



EXECUTIVE ORDER

14-10

**CREATION OF THE DEPARTMENT OF TRANSPORTATION
TECHNICAL MERIT BOARD**

WHEREAS, the Illinois Department of Transportation (“the Department”) has the responsibility for the planning, construction, operation and maintenance of Illinois’ extensive transportation network, which encompasses highways and bridges, airports, public transit, rail freight, and rail passenger systems; and

WHEREAS, the Department requires specialized technical and professional employees to accomplish the purposes set forth in the Highway Code (605 ILCS 5), Illinois Vehicle Code (625 ILCS 5), Illinois Aeronautics Act (620 ILCS 5), and Illinois Department of Transportation Law (20 ILCS 2705); and

WHEREAS, the Personnel Code (20 ILCS 415) provides for the Department to have employees that are exempt from the Personnel Code, also known as “technical employees”; and

WHEREAS, as Governor of the State of Illinois, I am committed to ensuring the fair, transparent, and efficient operation of the Department and to eliminate abuse wherever it occurs; and

WHEREAS, in the wake of a recent review by the Department, it has become clear that significant steps must be taken to further ensure the integrity of technical employee hiring practices;

THEREFORE, I, Pat Quinn, Governor of the State of Illinois, pursuant to the executive authority vested in me by in Article V of the Constitution of the State of Illinois, do hereby direct as follows:

I. CREATION

There is hereby created the Department of Transportation Technical Merit Board (“the Board”) as an independent body. The Board shall have the duties as set forth in this Order.

II. PURPOSE

Separate from and in addition to the actions and functions already performed by the Department, the purpose of the Board is to independently oversee the Department’s application of 20 ILCS 415/4c(12). This independent body shall implement, review, and maintain stringent controls for all “technical code” Department employees.

FILED
INDEX DEPARTMENT
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SECRETARY OF STATE

III. MEMBERSHIP

- a. The Board shall consist of five members to hold office, one until June 30, 2016, one until June 30, 2017, one until June 30, 2018, one until June 30, 2019, and one until June 30, 2020, and until their respective successors are appointed and qualified.
- b. Upon the expiration of the terms of office of those first appointed, the successors shall hold office for 6 years and until a successor is appointed and qualified.
- c. In the case of a vacancy during the term of office of any member, the Governor shall make an appointment for the remainder of the term vacant and until a successor is appointed and qualified.
- d. No more than three members of the Board shall be affiliated with the same political party.
- e. Members shall be appointed by the Governor and may only be removed for cause pursuant to Article V, Section 10 of the Illinois Constitution.
- f. As soon as practicable after the members of the Board have been appointed, they shall meet and shall organize by electing a chairman and a secretary. The initial chairman and secretary, and their successors, shall be elected by the Board from among its members for a term of two years or for the remainder of their term of office as a member of the Board, whichever is shorter.
- g. Three members of the Board shall constitute a quorum for the transaction of business. The Board shall hold regular quarterly meetings and such other meetings as may be called by the chairman. Whenever practicable, notice of each meeting shall be given in writing or electronically to each member by the chairman at least seven days in advance of the meeting.

IV. DUTIES

The Board shall have powers and duties as follows:

- a. To review and either approve or disapprove the establishment of the Department's merit-based classification and salary administration plan and any changes made to the same.
- b. To approve or disapprove within 30 days from the date of submission by the Secretary any new job classifications or modifications to job classifications, subject to 20 ILCS 415/4c(12).
- c. To review an annual audit report submitted by the Department on March 31 of each year for the prior calendar year. The audit report shall provide the Department's findings on whether a random sampling of employees who fall under 20 ILCS 415/4c(12) are performing the duties set forth in its job description and are appropriately classified under the Department's narrow definition of "technical."
- d. To submit to the Governor and the Secretary a report on or before June 30 of each year regarding the work performed and actions taken by the Board during the prior calendar year and an evaluation of the Department's compliance with 20 ILCS 415/4c(12).

V. INDEPENDENCE

The Board shall function as an independent body, with the discretion to arrange its affairs and proceedings in the manner it deems appropriate.

VI. ADMINISTRATIVE AND TECHNICAL SUPPORT

At the direction of the Board, the Department shall provide administrative and technical support for the Board, including but not limited to, providing an Ethics Officer for the Board, responding to FOIA requests on behalf of the Board, and assisting the Board with complying with the Open Meetings Act. At the direction of the Office of the Governor, any executive agency shall provide assistance to the Board to accomplish their goal of ensuring stringent controls for "technical employees."

FILED
INDEX DEPARTMENT

AUG 21 2014

IN THE OFFICE OF
SECRETARY OF STATE

VII. TRANSPARENCY

In addition to any policies or procedures the Board may adopt, all operations of the Board shall be subject to the provisions of the Illinois Freedom of Information Act (5 ILCS 140 *et seq.*) and the Illinois Open Meetings Act (5 ILCS 120 *et seq.*). This section shall not be construed so as to preclude other statutes from applying to the Board and its activities.

VIII. SAVINGS CLAUSE

This Executive Order does not contravene and shall not be construed to contravene any State or federal law, or any collective bargaining agreement.

IX. EFFECTIVE DATE

This Order shall take effect immediately upon its filing with the Secretary of State.


Pat Quinn, Governor

Issued by Governor: August 21, 2014
Filed with Secretary of State: August 21, 2014

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