Note: This training course has been developed in accordance with the requirements of the State Officials and Employees Ethics Act (5 ILCS 430/5-10). It has been developed for this purpose under the direction of the Office of Executive Inspector General for the Agencies of the Illinois Governor ("the OEIG"). Not for use by other than State of Illinois employees, appointees, or officials without the express prior consent of the OEIG.

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Introduction and General Principles

As an employee of the State of Illinois, you are subject to various laws, rules, and policies, some of which apply to all individuals who work for the state and some of which may be particular to your agency. Some of these, including the State Officials and Employees Ethics Act (Ethics Act), 5 ILCS 430 et seq., are intended to ensure that the functions of state government are conducted with fairness, honesty, and integrity. This, in part, is what it means to follow the principles of ethics.

To act ethically, you must use state-provided resources in the most productive and efficient way possible and, generally, only for the work of state government. You must avoid placing your personal or financial interests above those of the state. If you have knowledge of conduct by a state employee, appointee, or official, or by a person who does business with the state that is either unethical or unlawful, you have an obligation to notify the appropriate authorities.

It is your responsibility to become familiar with and obey the laws, rules, policies, and regulations that apply to you. If you have a question about either the legality or ethics of a matter related to state government, you may discuss the question with the ethics officer for your state agency.

Ethics Officers

Each state agency is required to designate an ethics officer. Ethics officers:

- act as liaisons between their state agencies and the appropriate Office of Executive Inspector General and the Executive Ethics Commission;
- review employees’ statements of economic interests before they are filed with the Secretary of State (these statements will be discussed later in this training); and
- provide guidance to state employees in the interpretation and implementation of the Ethics Act.

For a list of ethics officers for entities under the jurisdiction of the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG), visit its website at: http://www.inspectorgeneral.illinois.gov.

Executive Ethics Commission

(www2.illinois.gov/eecc)

Established in 2004, the Executive Ethics Commission (EEC), in conjunction with the executive inspectors general and the attorney general, is responsible for the oversight of, compliance, implementation, and enforcement of the Ethics Act. The EEC consists of nine commissioners, appointed on a bipartisan basis, and it exercises jurisdiction over all officers, appointees, and employees of state agencies under the six elected executive branch constitutional officers of the state, as well as the nine state public universities. It also has jurisdiction over the four regional transit boards, i.e., RTA, CTA, Metra, and Pace.
The EEC promulgates regulations governing investigations by the OEIG, prepares public information materials to facilitate compliance with ethics laws, provides guidance to ethics officers, reviews reports of activity from executive inspectors general and reports of ex parte communications from ethics officers, oversees employee ethics training, and conducts administrative hearings related to alleged violations of the Ethics Act. For additional information about the EEC, visit its website at: http://www2.illinois.gov/eec.

Office of Executive Inspector General
(www.inspectorgeneral.illinois.gov)

Established in 2003, the OEIG is an independent state agency. Its primary function is to investigate fraud, waste, abuse, and violations of the Ethics Act and other laws, rules, and policies in governmental entities. The OEIG investigates allegations of misconduct by the employees, appointees, and elected officials under its jurisdiction. The OEIG also has responsibility for investigating alleged violations by those doing business with entities under its jurisdiction.

The OEIG’s jurisdiction includes:

- the Governor;
- the Lieutenant Governor;
- the board members and employees of, and vendors and others doing business with, the regional transit boards (i.e., RTA, CTA, Metra, and Pace);
- the board members and employees of, and vendors and others doing business with, the state public universities; and
- all employees of, and vendors and others doing business with, state agencies and departments of the executive branch of state government, except for those agencies under the jurisdiction of other executive branch constitutional officers, specifically the Attorney General, Comptroller, Treasurer, and Secretary of State. Other inspectors general have jurisdiction over the four executive branch constitutional officers not under the OEIG’s jurisdiction, and the state legislature.

To file a complaint with the OEIG, please use one of the following means:

- call 866.814.1113;
- fax 312.814.5479;
- TTY 888.261.2734;
- log in to www.inspectorgeneral.illinois.gov and click on “complaints”; or
- mail your complaint to one of the OEIG offices:

  OEIG
  69 West Washington, Suite 3400
  Chicago, Illinois 60602

  OEIG
  607 East Adams, 14th Floor
  Springfield, Illinois 62701

For additional information about the OEIG, visit its website at: http://www.inspectorgeneral.illinois.gov.
Ethics Training  
(Ethics Act, Section 5-10)

“In recent years, she was required to take annual ethics training that covered issues related to prohibited political activity. She should have known better.” (EEC decision #11-EEC-005)

– These are words from an EEC decision, wherein the former executive director of the Illinois Board of Higher Education was fined $4,000 for violating the Ethics Act. They reinforce the importance of carefully reading and understanding the information contained in ethics training materials. As a state employee, you are responsible for learning the content of these materials.

The Ethics Act (5 ILCS 430/5-10) requires state employees to complete, at least annually, an ethics training program conducted by their state agencies. It also requires new employees to complete ethics training within 30 days of the commencement of employment or appointment. This training program is intended to allow you to meet your obligation to comply with those requirements.

It is the responsibility of each state agency to conduct ethics training and to report to the appropriate ultimate jurisdictional authority regarding those individuals who have or have not completed training.

Personnel Policies  
(Ethics Act, Section 5-5)

“[A]t minimum the evidence obtained in this investigation shows that [state employee] regularly failed to keep accurate timesheets and thus violated CDB policy.” (OEIG Case #16-00760)

– These are words from a publicly disclosed OEIG investigative report explaining how a Capital Development Board employee violated agency procedures by failing to accurately document the time he worked on state business.

State employees must follow practices that comply with personnel policies set forth by the Office of the Governor and their agencies. By law, these policies must include elements related to:

- work time requirements;
- documenting time worked to the nearest quarter hour;
- documenting reimbursement for travel on official state business;
- compensation;
- earning and accrual of state benefits for those eligible for benefits; and
- prohibiting sexual harassment.
Time Sheets
(Ethics Act, Section 5-5)

“DCFS contractual employee ... failed to provide accurate time records and invoices, when on multiple dates... he billed the State for time when he was not performing State duties...” (OEIG Case #15-02309)

– These are words from a publicly released OEIG investigative report. The OEIG found that a former DCFS employee, among other forms of misconduct, violated the agency’s timekeeping policy. The employee’s employment contract was terminated.

The law requires your agency to have a policy requiring you to periodically submit time sheets documenting the time spent each day on official state business to the nearest quarter hour. As a state employee, you are expected to accurately report the hours that you work for the state, on a timely basis, in a format directed by your state agency.

Hiring and Employment Practices
(Shakman, et al., v. Democratic Organization of Cook County, et al., Case No. 69 C 2145 (Judgment, 1972); Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990); Administrative Order No. 1 (1990); No. 2 (1990); No. 1 (1991); and No. 2 (2009))

► Ethical Hiring Practices

Most positions in state government must be filled on an objective, merit basis, without regard to an applicant’s political affiliation or support. The overwhelming majority of state employees should be hired and promoted for their skills and abilities and not for who they know or what political connections they have. These positions are commonly referred to as “covered,” “job-protected,” “Personnel Code-protected,” “code-protected,” or “Rutan-covered” positions. Here, we will refer to these positions as job-protected. An employee in a job-protected position can only be fired for cause. All job-protected positions must be posted and filled using a competitive selection process.

Job-protected positions in state government are subject to hiring procedure implemented to comply with a 1990 U.S. Supreme Court decision, Rutan v. Republican Party of Illinois, 497 U.S. 62 (1990), commonly referred to as “Rutan,” and other state and federal case law.

