



Northeastern Illinois PUBLIC TRANSIT *Task Force*

Ethics Working Group: Issues for Consideration

February 28, 2014



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1. Appointment Process, Current

- **RTA.** Requirements are predominantly residential.
- **Metra.** Requirements are predominantly residential.
- **Pace.** Certain appointees required to be chief executive officer of municipality within the counties by which they are appointed; the Commissioner of the Mayor's Office for People with Disabilities as an ex-officio member; and a Chairman as elected by other board members.
- **CTA.** Appointed by the Governor, with advice and consent of the Senate; the Mayor, with advice and consent of the City Council; both must approve each other's appointments; with certain residential requirements.

1. Appointment Process, Changes

- Elected officials appoint candidates first vetted by a panel including representatives of independent non-political entities, e.g. news media and good government groups.
- Elected officials acting independently to appoint individuals based upon qualifications and requirements.



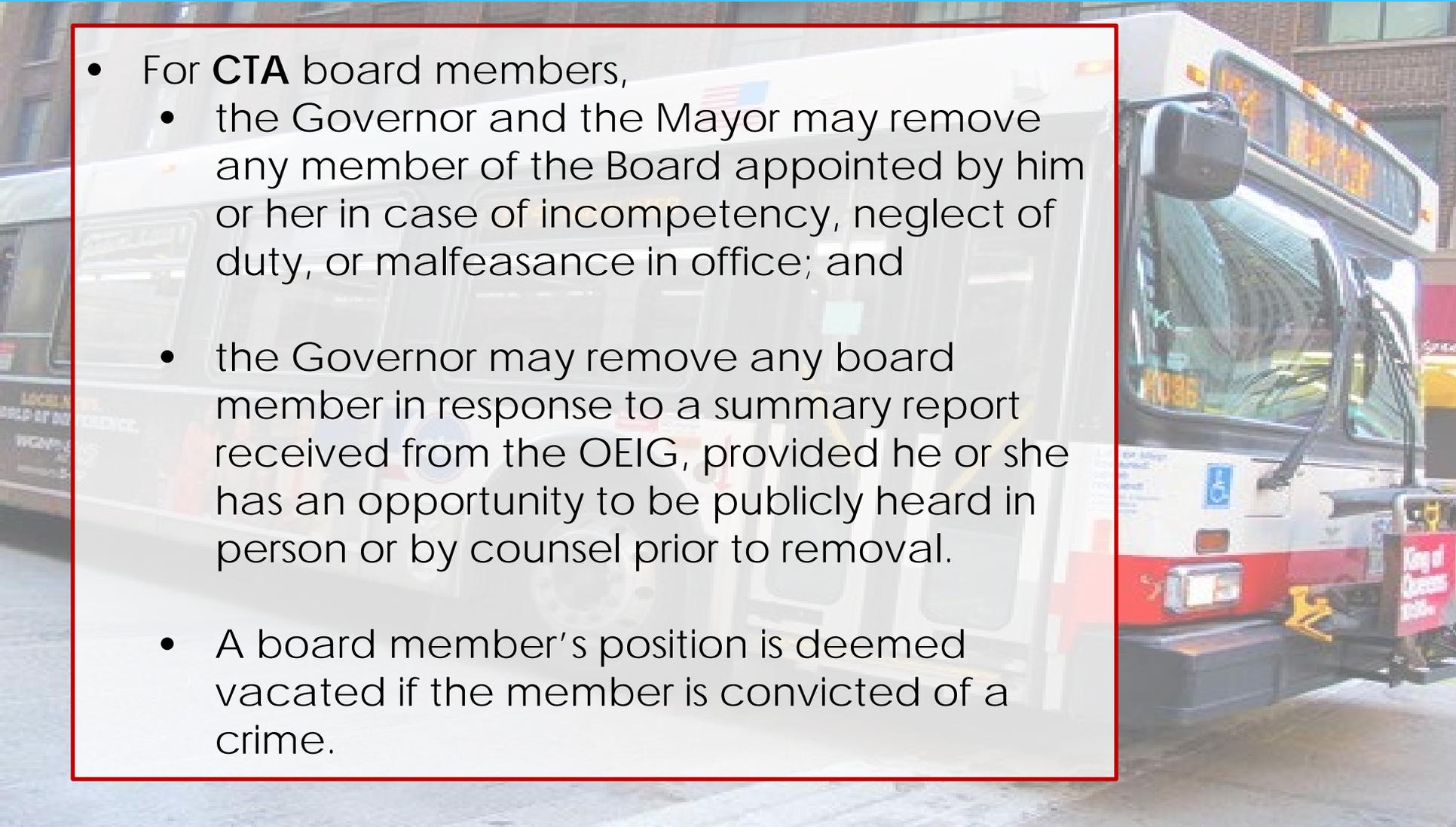
2. Removal Process

Current Requirements

- **Metra, Pace, and RTA** board members may only be removed from office
 - upon the concurrence of 8 directors (11 for the RTA), on a formal finding of incompetence, neglect of duty, or malfeasance in office, or
 - by the Governor in response to a summary report received from the OEIG, provided he or she has an opportunity to be publicly heard in person or by counsel prior to removal.
- A board member's position is deemed vacated if the member is convicted of a felony.

Current requirements, continued

- For **CTA** board members,
 - the Governor and the Mayor may remove any member of the Board appointed by him or her in case of incompetency, neglect of duty, or malfeasance in office; and
 - the Governor may remove any board member in response to a summary report received from the OEIG, provided he or she has an opportunity to be publicly heard in person or by counsel prior to removal.
 - A board member's position is deemed vacated if the member is convicted of a crime.



Changes

1. Removal at the pleasure of the appointing authority.
2. Removal by Governor based upon a recommendation of a super-majority of the board.
3. Removal for cause by appointing authority, including official misconduct or conviction of a felony crime.
4. Removal by appointing authority for inefficiency, neglect of duty, breach of duty, or misconduct in office after giving the member a copy of the charges against him or her, and an opportunity to be heard, in person or by counsel in the member's defense.
5. Combination of the above options.

3. Employment Actions

- Currently, the RTA and MTA acts prohibit discrimination based upon political affiliation or support, but has not worked.
- Complete firewall between elected officials or their representatives and agencies regarding matters of hiring, firing, promotion or demotion, as well as a mandatory public disclosure following policy violation.
- Allow contact by elected officials or their representatives, but only with public disclosure of contact and substance of communication.

