

**COUNTY OF UNION,
ILLINOIS**

ORDINANCE PROHIBITING NEPOTISM IN COUNTY HIRING

WHEREAS, pursuant to 55 ILCS 5/5-1005, the Board of Commissioners of the County of Union, Illinois has authority to hold personal estate necessary for the uses of the County of Union, Illinois and to perform all other acts in relation to the property and concerns of the county necessary to exercise its corporate powers; and

WHEREAS, the Board of Commissioners of the County of Union, Illinois has determined that employment actions taken by the County of Union, Illinois, including hiring, promotion, discipline and dismissal should not be based on favoritism granted to family members of elected officials, department heads and other supervisory personnel.

WHEREAS, the Board of Commissioners of the County of Union, Illinois has determined that prohibiting nepotism, being favoritism, or the appearance of such favoritism, in County employment actions, will protect the property of the County of Union, Illinois, ensure that taxpayer dollars are spent in the most efficient and effective manner and promote public confidence in the operation and efficiency of County government.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF UNION, ILLINOIS, AS FOLLOWS:

SECTION 1: The Union County Code of Ordinances is hereby amended by adding Section Article 6 of Chapter 11 as follows:

ARTICLE 6 – ANTI-NEPOTISM

DIVISION I - DEFINITIONS

11-6-1 DEFINITIONS. For the purposes of this Article, the following terms shall be given these definitions:

- (A) **“Family Member”** means a person related to a County Commissioner, Elected Official or Management Employee as father, mother, son, daughter, brother, sister, uncle, aunt, husband, wife, party to a civil union, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother or stepsister.
- (B) **“County Commissioner”** means a member of the Board of Commissioners of the County of Union, Illinois.
- (C) **“Management Employee”** means the County Administrator, the Chief Information Officer, the Emergency Telephone System Board Coordinator,

the Supervisor of Assessments, the Director of the Union County Ambulance Service, the Union County Highway Engineer (Union County Superintendent of Highways) or any other Employee responsible for the hiring, promotion, discipline and dismissal of Employees.

- (D) ***“Employee”*** means a person employed by the County of Union, Illinois, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of the County of Union, Illinois with regard to the material details of how the work is to be performed, but does not include an independent contractor. Employee does not include a person employed in the following offices: Union County Coroner, Union County Clerk, Union County Circuit Clerk, Union County Sheriff, Union County State’s Attorney or Union County Treasurer.
- (E) ***“Elected Official”*** means the Union County Coroner, Union County Clerk, Union County Circuit Clerk, Union County Sheriff, Union County State’s Attorney or Union County Treasurer.

DIVISION II – ANTI-NEPOTISM

11-6-2 ANTI-NEPOTISM

- (A) No person shall knowingly hire a Family Member of any County Commissioner, Elected Official or Management Employee as an Employee.
- i. Any offer of employment made in violation of this Subsection (A) shall be invalid.
 - ii. This Subsection (A) shall not effect or apply to any Employee hired prior to January 27, 2017.
 - iii. This Subsection (A) shall not have any effect or apply where an individual becomes a County Commissioner, Elected Official or Management Employee and a Family Member of such County Commissioner, Elected Official or Management Employee was already an Employee at the time such individual becomes a County Commissioner, Elected Official or Management Employee.
- (B) No County Commissioner or Management Employee shall knowingly take any action with regard to the appointment, reappointment, hiring, promotion, salary or supervision of any Family Member of such County Commissioner or Management Employee who is an Employee.

DIVISION III – VIOLATIONS

11-6-3 PENALTIES.

- (A) Any person who intentionally violates any provision of this Article shall be guilty of a petty offense and be fined in an amount not to exceed one thousand dollars (\$1,000.00).
- (B) Nothing in this Section 11-6-3 shall bar the State's Attorney or other prosecutorial authority from pursuing criminal charges for violation of this Article.
- (C) In addition to any other penalty that may be applicable, whether criminal or civil, any Employee, including a Management Employee, who intentionally violates any provision of this Article is subject to discipline or discharge.

SECTION 2: This ordinance shall be in effect upon its passage, approval and publication as provided by law.

PASSED AND APPROVED at a regular meeting of the Board of Commissioners of the County of Union, Illinois this 27 day of January, 2017.

Bobby Toler, Jr.
Bobby Toler, Jr., Chairman

ATTEST:

Terry Bartruff
Terry Bartruff
Union County Clerk

Commissioners voting aye: Toler, Miller, [redacted], Foster, Russell

Commissioners voting nay: _____

Abstention(s): _____

Absent: Hartline