Procedures for making hiring decisions for job-protected positions have been established by the Governor and apply to all agencies, boards, and commissions under the Governor’s jurisdiction. These procedures state that for most hiring decisions:

• any employee or appointee who receives a personnel request, referral, or recommendation for a job-protected position must refer the person making the request, referral, or recommendation to the Illinois Department of Central Management Services (CMS) for disposition;
• grading of applications must be free from all political considerations;
• the creation of lists of eligible candidates for a job-protected position must be done on a blind basis, i.e., without knowledge of the candidates’ identity; and
• job descriptions for job-protected positions must be reviewed and, if necessary, updated prior to posting, to reflect current duties, responsibilities, and requirements.

Furthermore:

• interviewers must make their assessments of candidates based on pre-determined hiring criteria and with uniform questions related to the position’s duties;
• employment decisions must be properly documented, including a written justification for the agency’s employment decision; and
• the agency director or his or her designee must certify that the employment decision was not based on political party affiliation or support (or lack thereof).

Only a limited number of state jobs are exempt from these hiring requirements; these positions may commonly be referred to as “Rutan-exempt,” “Personnel Code-exempt,” “exempt,” or “at-will” positions. Here, we will refer to these positions as at-will. At-will positions are exempt from collective bargaining, the Rutan case, and Personnel Code protection. Employees can be hired into these positions absent a competitive interview process and discharged from these positions without cause.

“[Employee] participated in the interview of someone that she has known for her whole life and with whom she regularly socializes and goes on family vacations. Moreover, [the applicant] had donated money to and engaged in campaign activity in support of her husband’s campaign for [elective office]. Preventing the hiring of individuals for Rutan covered positions based on their support of political candidates is exactly what the Rutan process was designed to prevent.” (OEIG Case #15-01145)

– These are words from a publicly disclosed OEIG investigative report explaining how an Illinois Department of Transportation employee’s personal interest conflicted with her public duty when she improperly participated in an interview and scored an applicant with whom she had a close personal friendship.

► Oversight: OEIG Hiring & Employment Monitoring

The Ethics Act directs the OEIG to review hiring and employment so as to ensure compliance with Rutan and applicable employment laws. As part of its regular investigations, the OEIG reviews misconduct related to hiring and agency hiring practices. In addition, the OEIG has created the Hiring and Employment Monitoring (HEM) Division, which operates independently from its investigation unit, to conduct compliance-based reviews of hiring decisions and recommend changes regarding personnel practices. This may include monitoring all aspects of
certain hiring sequences to ensure compliance with hiring procedures for job-protected positions.

Currently, the OEIG HEM Division is also assisting the Court-appointed Special Master’s Office with its review of at-will positions at all agencies under the Governor’s jurisdiction, as a result of the Shakman Consent Decree (1972) and subsequent litigation.

Q & A

Q. My brother has applied for a job-protected position and I know he’s well qualified. Is it okay for me to put in a good word regarding my brother with the agency staff that are deciding who to interview for this job-protected position?

A. No, decisions about who to interview should be done solely on the basis of application materials and without knowledge of the applicant’s identity. Recommendations like the one described are to have no weight in the hiring process for job-protected positions.

Q. How do I know if a position is job-protected or at-will?

A. The vast majority of state positions are job-protected. Personnel at your agency can help you determine whether a particular position is job-protected or at-will.

Q. What should I do if someone directs me to place someone in a job-protected position on the basis of the job applicant’s political affiliation?

A. Report the matter to your ethics officer or the OEIG. Reports can be made anonymously.

Q. What should I do if an employee I am evaluating does not perform some of the duties listed on his or her job description?

A. Document in the evaluation which duties the employee excels at and the duties the employee does not perform. If the job description is not accurate, it may need to be clarified. You should report the apparent or actual discrepancies to your supervisor, ethics officer, or agency personnel staff.

Q. What should I do if I am not performing the duties in my position description?

A. Report the matter to your supervisor, your agency ethics officer, or the OEIG.

Conflicts of Interest

Many state employees have personal, financial, or business interests, second jobs, or volunteer activities that have the potential to conflict with their official work on behalf of the state.

A conflict of interest occurs when the interests of a state employee are in conflict with the interests of the state. This might occur, for example, when a decision or recommendation that
an employee makes in his or her official position either affects or is affected by his or her personal interests or those of a family member, friend, or associate.

**For Example:**
An employee has a conflict of interest when his secondary employment duties interfere with his state employment duties.

Official actions taken by state employees, such as making a hiring decision or recommendation, approving a license application, or granting a contract, must be in the best interests of the state. State employees’ official actions must not be influenced by their own personal or financial interests, or those of their friends, family members, or associates.

**Do What’s Right!**

**Recommended Best Practice**
In any instance where you believe you may have, or appear to have, a conflict of interest with respect to your state employment, it is your responsibility to immediately take steps to appropriately disclose the potential conflict and take action to remedy it. Disclosure should be made in accordance with any applicable policies of your state agency. In the absence of a relevant policy, disclosure should be made to your supervisor or to your agency’s ethics officer. Every immediate effort should be made either to eliminate the conflict or to recuse yourself from any official business related to the conflict. As a state employee you should be alert to the appearance of conflicts of interest in your official duties.

In certain instances, a state employee’s conflict of interest may violate the law. For example, it would be unlawful for a state employee to provide confidential information about a vendor selection process to a business associate whose company is vying for state business. The use of such insider information to benefit oneself or another person is unlawful under the Illinois Procurement Code (30 ILCS 500/50-50).

Relatedly, certain state employees (along with some of their family members and business associates) may not have or acquire financial interests in state contracts. In addition, a state employee with an offer or contract to work for a vendor at any time in the future may not negotiate with that vendor on behalf of the state. See Sections 50-13 and 50-15 of the Illinois Procurement Code for more details.

There are additional conflict-related rules related to post-state employment opportunities, which are discussed later in this training.
Conflicts of Interest Lesson Review

Scenario #1

Janet is a state employee who is on a team to select vendors for her state agency. While reviewing a list of contract bids, Janet noticed that the company her friend owns has submitted a bid for a contract with her agency.

Should Janet disclose this fact to her state agency?

A. Yes, Janet should inform the team of her friend’s bid and recuse herself from the vendor selection process.

B. No, as long as Janet does not let the relationship with her friend influence her actions, no one needs to know.

C. No, Janet knows that her friend does good work and can use this knowledge to vet the other bidders.

Select the best answer(s) and then compare your response to the explanation below. ¹

Scenario #2

Troy is a state employee who makes decisions concerning the issuance of financial aid to applicants who qualify for state aid.

Troy received an application for aid from a family friend. Is it appropriate for Troy to be involved in the decision concerning aid for the friend?

A. No, Troy should reject the application.

B. Yes, as long as Troy discloses to his supervisor of his friendship with the applicant.

C. No, Troy should not make any decision on his own related to the application and should notify his supervisor to ensure no actual or perceived conflict exists in processing the application.

Select the best answer(s) and then compare your response to the explanation below. ²

¹ The best response to Scenario #1 is A. Janet should notify her agency of the conflict of interest and follow any applicable policies of her state agency in dealing with the matter. State employees are generally advised to recuse themselves from official acts that may present a conflict of interest.

