Cracking the Code: Using the Code of Personal Conduct to Improve Agency Operations
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“Solving a problem for which you know there’s an answer is like climbing a mountain with a guide, along a trail someone else has laid.”
- Yoko Ogawa

Purpose of the Code of Conduct:
• To ensure that State employees are conducting the business of the State in an honest and respectful manner.
• To promote accountability to the taxpayers and the people of Illinois.
• To promote honest and ethical conduct and fair dealing.
• To promote compliance with applicable laws, policies, rules, and regulations.
• To deter wrongdoing.
Executive Order 16-04

• Signed pursuant to the Governor’s constitutional authority to establish and enforce ethical standards above and beyond those already provided by legislation, regulation, or contract.

• Directed the Department of Central Management Services to implement a Code of Personal Conduct for all State employees.

• CMS filed the Code, pursuant to EO 16-04 and Section 5-5(b) of the Ethics Act, with the Executive Ethics Commission.

Applicability

• Applies to State Employees in State Agencies:
  ➢ All officers;
  ➢ Employees (full-time, part-time, and contractual);
  ➢ Appointees (paid and unpaid); and
  ➢ Persons holding similar positions in a State Agency.

A State Agency is any office, department, agency, board, commission, or authority of the Executive Branch, under the jurisdiction of the Governor.

Applicability

• Nothing in the Code of Personal Conduct prohibits State Agencies from adopting policies or rules of personal conduct more restrictive than those set forth in the Code.

• When there is a conflict between any State Agency policy and the Code, the more restrictive policy controls.
“Character is like a tree and reputation its shadow. The shadow is what we think it is and the tree is the real thing.”

– Abraham Lincoln

PRINCIPLES OF PUBLIC SERVICE

(1) Public service is a trust, not to be abused for private gain.

- State Employees must not:
  - Use their public employment for private gain;
  - Engage in outside employment or activities in conflict with official State duties and responsibilities; nor
  - Seek or negotiate for employment in conflict with their official State duties and responsibilities.

- State Employees must:
  - Comply with the gift ban (Ethics Act and EO 15-09);
  - Safeguard nonpublic State information; and
  - Take appropriate action to identify, disclose, and avoid potential conflicts of interest.
(2) Public service requires honest and impartial performance.

- State Employees must put forth honest effort in the performance of their duties.
- State employees may not give improper preferential treatment to any private organization or individual.

(3) Public servants protect taxpayer resources.

- State Employees may not make any unauthorized commitments or promises purporting to bind the State.
- They must protect and conserve State property and not use it for other than authorized activities.
- They must disclose waste, fraud, abuse and corruption to the appropriate authorities.

(4) Public servants are good citizens.

- State employees should avoid actions that create the appearance of a violation of law or the Code’s ethical standards.
- They must satisfy all personal financial obligations to the State and comply with all requirements of government taxing authority.
(5) Public service must be an equal opportunity for all.

- State employees must adhere to all laws and regulations that provide equal opportunity for all.

- They should not engage in any unlawful discrimination, harassment, intimidation or retaliation in any employment practice based on race, color, national origin, religion, age, sex, marital status, disability, ancestry, sexual orientation, military service, political affiliation, or any other protected status or non-merit based factor.

“The larger crimes are apt to be the simpler, for the bigger the crime, the more obvious, as a rule, is the motive.”

- Arthur Conan Doyle

Unethical Conduct
Specific Instances of Unethical Conduct

• Applicable to all State Employees when on State-compensated time, on State property, or carrying out official duties

• Applicable when there is a nexus between the State Employee’s off-duty conduct and her official duties.

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Disruptive Conduct

➢ A State Employee may not (a) engage in disruptive conduct or activities or horseplay that interrupts work or impedes the work of others, or (b) use abusive or offensive language, gestures, or similar conduct.

Unsatisfactory Work Performance

➢ While on duty, a State Employee should dedicate her effort to the performance of assigned work and other job responsibilities. A State Employee (a) will perform all work duties assigned to her, (b) will not perform any work duties in a negligent manner that results in a material delay or material financial loss to the State, and (c) will not engage in willful idleness while on the job.

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Breach of Confidentiality

➢ State employees must take reasonable measures to protect confidential information;
➢ May not knowingly fail to safeguard confidential information;
➢ May not take actions that result in a breach of confidential information; and
➢ May not violate confidentiality requirements inherent to State Employee’s position or her agency’s mission.

Misuse or Abuse of State Property

➢ State property should be used for official purposes, except for de minimis personal use.
➢ State property should not be used for personal benefit or political gain.

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• Threatening Words or Actions and Fighting:
  ➢ A State Employee who witnesses, is a victim of, or becomes aware of any threatening words or actions or fighting must immediately report the incident to his or her supervisor or to the appropriate law enforcement entity in accordance with Executive Order 2016-04. Subject to applicable law and any contrary instructions by law enforcement, the State Employee will be required to submit a written statement regarding the incident.

• Discriminatory Personnel Action
  ➢ State employees may not discriminate against another State Employee on any basis in violation of law through any adverse employment or personnel action.
  ➢ Supervisors may not fail to prevent or curtail unlawful discrimination of a subordinate when, as a supervisor, the State Employee knew or should have known that discrimination was occurring.

• Retaliation
  ➢ In addition to the Whistleblower Act and the Ethics Act, and not in conflict with either, a State Employee may not retaliate against another State Employee for filing a complaint, providing information to an investigator, or testifying in an official proceeding.
  ➢ A State Employee may not intentionally interfere with a State employee’s right to grieve or file a complaint through established procedures.

• Other:
  ➢ Insubordination
  ➢ Stealing
  ➢ Conduct Unbecoming of a State Employee
  ➢ Conduct Unbecoming of a Supervisor
  ➢ Interference with or Obstruction of an Investigation
  ➢ False Statement
  ➢ Unlawful Job Action
  ➢ Sexual Harassment
  ➢ Unauthorized on the Job Use of Alcohol, Drugs, or Controlled Substances
  ➢ Health and Safety Violation
Discipline

- State Employee conduct in violation of the Code may result in discipline, up to and including discharge.

- Any State employee who knowingly violates the Code of Personal Conduct, with the intent to defraud the State, has violated the State Employees and Officials Ethics Act, and are subject to disciplinary action under the Act.

“A problem’s worst nightmare is a solution. Be the solution!”

- Eugene Field, Jr.

Ethics Officers and the Code

- The Code of Personal Conduct tethers State Employee actions to the principles of public service in Illinois.

- The Code clarifies, compiles, and fills in gaps in our understanding of ethical conduct.

- The Code is an important piece of our teambuilding efforts through TEAM Illinois.
Ethics Officers and the Code

- A lot of the Code should sound familiar!
  - How should State Employees treat each other?
  - How should supervisors treat subordinates?
  - How should State Employees treat taxpayer and citizen resources?

- A new and important tool in your toolkit
  - Shorthand for many core ethics principles spread across various statutes and regulations
  - Helpful catchalls – easy-to-understand standards you can share with your colleagues

Questions?