

**State of Illinois  
Office of the Governor  
Springfield 62706  
January 31, 1991**

Jim Edgar  
Governor

Administrative Order  
Number 1 (1991)

PERSONNEL POLICIES DIRECTIVE

On June 21, 1990, the United States Supreme Court ruled for the first time, in the case of Rutan v. the Republican Party of Illinois, that decisions to hire, promote, transfer or recall from layoff employees of public bodies could not be made on the basis of such employees' political affiliation or support. The exception for policy making or confidential employees or spokespersons established in earlier cases also applies to the Rutan ruling.

I hereby commit myself and all appointees, officials and employees in my Administration to fully comply with this ruling and all other, relevant constitutional provisions, laws and United States Supreme Court decisions.

Specifically, I order that the following principles be adhered to:

1. No employee may be dismissed from a non-exempt\* state position on the basis of political affiliation or support.
2. No employee may be demoted, denied consideration for a raise or promotion, or disciplined on the basis of political affiliation or support.

Furthermore, I hereby affirm and adopt the provisions of Administrative Order #1 (1990), which state in pertinent part the following.

3. All hiring and other personnel decisions affecting non-exempt individuals shall be based on the merit and qualifications of the candidates. Where the selection of a candidate is made pursuant to an interview process, the agency must use uniform, job-related criteria and interview process; the responses to such questions must be evaluated by reference to the requirements for the particular position and such evaluation must be thoroughly documented and must demonstrate the basis on which the selection was made.
4. No hiring or other personnel decisions - including promotions, transfers or recalls from layoff - may be decided on the basis of the candidate's party affiliation or support. Where practical the agency shall interview all qualified candidates on the eligibility list for the position being filled.
5. In instances where it is not practical to do so, the method used by the agency for determining the individual candidates to be interviewed for a particular position shall be based on factors related to the merits of the individual applicants, length of time on the list, random selection or any other reasonable and impartial standard.
6. No investigation shall be performed into a candidate's political affiliation, including his or her voting record, financial support, and/or willingness to work for or donate to any political party. This information shall not be reviewed or considered at any point in the employment process.
7. In making personnel decisions, agencies may consider recommendations and referrals from any source, including elected officials or representatives of any political party. However, referrals or recommendations may be considered only if they relate to the job qualifications of the particular candidate. The political affiliation of the candidate or of the elected official or party representative who provides the recommendation or referral may not be considered in making personnel decisions.

Additionally, I hereby affirm and adopt Administrative Order #2 (1990) which establishes guidelines for development of job criteria, interview questionnaires, for objectively rating candidates, and for documenting selection decisions. Administrative Order #2 is attached hereto and made a part of this order.

I further order that:

8. The Department of Central Management Services shall be responsible for developing and implementing such rules, policies, guidelines and manuals, including the training manual already prepared in conjunction with the management consulting firm of Ernst and Young, as are necessary or appropriate to ensure that the personnel policies and procedures of all agencies, boards, and commissions under my jurisdiction comply with the requirements of this Administrative Order and generally with all applicable constitutional provisions, laws and United States Supreme Court rulings concerning personnel matters, as well as with all other requirements of State law and regulations and budgetary and fiscal guidelines. The Department shall also be responsible for coordinating information about agency hiring and other employment data with the Bureau of the Budget and assisting with the administration of any budget or fiscal policies or guidelines issued by the Bureau.
9. Whether a position is exempt from the requirements of Rutan and other relevant United States Supreme Court cases shall be determined by the Department of Central Management Services in consultation with the Office of Counsel to the Governor, and such recognized experts or advisors as may be retained by that Department. Any personnel transactions for which there is a question as to whether the position is exempt from Rutan should be submitted to the Department of Central Management Services for determination in accordance with this consultation process.
10. The Department of Central Management Services shall notify the initiating agency and the Director of Executive Employment and Labor Relations in the Office of the Governor of any positions that have been determined to be exempt by that Department under Rutan.
11. The requirements of this Administrative Order and rules, policies, guidelines and manuals issued hereunder shall supersede any procedures which may still be in effect pursuant to Executive Order #5 (1980) which is revoked.
12. The procedures set forth in this Administrative Order apply to all personnel transactions of agencies, boards, and commissions subject to my control or direction whether or not the position affected by the personnel transaction in question is under the jurisdiction of the Personnel Code.

\*As used in this Order, "non-exempt" refers to an employee who is not exempt from the requirements of Rutan and has no relevance to whether such employee is or is not exempt from the Illinois Personnel Code.