² The best response to Review Scenario #2 is C. Troy should notify his supervisor of the potential conflict of interest and follow any applicable policies of his state agency in dealing with the matter. In most situations involving an official act or decision that will affect a friend, family member, or associate, state employees are generally advised to recuse themselves from the process. That is, they should not participate in any action that will specifically affect a friend, family member, or associate.
Prohibited Political Activities
(Ethics Act, Section 5-15)

“The respondent violated [the Ethics Act]... when she intentionally performed ‘prohibited political activity’ during compensated time, by distributing political flyers to other State employees.” (EEC decision #16-EEC-006)

− These are words from a publicly released EEC decision. The commission levied a $1,000 fine against the respondent for intentionally misappropriating state time and resources to engage in prohibited political activity.

State employees may never intentionally misappropriate state property and resources (such as state-provided telephones, cell phones, photocopiers, email accounts, or computers) for the benefit of any campaign for elective office or any political organization. Also, state employees must not intentionally perform any of the following activities during state-compensated time other than vacation, personal, or compensatory time off:

- Prepare for, organize, or participate in any political meeting, political rally, political demonstration, or other political event.

- Solicit contributions, including, but not limited to, purchasing, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

- Solicit, plan the solicitation of, or prepare any document or report regarding any thing of value intended as a campaign contribution.

- Plan, conduct, or participate in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes, or for or against any referendum question.

- Survey or gather information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes, or for or against any referendum question.

For example, it is unlawful for state employees, during their workday, to call potential voters on behalf of a candidate to find out how they might vote in an upcoming election.

- Assist at the polls on election day on behalf of any political organization, candidate for elective office, or for or against any referendum question.
• Solicit votes on behalf of a candidate for elective office or a political organization, or for or against any referendum question, or help in an effort to get voters to the polls.

• Initiate for circulation, prepare, circulate, review, or file a petition on behalf of a candidate for elective office or for or against any referendum question.

• Make a contribution on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

• Prepare or review responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.

• Distribute, prepare for distribution, or mail campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

• Campaign for an elective office or for or against any referendum question.

• Manage or work on a campaign for elective office or for or against any referendum question.

For example, it is unlawful for state employees to use state-provided telephones, even during an uncompensated lunch period or before or after their normal work hours, to work on someone’s campaign for elective office.

• Serve as a delegate, alternate, or proxy to a political party convention.

• Participate in any recount or challenge to the outcome of any election.

Lastly, state employees may not be compelled to perform any of the above-listed political activities at any time.

For the most part, the law allows state employees to engage in political activity only on their own time and with their own resources. However, even when these conditions are met, there are exceptions. For example, certain public employees may never solicit certain people or businesses for campaign contributions, if the employee’s duties include regulatory oversight of the person or business who is solicited.

**Do What's Right!**

**Recommended Best Practice**

In some instances, state agency policies or the law may more severely restrict the political activities of certain state employees, including those activities that may take place outside of the time during which those employees work for the state. Check your agency’s policies to ensure that you comply with them.
Political Contributions on State Property
(Ethics Act, Section 5-35)

As a state employee, you may not intentionally solicit, accept, offer, or make political campaign contributions on state property. These prohibitions also apply to public officials, candidates for elective office, persons required to register under the Lobbyist Registration Act, or any officers, employees, or agents of any political organization.

“State property” means any building or portion thereof that is owned or exclusively leased by the state. “State property” does not include any building or portion thereof that is leased to another entity.

Prohibited Political Activities Lesson Review

Scenario #3

Samantha and Dustin, both state employees, are having a discussion while on a compensated work break in their state office, which is leased by their state agency. During their conversation, Samantha asks Dustin to make a contribution to a political action committee. Dustin declines the request.

Does Samantha’s request violate the Ethics Act?

A. No, because Samantha was on break when she asked for the political contribution.

B. No, since Dustin declined to make a contribution, Samantha’s solicitation can be overlooked.

C. Yes, state employees may not intentionally solicit, accept, offer, or make political campaign contributions on state property.

Select the best answer(s) and then compare your response to the explanation below. 3

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3 The best response to Scenario #3 is C. State employees may not intentionally solicit, accept, offer, or make political campaign contributions on state property at any time. Furthermore, state employees may not engage in prohibited political activities, including soliciting campaign contributions, during compensated time (other than vacation, personal, or compensatory time off). The fact that Dustin declined Samantha’s solicitation does not mitigate Samantha’s unlawful act.
Scenario #4

Emily works for a state agency. Outside of her work hours, Emily often volunteers for the political campaigns of various candidates for elective office.

Is it okay for Emily to prepare a political campaign press release during her lunch period using her state computer?

A. Yes, if Emily gets permission from her supervisor.

B. No, since the Ethics Act prohibits state employees from misappropriating state property or resources to engage in a prohibited political activity.

C. Yes, it’s okay since Emily will be “off the clock” during her lunch hour.

Select the best answer(s) and then compare your response to the explanation below.

Prohibited Offer or Promise
(Ethics Act, Section 5-30)

A state employee, appointee, or official may not promise anything of value related to state government in consideration for a contribution to a political committee, political party, or other entity that has as one of its purposes the financial support of a candidate for elective office.

If another state employee or official asks or directs you to make a prohibited offer or promise, you have a duty to report it to your ethics officer or the OEIG.

In the context of a prohibited offer or promise related to a political contribution, anything of value includes, but is not limited to:

- positions in state government;
- promotions or salary increases;
- other employment benefits, including, but not limited to, modified compensation or benefit terms; compensated time off; change of title, job duties, or location of office or employment; or favorable treatment in determining whether to bring any disciplinary action or favorable treatment during the course of any disciplinary or similar action or other performance review;
- favorable treatment in any official or regulatory matter;
- the award of any public contract; and
- action or inaction on any legislative or regulatory matter.

The best response to Scenario #4 is B. State employees are prohibited from misappropriating state property or resources to engage in a prohibited political activity at all times. Furthermore, no one may relieve you of your obligation to comply with the law.
For Example:
It is unlawful for a state employee, appointee, or official to offer a state job, an appointment to a state board, an action by a state agency, or the award of a state contract, in exchange for a political campaign contribution.

Prohibited Public Service Announcements and Other Promotional Material
(Ethics Act, Section 5-20)

The Ethics Act prohibits any public service announcements or advertisements on behalf of any state administered program that contain the proper name, image, or voice of any executive branch constitutional officer or member of the General Assembly from being broadcast or aired on radio or television, printed in a commercial newspaper or commercial magazine, or displayed on a billboard or electronic message board at any time.

Furthermore, the proper name or image of any executive branch constitutional officer or member of the General Assembly may not appear on any bumper stickers, commercial billboards, lapel pins, buttons, magnets, stickers, or other similar promotional items that are not in furtherance of the person’s official state duties or governmental and public functions, if designed, paid for, prepared, or distributed using public funds.

Ban on Gifts from Prohibited Sources
(Ethics Act, Sections 10-10, 10-15, 10-30, and 10-40; Executive Order 15-09)

“Respondent violated the gift ban in the Ethics Act when she intentionally accepted roundtrip airfare... in the amount of $2,845.80, ... from [a prohibited source].” (EEC decision #16-EEC-005)

− These are words from an EEC decision explaining why an IDOT employee was fined $1,000 for intentionally accepting a gift from a prohibited source.

Generally, as a state employee, you should not ask for or accept anything of value (other than compensation or reimbursement you receive from the state) in relation to your position with the state. Asking for or accepting a gift may be illegal under the Ethics Act, or prohibited by your state agency’s policies. In some instances, state agency policies may be more restrictive than the Ethics Act’s gift ban. Furthermore, anything of value, if offered to you in exchange for an official act, may be considered a bribe.

