

Committee on Help - Need for Revision

Richard B. Ogilvie

Follow this and additional works at: <https://via.library.depaul.edu/law-review>

Recommended Citation

Richard B. Ogilvie, *Committee on Help - Need for Revision*, 17 DePaul L. Rev. 541 (1968)
Available at: <https://via.library.depaul.edu/law-review/vol17/iss3/7>

This Article is brought to you for free and open access by the College of Law at Via Sapientiae. It has been accepted for inclusion in DePaul Law Review by an authorized editor of Via Sapientiae. For more information, please contact wsulliv6@depaul.edu, c.mcclure@depaul.edu.

COMMITTEE ON HELP—NEED FOR REVISION

RICHARD B. OGILVIE*

ARTICLE X, section nine of the Constitution of the State of Illinois requires that the Circuit Court of Cook County determine the number of deputies and assistants that shall be employed in the offices of all the Clerks of the Courts of Record (now the Clerk of the Circuit Court), the Treasurer, Sheriff, Coroner and Recorder of Deeds of Cook County.¹ The above named offices are referred to as “fee offices” because they generate revenue in exchange for the professional services they provide. The fees collected are deposited in the Cook County treasury to provide a base to pay the salaries of the respective “fee office” and other employees, as well as to cover impersonal expenditures of the office.² Before each fiscal year, the “fee officers” must petition the circuit court for personnel to be allotted to their respective offices in the coming year. The County Board has no authority to add any new jobs to any “fee office” without the authorization of the circuit court.³

In performing its constitutional mandate, the Circuit Court of Cook County has established a standing committee known as the Committee on Help. Appointed by the Chief Judge, that committee circulates a petition seeking statistical data as to operations of the individual offices, and later interviews the fee officers to appraise the personnel requirements of each office for the coming year. After evaluating the information received in the petitions and the interviews, the Committee on Help, independent of the County Board, determines the number of positions which should be provided in the

* MR. OGILVIE is President of the Board of Commissioners of Cook County. He is a graduate of Yale University and received his L.L.B. at Chicago-Kent College of Law. He is former Sheriff of Cook County and Special Assistant to the U.S. Attorney General. MR. OGILVIE is a member of the Chicago, Illinois State, and American Bar Associations, and a member of the firm of Hackbert, Rooks, Pitts, Fullagar and Poust.

¹ Ill. Const. art. X, § 6 (1870).

² *Id.*

³ *People ex rel. Meyering v. Whealan*, 356 Ill. 402, 190 N.E. 693 (1934); *People ex rel. Pollastrini v. Whealan*, 269 Ill. App. 281 (1933), *rev'd on other grounds*, 353 Ill. 500, 187 N.E. 491 (1933).

respective offices. However, the County Board of Commissioners, which authorizes all county expenditures, must appropriate sufficient funds for the compensation of each of the positions delineated by order of the court.⁴

The Committee on Help reviews the revenue previously produced by the offices and, by reference to estimates of revenue prepared by county officials, may become aware of expected revenue with which to fund the positions authorized. But the judges are primarily concerned with the question of whether the positions sought are necessary in the respective offices. Although the fees collected from the offices in question provide a base for the funding of these positions, such fees may not be sufficient to place an office on a self-sustaining basis. The County Board is not limited to these fees in providing funds for the operation of each fee office, but the compensation of an individual fee officer may not exceed the amount the office collects.⁵ When the fees collected by these offices are insufficient,⁶ the County Board must use funds collected from other sources to pay employees of the fee offices. Thus, the County Board is left in the unenviable position of being required to compensate employees over whose employment they have no control.

This constitutional requirement authorizing the Circuit Court of Cook County to enter the personnel field is peculiar to Cook County. Evidently this provision was designed to remove this responsibility from the political arena and to place it under the direction of the judiciary, which supposedly is not so susceptible to political pressures and patronage. However, the rationale for this procedure is insignificant indeed when compared to the difficulties which result. Theoretically, the Committee on Help is unaware of the availability of revenue to compensate those who fill the positions they approve. This unworkable and fragmented process makes it difficult to manage personnel practices of county government in an efficient manner especially since the circuit court by legislation has been given the responsibility, also, of determining the number of employees in the offices of the Jury Commissioners, Adult Probation Officer and Public Defender.

