



# Chicago Park District

## Legislation Details (With Text)

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<b>Type:</b>	Action Item	<b>Status:</b>	Passed
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<b>Title:</b>	AMENDMENT TO CHAPTER V, SECTION B.4 AND CHAPTER I, SECTION A. OF THE CODE OF THE CODE OF THE CHICAGO PARK DISTRICT		
<b>Sponsors:</b>	Law Department		
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<b>Code sections:</b>	Chapter 5 - PERSONNEL		
<b>Attachments:</b>			

Date	Ver.	Action By	Action	Result
4/9/2014	1	Board of Commissioners	approved	Pass

### AMENDMENTS TO CHAPTER V, SECTION B.4 AND CHAPTER I, SECTION A. OF THE CODE OF THE CHICAGO PARK DISTRICT

To the Honorable Board of Commissioners of the Chicago Park District:

#### I. Recommendation

It is recommended that the Board of Commissioners adopt the attached amendment to Section B.4. of Chapter V of the Code of the Chicago Park District, set forth herein as Exhibit A., adding the Park District Law Department General Counsel or his/her designee to the notice provision of Section B.4., such that the Law Department will be duly notified when an Employee is summoned or subpoenaed for jury duty or by any legislative, judicial or administrative tribunal, or directed by the Park District to provide service related to litigation involving the Park District.

It is further recommended that the Board of Commissioners adopt the attached Section A. of Chapter I of the Code of the Chicago Park District, set forth herein as Exhibit B., to reflect a change in Illinois law eliminating the need for the use of the term and definition of “domestic partners” in the Park District Code.

#### II. Explanation

Section 7.02 of the Chicago Park District Act, 70 ILCS 1505/7.02, enables the Board of Commissioners to “establish by ordinance all needful rules and regulations for government and protection of parks...” Pursuant to this authority and guidance, it is in the best interest of the Chicago Park District that the following amendments be made.

First, Chapter V of the Park District Code governs the personnel standards, rules and policies applied to all Park District employees, including leaves and residency. Section B.4. of Chapter V specifically addresses notice provisions when an Employee is summoned or subpoenaed for jury duty or by any legislative, judicial or

administrative tribunal, or directed by the Park District to provide service related to litigation involving the Park District. By adding the Law Department General Counsel to the notice list, it will enable the Park District to best protect its legal interests, reduce exposure in a legal context and ensure a prompt and proper response from the Law Department, when necessary.

Secondly, Section A. of Chapter I sets forth General Definitions of the Park District Code, including the term “domestic partners.” Through the passage of the Religious Freedom and Marriage Fairness Act (effective 6/14/14) and the Religious Freedom Protection and Civil Union Act (effective 6/1/11), same sex couples can legally become spouses under Illinois law. Because the couples that are currently defined as “domestic partners” by the Chicago Park District Code can now be legal spouses to qualify for insurance benefits, the District no longer needs to utilize this term.

It is therefore recommended that Section B.4. of Chapter V and Section A. of Chapter I of the Code be amended. These amendments will become effective upon approval by the Board of Commissioners.

The General Counsel shall prepare and publish copies of the portions of the Code of the Chicago Park District that have been revised by reason of these amendments.

#### **ORDINANCE CHAPTER V, SECTION B.4.**

**WHEREAS**, the Chicago Park District (the “Park District”) is a body politic and corporate, and unit of local government created pursuant to the Chicago Park District Act, 70 ILCS 1505/0.01 et seq., as amended (the “Act”); and

**WHEREAS**, under the Act, the Park District may establish by ordinance all needful rules and regulations for the government and protection of parks; and

**WHEREAS**, the Park District desires to amend Section B.4. of Chapter V of the Code of the Chicago Park District to add the Park District Law Department General Counsel or his/her designee to the notice provision of Section B.4., such that the Law Department will be duly notified when an Employee is summoned or subpoenaed for jury duty or by any legislative, judicial or administrative tribunal, or directed by the Park District to provide service related to litigation involving the Park District. This change will benefit the Park District by ensuring a prompt and proper response from the Law Department, when necessary.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CHICAGO PARK DISTRICT:**

**SECTION 1.** The above recitals are expressly incorporated in and made part of this ordinance as though fully set forth herein.

**SECTION 2.** Section B.4. of Chapter V of the Code of the Chicago Park District is hereby amended by making the changes identified in the enclosed Exhibit A.

**SECTION 3.** To the extent that the Code of the Chicago Park District or any ordinance, resolution, rule, order or provision of the Park District, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall govern and control to the extent necessary to effectuate the purpose of this ordinance.

**SECTION 4.** If any section, paragraph, clause or provision of this ordinance shall be held invalid, the

invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

**SECTION 5.** This ordinance shall take effect and be in full force from and after its passage.

**EXHIBIT A**

**Chicago Park District Code - Chapter V**

**B.4. Court Leave**

Subject to a pay deduction of any juror's fees or witness fees received, an Employee shall be entitled to court leave without pay when called for jury duty, subpoenaed by any legislative, judicial or administrative tribunal, or directed by the Park District to provide service related to litigation involving the Park District. An Employee who is called for such service shall immediately notify his/her office/department/division head (or, where leave is requested by an office/department/division head, the General Superintendent) **and the Law Department General Counsel or his/her designee**. If an Employee is required or desires to attend court sessions other than those specified above, the Employee shall apply for vacation, personal, compensatory or administrative leave for said purpose.