Under the Ethics Act, state employees may not intentionally solicit or accept gifts from certain individuals or entities defined by law as a “prohibited source,” nor may they accept gifts in violation of any federal or state statute, rule, or regulation. It is also unlawful for state employees’ spouses or immediate family members living with them to intentionally solicit or accept a gift from a prohibited source.
Examples of gifts possibly prohibited by the Ethics Act include, among other things, tickets to sporting events, hospitality, specially discounted merchandise or services, entertainment, loans, reimbursement of travel expenses, gratuities, cash, food, drink, and honoraria for speaking engagements, if offered by a prohibited source.

Prohibited sources include a person or entity that:

- seeks official action by the state employee or by the constitutional officer, state agency, or other employee directing the employee;
- does business or seeks to do business with the employee or with the constitutional officer, state agency, or other employee directing the employee;
- conducts activities that are regulated by the employee or by the constitutional officer, state agency, or other employee directing the employee;
- has interests that may be substantially affected by the performance or non-performance of the official duties of the state employee;
- is a registered lobbyist under the Lobbyist Registration Act; or
- is an agent of, a spouse of, or an immediate family member who is living with a prohibited source.

Under the Ethics Act, there are a limited number of specific circumstances under which you may lawfully accept certain items of value from a prohibited source. These exceptions are designed to cover incidental gifts, and do not in any way condone or excuse small payments in connection with official acts. The list of exceptions to the gift ban is limited to:

- opportunities, benefits, and services available to the general public on the same conditions;
- anything for which a state employee pays market value;
- a lawful contribution under the Election Code or activities associated with a fundraising event in support of a political organization or candidate;
- educational materials and missions (as further defined below *);
- travel expenses for a meeting to discuss state business (as further defined below **);
- a gift from a relative;
- anything provided by an individual on the basis of personal friendship, unless the employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the employee and not because of the personal friendship;
- food or refreshments that do not exceed $75 per calendar day;
- food, refreshments, lodging, transportation and other benefits resulting from outside business or employment activities, if the benefits are customarily provided to others in similar circumstances and are not offered because of the recipient’s official position;
- intra-governmental or inter-governmental gifts (e.g., gifts between agency employees or between government employees);
- bequests, inheritances, and other transfers at death; and
- any item or items from any one prohibited source during any calendar year having a cumulative total value of less than $100.
EEC Regulation [2 Ill. Adm. Code 1620.700] states that educational materials and missions are those that have a close connection to the recipient’s state employment or the mission of the agency; predominately benefit the public and not the employee; and are approved by the employee’s ethics officer in advance of the mission or receipt of the materials. If advance approval is not practicable, the missions and materials shall be reported to the ethics officer as soon as practicable and shall contain a detailed explanation of why approval could not be obtained in advance.

EEC Regulation [2 Ill. Adm. Code 1620.700] further states that travel expenses for a meeting to discuss state business are those that have a close connection to the recipient’s state employment; predominately benefit the public and not the employee; are for travel in a style and manner in character with the conduct of state business; and are approved by the employee’s ethics officer in advance of the travel, if practicable. If advance approval is not practicable, the travel shall be reported to the ethics officer as soon as practicable and shall contain a detailed explanation of why approval could not be obtained in advance.

Executive Order 15-09 established more restrictive policies to the gift ban. Under Executive Order 15-09, state employees under the Governor’s jurisdiction may not accept any food or refreshments from a prohibited source outside of de minimis (i.e., minimal) food or refreshments served at a business meeting or reception attended by a state employee in the course of his or her duties. EO 15-09 indicates that the exception for receiving items from any one prohibited source during any calendar year with a cumulative value of less than $100 is not available to state employees. Also, reimbursements for educational missions and travel expenses must be made directly to the state agency, and missions and travel must be approved in advance by the Executive Director of the EEC.

Under the Ethics Act, when a prohibited source offers a gift that does not qualify for an exception under the Act, the employee does not violate the Act if the employee promptly:

- returns the gift to the giver; or
- gives the gift or an amount of equal value to an appropriate charity that is exempt from income tax under Section 501(c)(3) of the Internal Revenue Code of 1986.

Recommended Best Practice
In general, it is recommended that you simply decline anything of value offered to you (other than compensation or reimbursement you may receive from your state agency) in relation to your official duties. Furthermore, you should be mindful of accepting gifts that have the appearance of being improper.
Gift Ban Lesson Review

Scenario #5

Frank, a state employee who inspects businesses subject to his agency’s regulations, is planning a graduation party for his daughter. A company that he inspects for his work has audio equipment that he would like to borrow for his child’s birthday party. Frank would normally have to rent this equipment for several hundred dollars and, therefore, considers this a good way to save some money.

Would asking for the company’s help violate the Ethics Act’s gift ban?

A. Yes, under the Ethics Act, a state employee may not intentionally solicit or accept a gift from a prohibited source.

B. No, because Frank is not personally involved in regulatory decisions affecting this company.

C. No, Frank is only asking the company to loan the audio equipment. A loan is not considered a gift under the Ethics Act.

Select the best answer(s) and then compare your response to the explanation below. 5

Official Misconduct, Bribery, and Solicitation Misconduct
(Criminal Code of 2012, 720 ILCS 5/33)

► Bribery

Among other circumstances, bribery occurs when state employees ask for or accept property or personal advantage, such as money or free services, in exchange for taking or not taking (or influencing someone else to take or not take) an official act. Note that exceptions to the gift ban do not apply to the bribery statute. Any gift, even one that is permitted by the gift ban, may, if intended to influence an official act, constitute a bribe.

► Reporting Bribery

Any state official or employee who is offered a bribe, even if they decline to accept the bribe, must report the attempt to the Illinois State Police. Failure to report a bribe or an offer of a bribe is a Class A misdemeanor.

5 The best response to Scenario #5 is A. A loan, even in this form, is considered a gift under the Ethics Act. Frank’s solicitation of the loan of equipment from a company that is regulated by his agency appears to be a violation of the Ethics Act’s gift ban. None of the twelve exceptions to the gift ban seem to apply to this situation and because the company that Frank has sought the loan from is regulated by his state agency, the company is considered a prohibited source.
Official Misconduct

Public officers or employees, including state employees, commit official misconduct when, in their official capacity, they:

- intentionally or recklessly fail to perform any mandatory duty as required by law;
- knowingly perform an act which they know they are forbidden by law to perform;
- perform an act in excess of their lawful authority with intent to obtain personal advantage for themselves or another; or
- solicit or knowingly accept for the performance of any act, a fee or reward which they know is not authorized by law.

Public officers or employees convicted of violating any of these provisions forfeit their office or employment. In addition, official misconduct is Class 3 felony.

Solicitation Misconduct

If state employees have regulatory authority over a person, such as responsibility to investigate, inspect, license, or enforce regulatory measures related to the person’s business or activity, and they knowingly ask for or receive political campaign contributions from that person, they have committed a form of solicitation misconduct. If convicted of solicitation misconduct, state employees may lose their state jobs, in addition to facing criminal penalties.

Q & A

Q. Is it unlawful for a state employee to request or accept anything of value in exchange for authorizing the award of a state contract to a vendor?

A. Yes, if employees or officials request or accept a bribe, they could face criminal charges. It is also a criminal violation of the law if state employees or officials fail to report a bribe.

Revolving Door (Post-State Employment) Procedures

(Ethics Act, Section 5-45)

The revolving door provisions of the Ethics Act prohibit all public employees, for one year after leaving public service, from accepting employment or compensation from a person or entity, if, during the year prior to leaving public service, the employee participated “personally and substantially” in the award of a contract or contracts, with a cumulative value of $25,000 or more, to the prospective employer, or its parent or subsidiary. The provisions also apply if the state employee or appointee participated personally and substantially in a regulatory or licensing decision directly applicable to the person or entity, or its parent or subsidiary.
Certain public employees whose positions may have the authority to participate personally and substantially in such decisions are required to notify the OEIG about most job offers prior to accepting any offer of employment or compensation.

