



STATE OF ILLINOIS
OFFICE OF THE GOVERNOR
SPRINGFIELD 62706

JAMES R. THOMPSON
Governor

July 17, 1990

Administrative Order
Number 1 (1990)

DIRECTIVE TO STATE AGENCIES
REGARDING PERSONNEL PRACTICES

As you know, on Thursday, June 21, 1990, the United States Supreme Court issued its decision in Rutan v. Republican Party of Illinois, in which the Court held that promotion, transfer, recall and hiring decisions involving nonpolicymaking employees may not be decided on the basis of party affiliation and support. It has been the policy and practice of this administration to fill positions in the state only with individuals who are qualified for their positions. This will continue to be our policy.

We are reviewing the Supreme Court's decision with our attorneys to determine what actions we will take in the Rutan lawsuit in light of the Supreme Court's opinion. As part of our review of the decision, we set forth the following preliminary policies and procedures to ensure that all personnel decisions made by state agencies under the control of the Governor are in full compliance with the Supreme Court's decision:

1. All hiring and other personnel decisions 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 questions; 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.

2. 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.

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.

3. 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.

4. 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.

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Please ensure that all officials and employees in your agency immediately become familiar with the terms of this order, and that they take all necessary steps to see that it is implemented. We will advise you as to any further changes in our personnel practices based upon our continuing review of the Supreme Court's decision. Thank you for your full cooperation.