**ORDINANCE CHAPTER I, SECTION A.**

**WHEREAS**, the Chicago Park District (the "Park District") is a body politic and corporate, and unit of local government created pursuant to the Chicago Park District Act, 70 ILCS 1505/0.01 et seq., as amended (the "Act"); and

**WHEREAS**, under the Act, the Park District may establish by ordinance all needful rules and regulations for the government and protection of parks; and

**WHEREAS**, the Park District desires to amend Section A. of Chapter I of the Code of the Chicago Park District to reflect a change in Illinois law eliminating the need for the use of the term and definition of "domestic partners" in the Park District Code. Through the passage of the Religious Freedom and Marriage Fairness Act (effective 6/14/14) and the Religious Freedom Protection and Civil Union Act (effective 6/1/11), same sex couples can legally become spouses under Illinois law. Because the couples that are currently defined as "domestic partners" by the Chicago Park District Code can now be legal spouses to qualify for insurance benefits, the District no longer needs to utilize this term.; and

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CHICAGO PARK DISTRICT:**

**SECTION 1.** The above recitals are expressly incorporated in and made part of this ordinance as though fully set forth herein.

**SECTION 2.** Section A. of Chapter I of the Code of the Chicago Park District is hereby amended by making the changes identified in the enclosed Exhibit B.

**SECTION 3.** To the extent that the Code of the Chicago Park District or any ordinance, resolution, rule, order or provision of the Park District, or part thereof, is in conflict with the provisions of this ordinance, the provisions of this ordinance shall govern and control to the extent necessary to effectuate the purpose of this ordinance.

**SECTION 4.** If any section, paragraph, clause or provision of this ordinance shall be held invalid, the invalidity of such section, paragraph, clause or provision shall not affect any other provisions of this ordinance.

**SECTION 5.** This ordinance shall take effect and be in full force from and after its passage.

## **EXHIBIT B**

### **Chicago Park District Code - Chapter I**

#### **Section A.**

#### **Definitions.**

For the purposes of this Code the following words, terms, phrases and their derivatives shall have the meanings set forth in this section. When not inconsistent with the context, the present tense shall include the future tense; the plural number shall include the singular number; and the singular number shall include the plural number.

**"Board"** means the seven Commissioners of the Park District, as established in the Park Act.

**"City"** means the City of Chicago, Illinois.

**"Code"** means the Code of the Park District and all amendments thereto.

**"Commissioner"** means any person appointed to the position of commissioner of the Park District, pursuant to the Park Act.

**"Contractor"** means any individual, entity, corporation, partnership, firm, association, union, trust, or estate, as well as any parent, subsidiary or subcontractor of any of the foregoing, whether or not operated for profit, who enters into an agreement involving sales, purchases, services or leases to, from or with the Park District.

**"County"** means the County of Cook, Illinois.

**"Domestic Partners"** means two individuals, regardless of their sex, who have a close personal relationship and satisfy the following criteria:<sup>1</sup>

- i. have registered their names with the Department of Human Resources of the Chicago Park District; and
- ii. they are each other's sole domestic partner, responsible for each other's common welfare, and jointly share their financial responsibilities; and
- iii. neither party is married or party to a civil union; and
- iv. the partners are not related by blood closer than would bar marriage in the State; and
- v. each partner is at least 18 years of age; and
- vi. the partners have been sharing the same regular and permanent residence for at least six months.

**"Employee"** means an individual employed by the Park District, whether part-time or full-time. "Employee" shall not include an "Official" or a "Contractor" as defined in this Section of this Chapter, but shall include an "officer".

**"Officer"** means any person appointed to an office of the Park District created pursuant to statute or ordinance.

**"Official"** means a person appointed to the Chicago Park District Board of Commissioners, the Personnel Board or the Ethics Panel.

**"Park Act"** means the Chicago Park District Act, 70 ILCS 1505 et seq., as heretofore or hereafter amended. <sup>2</sup>

**"Park District"** means the Chicago Park District.

**"Park System"** means all parks, parkways, playgrounds, athletic fields, tennis courts, golf courses, swimming pools, beaches, and other recreation areas, museums, zoological and botanical gardens, places, squares, circles, spurs, open places, driveways and roadways within parks, waters and lands under water, and also entrances and approaches thereto, docks and piers, channels and bridges, in, leading to, or connecting such park or parks or parts thereof under the supervision and control of the Board and such other rights and appurtenances as the Board shall utilize, whether the same be now or hereafter owned or acquired by the Board in fee or otherwise, including all land under and space above the surface of the ground.

**"Party to a Civil Union"** means a person who has established a civil union pursuant to the Illinois Religious Freedom Protection and Civil Union Act, as amended or supplemented from time to time, 750 ILCS 75/1 et seq. <sup>3</sup>

**"Person"** means any individual, entity, corporation, partnership, firm, association, union, trust, or estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit. Whenever the word "person" is used in any section of this Code prescribing a penalty or fine as applied to partnerships or associations, the word shall include the partners or members thereof, and such word as applied to corporations shall include the officers, agents, or employees thereof who are responsible for any violation of said section.

**"Secretary"** means the Secretary of the Chicago Park District.

~~**"Sex"** means the status of being male or female.~~

**"Spouse"** means an individual who is (i) legally married to another person; ~~(ii) a domestic partner;~~ or a ~~(iii)~~ party to a civil union.

**"State"** means State of Illinois.