A small number of high-ranking public officials are prohibited from accepting employment or compensation from any person or entity who is party to certain contracts involving the employee’s state agency or the subject of certain regulatory or licensing decisions involving the state employee’s agency, even if they did not personally and substantially participate in awarding a contract to, or making a regulatory/licensing decision directly applicable to, the person or entity, or its parent or subsidiary.

Requirements and Procedures that Apply to Employees or Appointees Who Have Authority to Participate in Contract, Licensing, or Regulatory Decisions (C List)

If your position has been designated as one that may have authority to participate personally and substantially in the award of state contracts or in regulatory or licensing decisions, you must seek a determination from the OEIG of whether you would be restricted from accepting a job after you leave state service. These employees are on what is known as the C List. You should be instructed in writing by your agency that you are on the C List. The Ethics Act describes these C List requirements in subsection (c) of Section 5-45.

The duty to seek a determination from the OEIG continues for a period of one year immediately after ending your state employment.

Determination Process

To notify the OEIG about a prospective job offer, employees should go to the OEIG’s website and follow the revolving door instructions, which include having both the employee and his/her ethics officer complete certain forms. Within 10 calendar days of receiving the forms from both the employee and the ethics officer, the OEIG will determine if a state employee is restricted from accepting the offer of employment and will notify that employee of the determination.

The OEIG’s determination regarding non-state employment will be based on whether, during the year preceding termination of state employment, the state employee participated personally and substantially in any relevant contract awards or regulatory or licensing decisions directly applying to the prospective employer, or its parent or subsidiary. The OEIG will also examine the effect that the prospective employment may have had on any such awards or decisions.

The OEIG’s determination may be appealed to the EEC by either the affected employee or the Office of the Attorney General no later than 10 calendar days after the date of the determination. The EEC must issue its decision within 10 calendar days. Therefore, the OEIG’s determination is not final until either the time to appeal has expired or until the EEC has made its decision on an appeal.

If you wish to accept an offer of employment or compensation by an individual or business that conducted official state business with you or your state agency, you may discuss the matter with
your ethics officer or private legal counsel to ensure that you comply with the law. If you are not on the H List (described below), you may also seek a determination from the OEIG; indeed, if you are on the C List, you are required to seek a determination.

The EEC has the authority to issue a fine to a state employee who accepts compensation or employment in violation of these provisions, in an amount of up to three times the annual compensation that would have been obtained in violation of the Ethics Act’s revolving door employment prohibitions. C List employees who fail to seek a determination may face a fine of up to $5,000.

► Employment Restrictions for Certain High-Level Employees (H List)

Under the Ethics Act, subsection (h) of Section 5-45, a limited number of state officers, employees, or appointees in certain high-level positions, called H List employees, are strictly prohibited from knowingly accepting employment or receiving compensation or fees for services from certain individuals or entities during a period of one year after the termination of their state positions, regardless of whether they were personally and substantially involved in regulatory or licensing decisions, or in the award of contracts.

These provisions apply to, among others:

- persons whose appointment to office is subject to the advice and consent of the Senate;
- the head of a department, commission, board, etc., or other administrative unit within the government of the state;
- chief procurement officers, state purchasing officers, and their designees whose duties are directly related to state procurement;
- chiefs of staff, deputy chiefs of staff, associate chiefs of staff, assistant chiefs of staff, and deputy governors;
- members of a commission or board created by the Illinois Constitution; and
- executive branch constitutional officers.

Persons in the aforementioned positions may not accept employment, compensation, or fees during a one year period after the termination of their state employment, from a person or entity, if the person or entity, or its parent or subsidiary, during the year immediately preceding termination of state employment, was:

- a party to a state contract or contracts with a cumulative value of $25,000 or more involving the employee’s agency; or
- subject to a regulatory or licensing decision involving the employee’s agency.

There is no determination process through the OEIG for people on the H List. If H List employees have questions about prospective job offers, they may contact their ethics officer for guidance.

If you are not on either the C List or H List, you may also seek a determination from the OEIG about the prospective employment offer.
► Additional Revolving Door Provisions in the Procurement Code

In addition to the provisions of the Ethics Act, certain state employees whose principal duties for at least six months are directly related to state procurement are expressly prohibited from engaging in any procurement activity on behalf of a post-state employer relating to the state agency most recently employing them. This prohibition extends for two years after leaving the state agency. Relatedly, a state employee with an offer or contract to work for a vendor at any time in the future may not negotiate with that vendor on behalf of the state. See Sections 50-15 and 50-30 of the Procurement Code for more details.

► Additional Revolving Door Restrictions Instituted by Executive Order

Under the terms of Executive Order 15-09, state employees under the Governor’s jurisdiction are prohibited from (1) negotiating post-state employment with an entity that lobbies their agency while the employee is working for the state and (2) accepting employment for lobbying executive branch agencies for one year after leaving their state position. These restrictions apply to all state employees under the Governor’s jurisdiction regardless of whether they are involved in licensing or regulatory decisions or the award of state contracts.

Revolving Door Lesson Review

Scenario #6

Monica performs inspections as a state employee. She has been told that she is on the agency’s C List and is subject to revolving door employment restrictions and notification requirements.

Monica has been offered a job by her in-laws at their family-owned company. Her agency does not inspect this business. Which of the following statements are true?

A. Monica is strictly prohibited from accepting all employment offers from any business that has ever been inspected by her state agency.

B. Monica must notify the OEIG regarding the employment offer and obtain its determination before accepting the offer.

C. Monica must notify the OEIG only if she believes she participated personally and substantially in a licensing or regulatory decision affecting the business that has offered her employment.

Select the best answer(s) and then compare your response to the explanation below.  

6 The best response to Scenario #6 is B. State employees like Monica who are subject to revolving door restrictions and notification requirements are not necessarily prohibited from accepting an employment offer from a business that has ever been inspected by her state agency. However, if the employee believes she participated personally and substantially in a licensing or regulatory decision affecting the business, she must notify the OEIG regarding the employment offer and obtain its determination before accepting the offer.
Whistle Blower Protection
(Ethics Act, Article 15, and Whistleblower Act, 740 ILCS 174)

State employees may be reluctant to report violations of the law, rules, or regulations out of fear that those affected by their report will do something to harm them or their careers. Such retaliation is against the law.

Under the Ethics Act, an officer, state employee, or state agency may not lawfully take any retaliatory action against a state employee for:

- disclosing or threatening to disclose to a supervisor or to a public body an activity, policy, or practice of any executive or legislative branch constitutional officer, member of the General Assembly, state agency, or other state employee that the state employee reasonably believes is in violation of a law, rule, or regulation;
- providing information or testifying before any public body about any violation of a law, rule, or regulation by any executive or legislative branch constitutional officer, member of the General Assembly, state agency, or other state employee; or
- assisting or participating in a proceeding to enforce the Ethics Act.

Retaliatory action means the reprimand, discharge, suspension, denial of promotion, demotion, transfer, or change in the terms or conditions of the state employee’s employment, taken in retaliation for a state employee’s involvement in a protected activity.

Whistle blower protections do not prohibit a state employee from being disciplined for matters unrelated to the above-listed protected activities. For example, a state employee who discloses an unlawful act of another state employee may still be disciplined for failing to complete a required work assignment. Such discipline is allowable if it is demonstrated that the discipline (in this example, for failing to complete a work assignment) would have been imposed in the absence of the employee’s disclosure of the unlawful act.

