



Shakman Decree



Training Presentation

Shakman Decree

- The Shakman Decree strictly prohibits **politically based hiring, firing, promotions, and other job actions for positions where political considerations are not appropriate.**
- The principles underlying the Shakman Decree are based on the First Amendment's Constitutional Right to Free Speech.

What Does this Mean?

- Every employee and job applicant has a **constitutional right** to obtain public employment with a governmental employer regardless of political affiliation.
- Political factors must be **irrelevant** in the City's hiring and employment decisions for the majority of City jobs.

Appointment of Shakman Monitor

- Judge Wayne R. Andersen, a federal District Court Judge here in Chicago, appointed **Noelle C. Brennan** to monitor the City's on-going employment practices to ensure **current and future compliance** with the Court's previous orders.
- The monitor's task is forward-looking. At this time, the monitor has not been directed by the Court to address issues related to individuals who believe their rights have been violated due to the City's non-compliance with the Shakman decree in the past.
- Such individuals retain all existing legal rights to pursue legal action in their individual cases.

Monitor's Duties

- The Court has ordered the Monitor and her counsel (Ines M. Monte and Susan E. Cox) to:
 1. **Study** the City's current employment practices; and
 2. **Make recommendations to the Court** designed to ensure the City's on-going compliance with Shakman.

Violations of Shakman Found During Monitor's Initial Study:

- Rigging of referral lists to benefit pre-selected applicants for political reasons;
- Rigging of interview process to benefit pre-selected applicants; and
- Interference with the Department of Personnel's screening duties in the hiring process for Shakman covered positions.

Hiring Freeze

- As part of an internal review of the City's hiring practices, the City initiated its own partial hiring freeze in May of 2005.
- The City has now lifted this hiring freeze.
- Hiring has resumed throughout the City.

First Report of Monitor 9/6/05

- Pending final recommendations, interim recommendations regarding the City's hiring and employment practices were proposed by the Monitor to the Court on September 6, 2005.
- Included were measures to allow the City to move forward with necessary hiring, while providing certain safeguards to ensure the integrity of the process during the interim period.
- The City has agreed to the recommendations.

Interim Modifications to City's Hiring Procedure

- No involvement by Hiring Departments in screening applicants or creating referral lists.
- Certification under penalty of perjury by all personnel involved in hiring process, by hired applicant and by Mayor's office attesting to compliance with Shakman.
- Monitor's staff will randomly observe and audit hiring steps in all departments.
- Employment applications submitted prior to January 2004 for City jobs (excluding certain positions) will no longer be active or considered for any openings to be filled during interim period.

Who Must Complete Certification?

1. Those who complete an A form;
2. Those who screen;
3. Those who create Eligibility Lists;
4. Those who create Referral Lists;
5. Those who conduct, monitor or score skills tests;
6. Those who interview;
7. Those who make the ultimate hiring decision;
8. Department Heads and Commissioners;
9. The hired job applicant; and
10. The Mayor's Office.

Potential Penalties for False Certification

- The Monitor's office will be submitting the certifications to the Judge overseeing the Shakman Decree.
- If any certification is shown to be false, you may:
 - Lose your job with the City; and/or
 - Face legal consequences.

Monitoring of Hiring Process

- **The Monitor and Monitor's staff will be observing and auditing hiring steps within all departments.**
- **The Monitor will investigate complaints of alleged violations occurring during the interim period. Robert Keller at DOP (312) 747-8951 has been designated as City's Shakman Complaint Officer. Mr. Keller will take all complaints and forward them to the Monitor for further investigation.**

Shakman Exempt Positions

- **What about Shakman Exempt Positions? Has anything changed?**
 - The list of Shakman Exempt positions is being reviewed.
 - The City has agreed to provide the Monitor with a proposed list of those positions for which it believes the political affiliation of the applicant is an appropriate requirement for the effective performance of the public office involved.
 - Until there is resolution on this issue, the City has agreed that each Shakman exempt hire during the interim period will proceed as usual, except that the hire will be subject to its own certification requirements.

Enforcement

- Politically based hiring or promotion in Shakman-covered positions can not be tolerated at the City.
- The Monitor will take all necessary steps to ensure the City is in compliance, as directed by the Court.

Future Action by Monitor

- The Monitor is continuing to study and evaluate the City's Hiring and Promotion Processes.
- During this interim period, the Monitor will work with the City and the Plaintiffs in an attempt to develop long-term recommendations that will improve the City's employment practices and promote lawful conduct.
- Significant changes are likely to occur in the future. The Monitor is seeking input from any City personnel, any member of the public, elected officials, and any other interested individuals with regard to improving the City's hiring practices and protecting the rights of individual's to obtain public employment, irrespective of politics.

Retaliation is Prohibited

OFFICE OF THE MAYOR
RICHARD M. DALEY

CITY OF CHICAGO

Executive Order No. 2005-3

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

1. No City officer or employee shall in any manner retaliate against, punish or penalize any other City officer or employee for complaining to, cooperating with, or assisting the Monitor in an investigation, proceeding or hearing conducted by her in the performance of her court-appointed duties.
2. Any suspected violation of Paragraph 1 of this Order shall be reported to the Inspector General. Such a report may be made through the City's Whistle Blower Hotline.
3. A violation of Paragraph 1 of this Order found by the Inspector General shall be grounds for suspension or termination of the violator.

Dated: September 27, 2005

Received and filed September 27, 2005

Shakman Certification

**City of Chicago
Department of Personnel**



Hiree Name (If known):

Request Number:

Job Title:

Title Code:

With respect to all City jobs that are not exempt from the Shakman decrees, all City employees are strictly prohibited from directly or indirectly:

1. Conditioning, basing, or knowingly prejudicing or affecting any term or aspect of City employment of an existing City employee, upon or because of any political reason or factor;
2. Affecting the hiring of any individual as a City employee because of any political reason or factor; and
3. Knowingly inducing, aiding, abetting, participating in, cooperating with or encouraging the commission of any act which is proscribed by the Shakman decrees.

Political considerations may not enter, in any manner whatsoever, into personnel decisions for Shakman covered positions in the City of Chicago.

I certify that I am aware of and am in full compliance with the above stated prohibitions regarding personnel decisions by the City of Chicago. I certify, under penalty of perjury, as provided by law, that, to the best of my knowledge, political considerations did not enter into the employment actions documented herein. I understand that failure to comply with the above prohibitions and/or failure to submit an accurate Shakman Certification form may result in disciplinary action up to and including immediate termination.

Check the role(s) that you performed in the hiring process, initial each checked box and sign at the bottom.

Completed A-Form	<input type="checkbox"/>	_____	Created Referral List	<input type="checkbox"/>	_____	Conducted, Monitored or Scored Skills Test	<input type="checkbox"/>	_____	A Non-seniority/Non-Lottery Order Selection	<input type="checkbox"/>	_____
Screened	<input type="checkbox"/>	_____	Created Bid Referral	<input type="checkbox"/>	_____	Commissioner	<input type="checkbox"/>	_____	Other	<input type="checkbox"/>	_____
Created Eligibility List	<input type="checkbox"/>	_____	Interviewed	<input type="checkbox"/>	_____						
		Init.			Init.			Init.			Init.

Signature:

Print Name:

Date: