

AN ORDINANCE REGARDING NEPOTISM

WHEREAS Section 5-1005 of the Counties Code (55 ILCS 5/5-1005) authorizes the County of Fulton to make all contracts and do all other acts in relation to the property and concerns of the county necessary to the exercise of its corporate powers; and

WHEREAS The Fulton County Board has decided that it is in the public interest to enact this Ordinance to memorialize an anti-nepotism policy of the County.

NOW, THEREFORE, BE IT ORDAINED, by the County Board of Fulton County, Illinois, as follows:

Section 1 – Definitions

- (a) “Appointed Official” shall include the Camping and Recreation Supervisor, County Engineer, ESDA Director, ETSB Director, Health Department Administrator, Nursing Home Administrator, Public Defender, Supervisor of Assessments.
- (b) “County Board” shall include County Board Chair and all members of the County Board either individually or collectively.
- (c) “Elected Official” shall include the Coroner, County Clerk, Circuit Clerk, Recorder, Sheriff, State’s Attorney, and Treasurer.
- (d) “Employee” shall include any individual working for the County of Fulton in an Office or department headed by an Appointed Official or the County Board.
- (e) “Relative” shall be any individual who is either a parent (including step, adoptive, and foster), child (including step, adopted, and foster), grandparent, grandchild (including step), sibling (including step and half), uncle, aunt, first cousin, nephew, niece, spouse, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, brother-in-law, or sister-in-law of an Appointed Official or member of the County Board. "Spouse" means a party to a marriage, a party to a civil union, or a registered domestic partner.

Section 2 – Prohibition of Nepotism in County Employment

- (a) No Appointed Official or County Board member may appoint, hire, promote, advance, or advocate for the appointment, hiring, employment, promotion, or advancement, into a County employment position any individual or Employee who is a Relative of that Appointed Official or County Board member.

- (b) No individual or Employee may be appointed, hired, promoted, or advanced into an employment position in the County if such appointment, employment, promotion, or advancement has been advocated by an Appointed Official or County Board who is a Relative of the individual.
- (c) An Employee may not be placed in a Relative's direct line of supervision.
- (d) An Employee may not evaluate a Relative's job performance nor may they recommend a wage increase for a Relative.
- (e) No Employee, County Board member, or Appointed Official may take part in any action relating to the discipline of a Relative, including but not limited to, the dismissal of a Relative or conducting of an investigation into alleged misconduct, malfeasance, or violation of any law by a Relative.
- (f) This Section applies to all Appointed Officials, County Board members, Employees, and/or individuals seeking employment.
- (g) The County Board may prescribe rules authorizing the temporary employment of individuals whose employment would otherwise be prohibited by this Ordinance in case of emergencies resulting from natural disasters or similar unforeseen events or circumstances,
- (h) An Appointed Official may apply to the County Board for an exemption to this Ordinance.
- (i) This Ordinance does not apply to individuals serving in a volunteer capacity, are providing charitable service, or who exclusively work for an Elected Official as defined in Section 1.
- (j) Any offer of employment made by any County Officer in violation of this Ordinance shall be null and void, for the offer of employment is unauthorized.

Section 3 – Savings Clause

This Ordinance does not contravene, and shall not be construed to contravene, any federal law, State statute, or collective bargaining agreement. This Ordinance is intended only to improve the internal management of county offices and employment practices and does not create any right to administrative or judicial review, or any other rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the county its agencies or instrumentalities, its

officers or employees, or any other person. This Ordinance does not prohibit the continuation of a job assignment that began prior to the effective date of this Ordinance.

Section 4 – Severability Clause

If any part of this Ordinance is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Ordinance shall be severable.

Section 5 – Effective Date

This Ordinance shall take effect immediately. This Ordinance shall not be retroactive and shall not affect the employment of any County employee in his/her current capacity.

Passed by the County Board of Fulton County, Illinois, at a regular meeting this 9 day of November, 2021 upon a roll call vote as follows:

AYES:

NAYS:


ABSENT:

APPROVED:



ROGER CLARK
Fulton County Board Chairman

ATTEST:



PATRICK O'BRIAN
Ex-Officio Clerk of the Fulton County
Board