In addition to the Ethics Act, protections are available to any employee under the Illinois Whistleblower Act (740 ILCS 174). Under both the Ethics Act and Whistleblower Act, it is generally unlawful for any employer to retaliate or threaten retaliation for an employee’s disclosure of information to a government or law enforcement agency if the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation.

If an employer retaliates against an employee in violation of these laws, the employee may bring a civil action in court against the employer that may result in:

- reinstatement of employment and seniority rights;
- back pay, with interest; and

offer. However, Monica must notify and seek a determination from the OEIG prior to accepting any non-state employment if she contemplates leaving state employment.
• compensation for any damages including litigation costs, expert witness fees, and reasonable attorney fees.

In addition, under the Ethics Act, any employee who commits retaliation in violation of the Act may be subject to discipline or discharge by his or her state agency, as well as potential administrative action by the EEC for violating the Ethics Act.

For Example:
• A supervisor working at a state agency may not seek to terminate a state employee solely because that employee filed a complaint with the OEIG about the supervisor.

Reporting Violations of Law, Regulation, or Policy
(Executive Order 16-04)

If you witness misconduct or have evidence of it, you should report it to the proper authorities. Executive Order 16-04 requires employees under the jurisdiction of the Governor to report alleged misconduct to their ethics officers and/or the OEIG. Executive Order 16-04 also requires ethics officers to promptly notify the OEIG of any allegations of misconduct after receiving such information.

To report a non-emergency violation of law, regulation, or policy, you should contact your ethics officer or the OEIG via its toll-free hotline at 866-814-1113. Reports of alleged violations may also be submitted to the OEIG via the internet at: http://www.inspectorgeneral.illinois.gov. For those who require it, the OEIG may also be contacted toll-free via a telecommunications device for the deaf (TDD) at 888-261-2734.

Alleged violations may be reported to the OEIG anonymously. However, when filing an anonymous complaint, please ensure that there is sufficient detail concerning the allegations for an investigation to be initiated.

In the event of an emergency situation, for example, involving the illegal possession or use of a weapon, you should contact the Illinois State Police or other law enforcement agency that can provide the fastest response (for example, by dialing “911”).

Rights and Responsibilities during Investigations
(Ethics Act, Section 20-70; 2 Ill. Admin. Code, Section 1620.300; and Executive Order 16-04)

“Respondent violated Section 50-5(e) of the Ethics Act when he intentionally obstructed or interfered with an investigation of the EIG, pursuant to the Ethics Act, by answering falsely several questions during interviews and in written submissions to the EIG thereafter.” (EEC decision #18-EEC-005)
State employees who become involved in an OEIG investigation have both rights and responsibilities. As a state employee, pursuant to the Ethics Act, you have an obligation to cooperate in such investigations. You must participate in interviews as requested, tell the truth, and not withhold information. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements, and is grounds for disciplinary action, including dismissal, and may also include a fine levied by the EEC.

In the course of an investigation, investigators may request information from any person when the information is deemed necessary for the investigation. The OEIG may issue subpoenas to compel the attendance of witnesses and the production of documents and other items for inspection and copying.

The OEIG may compel any state employee to truthfully answer questions concerning any matter related to the investigation. If the OEIG has compelled the interview, no statement or other evidence therefrom may be used against the employee in any subsequent criminal prosecution, unless the employee consents.

Requests for production or viewing of documents or physical objects under state agency control must be made in writing by the OEIG. If the recipient of such a request believes that the release of the subject matter of the request might violate existing rights under state or federal law, the recipient has the right to seek a determination from the EEC relative to such rights or protections.

As a state employee, you have various additional rights during investigations, including but not limited to those resulting from EEC rules (2 Ill. Admin. Code, Section 1620.300), which specify:

- If investigators reasonably believe an employee who is the subject of the investigative interview will likely face discipline, the investigators must notify the interviewee whether the underlying investigation is criminal or administrative in nature.
- If the underlying investigation is administrative in nature, the interviewee must be presented a form that outlines the interviewee's rights during the interview, including the right to presence of a union representative or coworker uninvolved in the investigation.
- If the underlying investigation is criminal in nature, the interviewee must be presented a form that outlines the interviewee's rights during the interview, including the right to the presence of an attorney, union representative or coworker uninvolved in the investigation.

It is the policy of the OEIG that its investigators will present the interviewee with a form outlining the interviewee’s rights unless OEIG investigators reasonably believe at the time of an interview that there are no circumstances under which an interviewee will likely face discipline or adverse action.
The OEIG will not infringe upon a state employee’s right to seek advice from their ethics officer on the interpretation and implementation of the Ethics Act, or to seek advice from private legal counsel.

The full text of the regulations governing OEIG investigations may be found at the EEC’s website: http://www2.illinois.gov/eec.

Memorializing Communications

Several statutes, including the Procurement Code and the Ethics Act, require state employees under certain circumstances to create records of communications they may receive. Generally, these laws aim to ensure transparency and fairness in regulatory, quasi-judicial, procurement, and other matters, by ensuring that all interested parties are aware of relevant communications between the agency and other interested parties.


The State of Illinois spends literally billions of dollars each year through the procurement process. In order to ensure that the State of Illinois gets the best value for its money, laws require state employees to take certain steps to protect the integrity of the procurement process. These laws require state employees who may have authority to participate personally and substantially in the decision to award a state contract to memorialize certain communications.

Any state employees who may have authority to participate in contract award decisions, who receive certain communications about an active procurement matter, including contract awards, change orders, and contract renewals or extensions, must ensure that the communication is included in the official record of the award decision or documented in any other way proscribed by the relevant laws.

Communications must be recorded and reported to the Procurement Policy Board if the communication imparts or requests material information (such as information about price, quantity, terms of payment, or performance) or makes a material argument; if it is in regards to a potential action; if it is related to an active procurement; AND if it is not otherwise excluded.

The employee should memorialize any communication, whether by phone call, email, letter, in-person conversation, or otherwise. The report of the communication must include, among other things, the name of the party that made the communication, the date, time, and duration of the communication, the method of communicating, and a summary of the substantive content of the communication. See 30 ILCS 50/39(b) for further details of what is needed in a report.

In some instances, for example if the communication is made by a lobbyist, the state employee should attempt to obtain documentation from the person who initiated the communication to memorialize the communication. But even after receiving that documentation, the employee is still required to create his/her own written report. These reports should be filed with the Procurement Policy Board. See 2 Ill. Admin. Code, Section 3002.1400(b).
If any of the communications described above are made in the course of a formal public hearing; are privileged, protected, or confidential by law; or are about general procedural steps, like the format or number of copies to be submitted, they do not need to be recorded or reported. The Illinois Procurement Code lists additional exceptions to these reporting requirements.

Any state employee, whether he or she has authority to participate in procurement or not, who suspects collusion or other anticompetitive practice among any bidders, offerors, contractors or state employees, must report those suspicions to the OEIG, Attorney General, and the Chief Procurement Officer. See 30 ILCS 50/40.

Certain state employees who willfully use details of procurement matters to compromise the fairness or integrity of the procurement process may be subject to dismissal, regardless of the Personnel Code or any collective bargaining agreement, and may also be subject to criminal prosecution. See 30 ILCS 50/45.