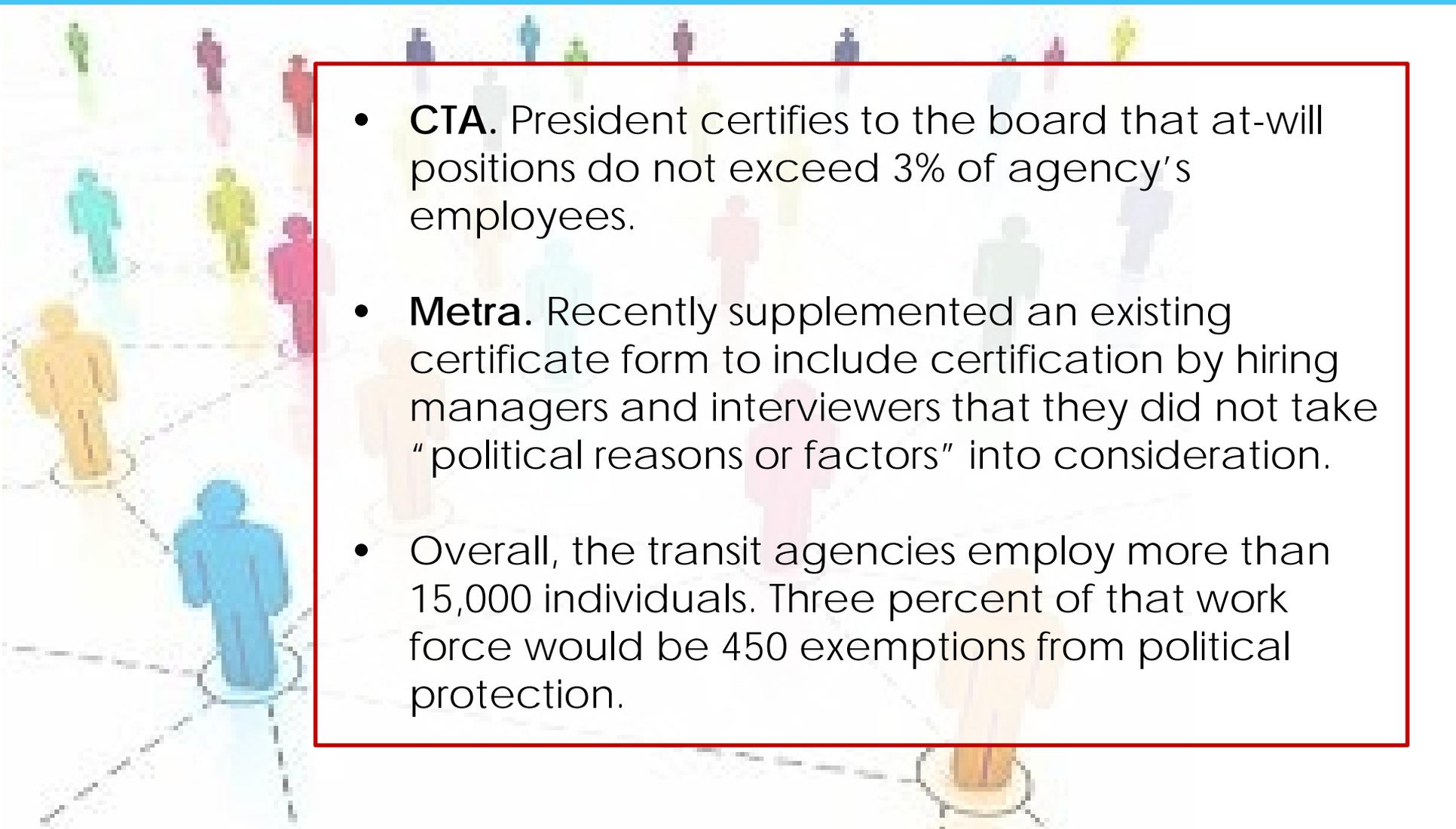
4. Procurement and Business Dealings

- Complete firewall between board members, elected officials, or their respective representatives and agencies regarding matters of procurement, investment, or related business decisions, as well as a mandatory public disclosure following policy violation.
- Allow contact by board members, elected officials, or their respective representatives and agencies, but only with the public disclosure of contact and substance of communication.

5. Certifications regarding Employment Actions and Business Decisions



Employment Actions, Current

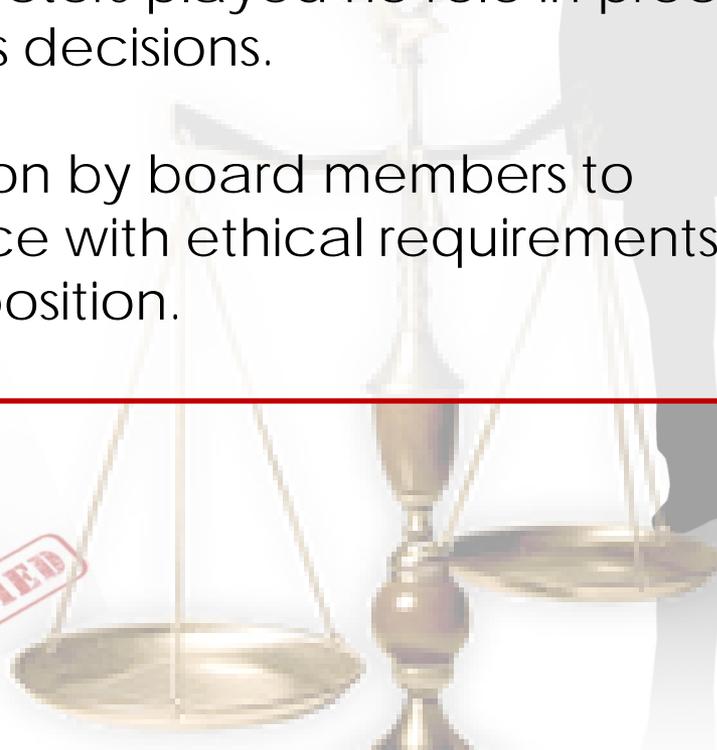
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- **CTA.** President certifies to the board that at-will positions do not exceed 3% of agency's employees.
 - **Metra.** Recently supplemented an existing certificate form to include certification by hiring managers and interviewers that they did not take "political reasons or factors" into consideration.
 - Overall, the transit agencies employ more than 15,000 individuals. Three percent of that work force would be 450 exemptions from political protection.

