall give appropriate considerations to the applicant's qualifications, record of performance and ability;
  - (7) For probationary periods after original career service appointment not to exceed one year;
  - (8) For emergency employment for not more than 90 days with the consent of the commissioner and for provisional employment when there is no appropriate eligible list available. No such provisional appointment shall continue longer than nine months, nor shall successive provisional appointments be allowed;
  - (9) For keeping records of performance of employees in the career service, which performance records shall be considered in determining salary increments or increases for meritorious services; as a factor in promotions; as a factor in reinstatements; and as a factor in discharges and transfers. Appropriate performance records will be maintained for other employees;
  - (10) For layoffs in the career service, by reason of lack of funds or work, or abolition of a position, or material change in duties or organization, and for reemployment of employees so laid off;
  - (11) For implementation and administration of the grievance procedure provided by this chapter;
  - (12) For the establishment of disciplinary measures such as suspension, demotion in rank or grade, or discharge. For all permanent employees in the career service, such measures shall provide for a statement of the charges on which discipline is based, together with an explanation of the evidence supporting the charges and an opportunity for the employee to respond to the charges in writing before action is taken, appeals after such disciplinary action, and a hearing on the charges upon request of the employee in case of discharge, demotion or suspension exceeding 30 days, and review of suspensions not exceeding 30 days, consistent with the requirements of due process of law. The charges and explanation of evidence need not be in any particular form, but must be sufficient to apprise the employee of the matters on which discipline may be based. The employee's response must be reviewed by the department head or designee responsible for making the decision, provided that such designee may not be the person who initiated the charges against the employee. No permanent employee in the career service may be discharged, demoted or suspended for more than 30 days unless the statement of charges and any matters in support are first reviewed by the departments of law and human resources, before the employee is notified of such action;
  - (12a) The commissioner of human resources is directed to issue the following human resources rule, which shall be implemented by the Human Resources Board: Any City of Chicago employee, including all positions in the senior executive service, career service and department employment service, against whom a guilty verdict has been entered for any charged offense punishable by a term of incarceration, for conduct related to, or arising out of, or in connection with City service, shall be considered ineligible for City employment, discharged immediately, and not entitled to a hearing before the Human Resources Board.
- (The remainder of this section is unaffected by this ordinance) 2-74-060 (b) Hearing of Charges Brought Against Employees

If the employee requests a hearing, a date therefore shall be set, not more than 45 days following receipt of the request for hearing by the personnel board. Either party may request a continuance for good cause shown, but the hearing must be completed within 60 calendar days of the initial hearing date, unless further delay is caused by the employee. The personnel board shall render a decision on the appeal not more than 60 calendar days after the close of the hearing. If time limitations provided for herein are not met, the employee shall be entitled prospectively to the pay and benefits of the position held before the imposition of the suspension or discharge, or in the case of a demotion the difference in pay between the former and current position, beginning with the first day after the failure to meet the time limit, pending decision of the personnel board, but the employee shall have no right to be reinstated except by order of the personnel board. The personnel board shall file a written report in all cases where a discharged, demoted or suspended employee becomes entitled to the pay and benefits of his or her former position prospectively by reason of a failure to meet a time limit. The report shall be filed with the committee on finance and city clerk within 21 days of the failure to meet a time limit, and shall contain the causes and circumstances of such failure. Nothing herein shall deprive the personnel board of jurisdiction to decide the merits of the disciplinary action.

The provisions of this section shall not apply when an employee, who is discharged for conduct related to, arising out of, or in connection with that employee's City service, has been indicted by a Grand Jury or against whom an information or criminal charge has been filed by a prosecuting office or agency based on that conduct  
-In the event that an employee, who was discharged for conduct related to, arising out of or in connection with that employee's City service, is acquitted of criminal charges involving that conduct, the employee shall be entitled to appeal his discharge and the above provisions will apply.

SECTION 3. This ordinance shall take full force and effect after passage and publication.

Proco Joe Moreno Alderman, 1<sup>st</sup> Ward