► Ex Parte Communications in Rulemaking (Administrative Procedure Act, 5 ILCS 100/5-165)

Just as state law requires employees at all agencies who are involved in procurement to memorialize certain communications, state law also requires employees at all agencies who are involved in rulemaking to memorialize certain conversations. Under the Illinois Administrative Procedure Act, an ex parte communication is defined as any written or oral communication by any person, during the rulemaking period, that provides or requests information of a material nature or makes a material argument regarding potential action concerning a state agency’s general, emergency, or peremptory rulemaking that is communicated to the head of the agency or an employee of the agency and is:

- not made in a public forum;
- not a statement limited to matters of procedure and practice; and
- not a statement made by a state employee to fellow employees of the same board or agency.

An ex parte communication that is received by any agency, its head, or its employee must be immediately reported to the agency’s ethics officer. The ethics officer must require that the communication be made a part of the record for the rulemaking proceeding and must promptly file the communication with the EEC. These requirements under the Illinois Administrative Procedure Act apply to all state agencies.

If you have any questions concerning whether or not a communication is subject to these ex parte rules, you may seek the advice of your ethics officer.

► Ex Parte Communications in Regulatory, Quasi-Adjudicatory, Investment, and Licensing Matters (Ethics Act, Section 5-50; 2 Ill. Admin. Code, Section 1620.820)

In addition to the Illinois Administrative Procedure Act, the Ethics Act sets forth additional ex parte communication rules that apply only to certain entities, listed below, that have particular
roles in regulatory, quasi-adjudicatory, investment, and licensing matters. These provisions apply to communications received by employees of these entities that are made by any person that imparts or requests information of a material nature or makes a material argument concerning regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by those entities. A list of relevant agencies is found below.

State agencies covered by ex parte communications rules for regulatory, quasi-adjudicatory, investment, and licensing matters include, among others:

<table>
<thead>
<tr>
<th>Civil Service Commission</th>
<th>Illinois Gaming Board</th>
</tr>
</thead>
<tbody>
<tr>
<td>Court of Claims</td>
<td>Illinois Labor Relations Board</td>
</tr>
<tr>
<td>Department of Financial and Professional Regulation, Divisions of Professional Regulation Banks, and Real Estate, and licensing boards under the Divisions</td>
<td>Illinois Liquor Control Commission</td>
</tr>
<tr>
<td>Department of Insurance</td>
<td>Illinois Purchased Care Review Board</td>
</tr>
<tr>
<td>Department of Public Health and licensing boards under the Department of State Police Merit Board</td>
<td>Illinois Racing Board</td>
</tr>
<tr>
<td>Department of State Police Merit Board</td>
<td>Illinois Workers' Compensation Commission</td>
</tr>
<tr>
<td>Educational Labor Relations Board</td>
<td>Motor Vehicle Review Board</td>
</tr>
<tr>
<td>Executive Ethics Commission</td>
<td>Pollution Control Board</td>
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<tr>
<td>Health Facilities and Services Review Board</td>
<td>Prisoner Review Board</td>
</tr>
<tr>
<td>Illinois Board of Investment</td>
<td>Property Tax Appeal Board</td>
</tr>
<tr>
<td>Illinois Commerce Commission</td>
<td>State Board of Elections</td>
</tr>
<tr>
<td>Illinois Board of Investment</td>
<td>State Employees Retirement System Board of Trustees</td>
</tr>
<tr>
<td>Illinois Commerce Commission</td>
<td>State Universities Retirement System Board of Trustees</td>
</tr>
<tr>
<td>Illinois Gaming Board</td>
<td>Teachers Retirement System Officers Board of Trustees</td>
</tr>
</tbody>
</table>

An ex parte communication from an interested party must be promptly memorialized and made part of the official record. An ex parte communication from anyone else shall be immediately reported to the ethics officer. The ethics officer must promptly require the communication to become a part of the record and will promptly file the communication with the EEC.

Ex parte communications do not need to be specially reported when made at a formal hearing, or in several other specific circumstances described by law.

If you have questions about communications reporting, contact your ethics officer.

**Memorializing Communications Lesson Review**

**Scenario #7**

Shane is a state employee responsible for overseeing a competitive bidding process to select a service provider for his agency. Shane receives a phone call from a bidder asking for general guidance on how to submit its bid (how many copies needed to be submitted and the format of the submittal).

Does Shane need to report this inquiry to anyone?

A. No, since it was a phone request and not a written one.
B. Yes, Shane needs to report it to his agency’s ethics officer.

C. No, since it is not a material communication related to a procurement matter.

Select the best answer(s) and then compare your response to the explanation below.

Disclosure of Economic Interests
(Illinois Governmental Ethics Act, 5 ILCS 420; Executive Order 15-09)

Some state employees are required by law to annually file a statement of economic interests with the Secretary of State. Generally, the requirement to file statements of economic interests applies to, among others, compensated state employees who:

- are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within state government, or who exercise similar authority with state government;
- have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the state in the amount of $5,000 or more;
- have authority for the issuance or promulgation of rules and regulations within areas under the authority of the state;
- have authority for the approval of professional licenses;
- have responsibility with respect to the financial inspection of regulated nongovernmental entities;
- adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration, or decision of any judicial or administrative proceeding within the authority of the state;
- have supervisory responsibility for 20 or more state employees;
- negotiate, assign, authorize, or grant naming rights or sponsorship rights regarding any property or asset of the state, whether real, personal, tangible, or intangible; or
- have responsibility with respect to the procurement of goods and services.

It is the responsibility of the chief administrative officer of each state agency to annually certify to the Secretary of State the names and addresses of those individuals who are required to file a statement. If you are required to file a statement of economic interests, the Secretary of State will notify you on or before April 1 annually. This notification typically includes a form for filing the statement. Your ethics officers should review your completed statement of economic interests before it is submitted to the Secretary of State. The statement must be filed with the Secretary of State by May 1.

7 The best response to Review Scenario #7 is C. In this instance, the vendor’s communication was not material and also falls within a specific exception listed in the Illinois Procurement Code for matters of procedure and practice. The communication thus does not need be recorded or reported regardless of how it was received.
The information required by the statement of economic interests includes, for example, but is not limited to:

- the name and means of ownership that a state employee may have in any entity doing business in the State of Illinois, in which the ownership interest is in excess of $5,000 (including, for example, real estate or stock, but not including a time deposit in a bank nor any debt instrument);
- the name and address of any professional organization in which the state employee is an officer, director, associate, partner, or proprietor from which the state employee derived income in excess of $1,200 during the preceding calendar year;
- the identity (such as, the address or legal description) of any capital asset such as real estate from which a capital gain of $5,000 or more was realized during the preceding year;
- the identity of any compensated lobbyist with whom the state employee maintains a close economic association; and
- the name of any entity doing business in the State of Illinois from which income in excess of $1,200 was derived by the state employee during the preceding calendar year.

Under the terms of Executive Order 15-09, every state employee who is under the Governor’s jurisdiction and who is required to file the statement of economic interests must file a supplemental statement of interests. The supplemental statement is to be filed with the EEC rather than the Secretary of State. The supplemental statement seeks answers to three questions addressing real property leased to the State of Illinois, non-governmental positions and compensation, and litigation involving the State of Illinois.

If you have a question about the statement of economic interests or the supplemental statement of interests, you may seek the advice of your ethics officer.

Truthful Oral and Written Statements

“[Employee] admitted that he falsified his Metra employment application when he indicated that he left [a previous employer] voluntarily.” (OEIG Case #16-01981)

– These are words from a publicly released OEIG investigative report regarding a Metra employee who provided false information on his employment application. The employee was discharged.

