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February 18, 2010

General Advisory Opinion

Re: 10 A 0003 – Political Activity
Board Consideration: February 18, 2010

This opinion addresses the need for Cook County employees to remain neutral and independent in the performance of their job responsibilities especially during the election season. Cook County employees are prohibited from participating in any political activity during any Cook County compensated time.

ISSUE

Whether a Cook County employee can wear to work political campaign buttons or display in their work area other political campaign paraphernalia that supports or opposes a candidate that is running for any Federal, State, or local public office or office in a political organization during the period in which the candidate is seeking office?

APPLICABLE SECTIONS OF THE ETHICS ORDINANCE

Section 2-561- Definitions

Whenever used in this Ordinance, the following terms shall have the following meanings:

Agency means the County Board, any committee or other subdivision thereof, any County department or other administrative unit, commission, board or other division of the government of the County.

Campaign for elective office means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Residential or Vice-Presidential electors, but does not include activities:

- 1) Relating to the support or opposition of any executive, legislative, or administrative action;
- 2) Relating to collective bargaining; or
- 3) That are otherwise in furtherance of the person's official duties.

Candidate means any person who has filed nominating paper or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general primary election or general election or who has raised or expended money in pursuit of elected office.

Compensated time means any time worked by or credited to an employee that counts toward any minimum work time requirement imposed as a condition of employment but does not include any designated holidays or any period when the employee is on a leave of absence.

Compensatory time off means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment.

County means the County of Cook and all government agencies of the County of Cook.

Employee means an individual employed by the County whether part-time or full-time or by a contract of employment. The term "employee" shall include individuals employed by County Officers as referenced in Article VII, Section 4 of the Illinois Constitution. The term "employee" shall not include judges of election.

Official means any elected County official or appointed official regardless of whether the official is compensated or any appointed non-employee member of any agency of the County.

Person means any individual, entity, corporation, partnership, firm, association, union, trust, estate, as well as any parent or subsidiary of any of the foregoing, and whether or not operated for profit.

Political activity means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities relating to the support or opposition of any executive, legislative or administrative action; relating to collective bargaining; or that are otherwise in furtherance of the person's official duties.

Political organization means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State

Board of Elections or a county clerk unc.

DISCUSSION

Section 2-583(c) of the Cook County Ethics Ordinance prohibits Cook County employees from performing any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). “Political activity” has been defined as any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities relating to the support or opposition of any executive, legislative or administrative action; relating to collective bargaining; or that are otherwise in furtherance of the person’s official duties. “Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any Federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Residential or Vice-Presidential electors.

The wearing to work or displaying in the workplace, of political campaign paraphernalia, such as, but not limited to, buttons, bumper stickers, and/or any other items and apparel that supports or opposes a candidate or political initiative during the period in which a candidate is seeking office is not specifically defined under the Ethics Ordinance, as prohibited political activity. However, the wearing or displaying of such paraphernalia in the workplace may be construed by the public, as campaigning for or attempting to influence the election or endorsement of a particular candidate. As fiduciaries for the public, Cook County employees must perform their duties with the interest of the public in mind and not participate in any action that is deemed improper or in any action that may even give the appearance of impropriety. The wearing or displaying of political campaign paraphernalia in the work place during an election season may create and foster a hostile work environment for Cook County employees, could lead to political intimidation among Cook County employees of differing political view points, and could create an inappropriate environment for the general public.

Additionally, the purpose of the Cook County Ethics Ordinance, as stated in the Preamble to the Cook County Ethics Ordinance, is for Cook County employees to be independent and impartial; that County employment not be used for personal gain, and that the public have full confidence in the integrity and fair and honest administration of Cook County government. Therefore, the Board concludes that Cook County employees can not wear to work any political campaign buttons or other related political campaign paraphernalia or display in their work area political campaign paraphernalia in support of a particular candidate that is running for any Federal, State, or local public office or office in a political organization during the period in which the candidate is seeking office.

Please note the Board’s determinations herein are based solely on the application of the Cook County Board of Ethics Ordinance to the general questions posed in this opinion. Other laws or rules also may apply to this situation.

Please do not hesitate to contact our office if you have questions or require additional

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information.

Sincerely,

THE COOK COUNTY BOARD OF ETHICS

A handwritten signature in cursive script, reading "John J. Pikarski, Jr.", written in black ink on a light blue background.

John J. Pikarski, Jr., Chairman