It is unfortunate that the County Board of Commissioners cannot adequately control both critical phases of personnel administration,

⁴ People *ex rel.* Meyerering v. Whealan, *supra* note 3.

⁵ County of Cook v. Hartney, 169 Ill. 566, 48 N.E. 458 (1897).

⁶ *Id.*

which are embraced in authorization and compensation. Moreover, the problem is magnified in that this complex administrative function lies in the judiciary in general and the Committee on Help in particular. The three circuit court judges, appointed to serve as the Committee on Help, do not have time to remove themselves from their judicial responsibilities and undertake a function as highly specialized and demanding as personnel management. They have no time to conduct a comprehensive survey of each office to determine respective needs in view of the increasing demands on each office for additional services. Actually, such a survey should be an ongoing process as a function of modern budgetary practices and analysis. Anything less is grossly inadequate.

In accordance with contemporary executive management principles, the only adequate manner to carry out the above described process efficiently would be to consolidate in the County Board of Commissioners the authority presently delegated to the Committee on Help. This increased authority, combined with the Board's present personnel responsibilities, would establish a unified program of personnel authorization and compensation. It not only would remove this non-judicial function from the Committee on Help, but would allow the county to utilize its full resources in developing a sensitive mechanism capable of balancing the personnel allocations to every office of county government against the total available resources. The result would be a more realistic and functional approach to personnel management in Cook County.

This suggested consolidation would allow each department to work on a twelve month basis with the appropriate county personnel agencies in the preparation of its annual budget request to the Finance Committee of the County Board. Under such a program, the process of determining new positions would be effectuated according to standardized decision-making principles. Certainly the personnel practices of the county would be improved in that the present fragmentation of personnel authority would be consolidated to insure that only the most qualified personnel authorities would determine the need for all county employees.

To illustrate, a review of the total number of employees currently employed in the fee offices of Cook County would be in order. There are 2,550 positions in the Courts of Record, and 1,648 positions in the Sheriff's office. Smaller numbers in many other fee offices pro-

duces a total of 6,112 positions which the Committee on Help has already approved.⁷ This large number of positions simply does not lend itself to being managed in a bifurcated manner.

Recently there has been increased interest by the state legislature to eliminate this fragmented personnel procedure and substitute modern management principles. Any reluctance to place such authority in the County Board should be mitigated due to the implementation of a comprehensive Civil Service program under which individuals would qualify for employment on the basis of ability rather than political affiliation. Once certified, these employees would be safeguarded from dismissal under recognized standards of Civil Service administration. The following figures are illustrative of the recent expansion of the Civil Service program. When I assumed office in December, 1966, less than fifty percent of all County employees were covered by Civil Service. By December, 1967, some 7,876, or sixty-three percent, were under Civil Service. Efforts are continuing to expand Civil Service coverage to all county employees by the end of this year.

Obviously, one way to accomplish the consolidation of personnel authority in the County Board of Commissioners is approval by the citizens of Illinois of an amendment to the Constitution which would remove the barriers now imposed by Article X. Another alternative would be change through the state Constitutional Convention (which should be approved by the voters of Illinois this November) which could dispose of this and many other critical problems.

Today local government stands at the crossroads. The consequences of urbanization and technological change have generated many problems which can be solved only by using twentieth century methods. If local government fails to meet the challenge, the unattractive alternative may be absorption by some larger metropolitan body. The modernization of personnel practices in Cook County is one of many needed reforms. Effective government is not a product of inefficient personnel administration. The first step toward this end is voter approval in November of a Constitutional Convention.

⁷ CITIZENS COMMITTEE ON COOK COUNTY GOVERNMENT, PERSONNEL REPORT, 4 (1968).