It is vital to the integrity of state government that all oral and written statements made by you, in your official capacity as a state employee, be made in what you believe to be an honest and truthful manner. This requirement applies to all means of communications and applies to documents, including, but not limited to:

- time sheets;
- employment or appointment applications;
- statements of economic interests;
• state agency rulings, orders, decisions, findings, etc.; and
• letters, emails, and reports.

Falsifying official documents or making untruthful statements in the conduct of state business is unethical, may violate state policies or law, and may subject a state employee to administrative action up to and including fine and/or termination of state employment, and in some instances may result in criminal prosecution.

Similarly, as noted above, Section 20-70 of the Ethics Act and Executive Order 16-04 require all state employees to cooperate with OEIG investigations. The Ethics Act sets penalties for individuals who intentionally give incomplete or incorrect answers to OEIG questions, such as fines and other administrative action.

**State Agency Policies**

“By taking no action and allowing fraud to persist for three years, [the employee] condoned State benefits fraud in the performance of duties.” (OEIG Case #13-01684)

— The OEIG found that the state employee received and used medical benefits in violation of agency policies. The employee resigned from the state position.

It is important that, as a state employee, you adhere to all applicable rules, including laws or policies that are unique to your state agency. State agency policies may include for example:

• specific time reporting or other personnel-related rules, including, but not limited to, requirements for you to avoid being tardy, strict limitations on your lunch and break periods, and directives to not misuse or abuse state resources by, for example, using state telephones, computers, vehicles, office supplies, or time for other than state business;
• restrictions concerning your solicitation or acceptance of gifts, which may be more stringent than the general gift ban contained within the Ethics Act;
• prohibitions on certain political activities, which may be more restrictive than those prohibitions contained within the Ethics Act;
• rules governing purchasing procedures;
• nepotism;
• hiring practices;
• a code of conduct; and
• restrictions concerning conflicts of interest.

Please be aware that many state laws and rules are applicable to state employees even where their employment is temporary, seasonal, intermittent, or performed under a personal services contract.
It is important that you familiarize yourself with all laws, regulations, and policies which apply to you, and that you abide by them. If necessary, you may ask your supervisor, private legal counsel, agency’s legal counsel, or agency’s ethics officer for guidance concerning those rules that apply to your employment by the state.

Penalties

Penalties for violations of ethics-related laws, rules, and policies by state employees and appointees depend upon the specific circumstances. Penalties may include disciplinary action up to and including termination of employment or appointment. In addition, the EEC may levy administrative fines in the case of violations of the Ethics Act. Illegal acts, such as bribery or official misconduct, may result in referrals to the appropriate authorities for criminal prosecution. Penalties for revolving door violations may include assessments of up to three times a former state employee’s post-state annual compensation.

Ethics Questions or Concerns

State employees and appointees who have questions or concerns about a work-related ethics issue may contact their ethics officer. Under the Ethics Act, ethics officers, among their other duties, provide guidance to state employees, including appointees, in the interpretation and implementation of the Ethics Act, which employees may in good faith rely upon.

Examples of the Ethical Obligations of State Employees

The following are examples of actions or situations implicating various ethical obligations of state employees, appointees, and officials:

1. **Example:** A state supervisor has directed a subordinate to deliver campaign donations to a candidate for elective office on state work time.

   **Ethical Assessment:** The law prohibits any state employee from intentionally misappropriating the time and services of any state employee by requiring that employee to perform any prohibited political activity as part of his or her state duties.

2. **Example:** A state employee regularly uses his state-issued laptop computer to post updates to his personal social media accounts.

   **Ethical Assessment:** It is unethical and possibly a violation of state agency policy to use state resources for other than state business. Excessive personal use of a state computer may result in disciplinary action.

3. **Example:** While making hiring decisions, a state employee ignores her agency’s policies intended to provide preference to military veterans.

   **Ethical Assessment:** Bending or ignoring a state agency’s policies, even in those instances where it does not benefit a state employee, or his/her family member, friend, or business
associate, is both unethical and possibly illegal. Depending on the circumstances, the employee may be subject to disciplinary action or other penalties under the law.

4. **Example:** In order to avoid delaying its approval, a state employee authorized the issuance of a state grant in the absence of his supervisor, knowing that he did not have appropriate authority to do so. The employee did so because he was certain his boss would concur in his decision.

   **Ethical Assessment:** It is unethical and unlawful for state employees to perform official acts, which they know they are not authorized to perform. In certain circumstances, doing so may be considered official misconduct and subject to criminal prosecution.

5. **Example:** A state employee agrees to speed up the processing of an individual’s professional license application because the applicant is a friend of the employee.

   **Ethical Assessment:** This situation represents a conflict of interest for the employee. It is unethical and most likely a violation of agency policy for a state employee to show favoritism to a friend, family member, or associate while performing official duties.

6. **Example:** A former state employee, who was previously notified that her job was on her agency’s revolving door C List, accepts a job offer from a company directly affected by the former employee’s recent regulatory decision.

   **Ethical Assessment:** No former state employee with regulatory or licensing authority may within a period of one year after termination of state employment knowingly accept employment, compensation, or fees from a person or entity if the state employee participated personally and substantially, during the year preceding termination of employment, in a licensing or regulatory decision that directly applies to the person or entity. In addition, C List employees must notify the OEIG and seek a determination before accepting job offers.

7. **Example:** A state employee recommends that a coworker award a state grant to a vendor with whom the employee has a second job.

   **Ethical Assessment:** It is unethical, a conflict of interest, and possibly a violation of the law for a state employee to attempt to influence another state employee’s official actions in order to benefit herself.

8. **Example:** A state employee uses his office computer to send an email to several of his coworkers inviting them to buy tickets to, and work at, a rally in support of a candidate for elective office outside of their state work day.

   **Ethical Assessment:** Although the Ethics Act allows state employees to participate in political activities outside of their work hours or when using vacation, personal, or compensatory time off, state employees may not do so at any time by misappropriating
a state resource, such as using a state-owned computer or email account to, for example, solicit support for a campaign for elective office.

9. **Example:** A state employee uses her state-provided computer to access pornographic images via the internet.

   **Ethical Assessment:** Intentionally accessing such material using state resources or state time is improper and in most instances is specifically prohibited by state agency policies.Violation of such policies may result in disciplinary action, up to and including, termination of state employment, and may, depending upon the circumstances, result in referral of the matter to appropriate authorities for possible criminal prosecution.

10. **Example:** A state contractor offers to buy lunch for a state employee involved in evaluating contract bids.

    **Ethical Assessment:** Under the Ethics Act, a person or entity that does business or seeks to do business with a state agency is considered a prohibited source. The employee may not accept a gift from a prohibited source unless one of the law’s exceptions applies. In certain circumstances, acceptance of a meal offer may be allowable under the Ethics Act; however, acceptance of a meal may (depending on its value, for example) violate state agency policy or other laws and rules, including Executive Order 15-09. When in doubt, it’s best for state employees to simply decline gifts offered to them in relation to their jobs.
Acknowledgement of Participation in:

2019 Ethics Orientation for State of Illinois Employees

I certify that I have carefully read and reviewed the content of, and completed, the 2019 Ethics Orientation for State of Illinois Employees. Furthermore, I certify that I understand that my failure to comply with the laws, rules, policies, and procedures referred to within this training course may result in disciplinary action up to and including termination of state employment/appointment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.

____________________________
Signature

____________________________
Printed Name
(first, middle initial, last)

____________________________
Month and Day of Birth
(for example, July 15)

____________________________
Date

____________________________
State Agency Name
(for example, Illinois Department of Corrections)

____________________________
Work Location
(for example, Dixon Correctional Center)

(To be properly credited for participating in ethics training, please submit this form as directed by your state agency)

January 2019