Employment Actions, changes

- Implementation of classification of all offices, positions, and grades of employees, establishing certain exempt positions, the number of which should not exceed a limited percentage of total employees.
- Certification by senior management to the board of directors that exempt employees do not exceed the limited percentage, and that discrimination based upon race, color, sex, gender, national origin, disability, or religious affiliations played no role in the hiring, promotion, demotion, or firing of employees.

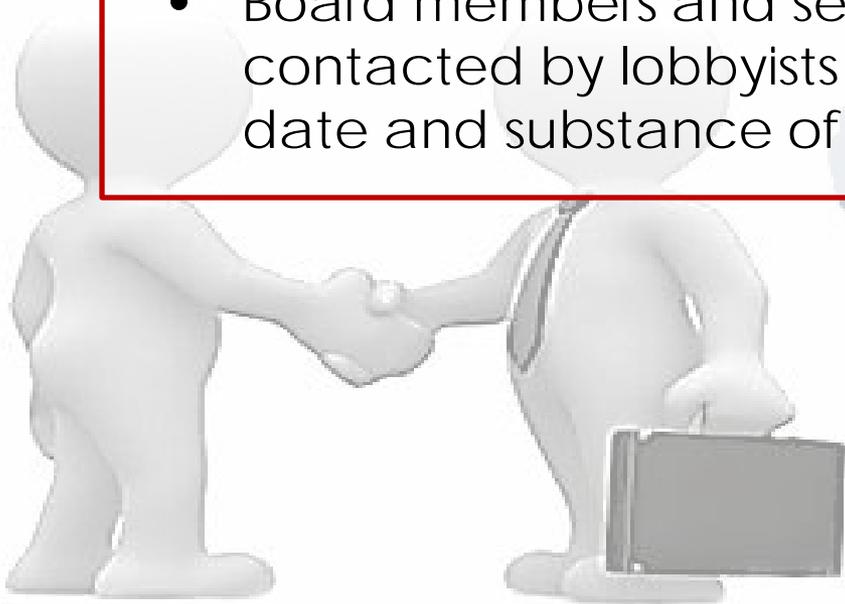
Procurement and Business Decisions

- Certification by senior management that political factors played no role in procurement or business decisions.
- Certification by board members to compliance with ethical requirements and duties of position.



6. Lobbying

- Agencies to adhere to Illinois Lobbyist Registration Act – lobbyists wishing to do business with agencies should be required to register with the state and report expenditures. (The ILRA does not currently apply to the transit agencies.)
- Board members and senior management contacted by lobbyists should disclose publicly the date and substance of the contact.





7. Additional Recommendations





Review of Prospective Board Members:
Should include background checks, financial disclosure, and conflict of interest review prior to appointment.





- Board Member Compensation:
 - Members should not be compensated for their service, other than incidental expenses related to travel and meals.
 - Board members of New York, Los Angeles, D.C., Boston, San Francisco, and Philadelphia are unpaid.





Board Member Training: Members should receive training on ethics matters – including patronage hiring – on an annual basis, and should be required to certify receipt of ethics related policies and completion of training.

