610 Conduct on The Job

== 610.1 Conflicts of Interest

A conflict of interest will occur when your private interest, usually of a personal, financial, or beneficial nature, conflicts or appears to conflict with your work related duties and responsibilities. Any conduct that would lead a reasonable person, knowing all the circumstances, to a conclusion that you might be biased, is a conflict of interest and, therefore prohibited. Please contact the department's ethics officer if you have a question regarding whether you should or must disqualify yourself from dealing with the matter in question. Here are some guidelines to help avoid conflict of interests:

- Do not accept or agree to accept compensation or consideration, other than your salary from the department, for any services you render in the performance of your job.

- If you, your spouse, child, or parent, or any member of your immediate family, household member, or friend, has a financial or beneficial interest in any entity that transacts business with the department, you should not participate on a private basis, or in your official role, in any transaction by that entity with any governmental body.

- Do not make use of or disclose official information that is not available to the public or provide assistance to any entity that would give it any advantage in its conduct of business with the department.

- Do not imply or allow it to be inferred that you represent the department or state in any situation that is not related to your official duties.

A. Outside Employment or Associations

You must avoid outside employment, business interests, or associations that might be reasonably construed to influence you in the performance of your duties.

You must avoid conflicts of interest that involve your personal business and your job duties and responsibilities with the department. This includes (but is not limited to) contractual and other financial relationships with providers of goods or services to the department and any other outside employment. Conducting outside business on state time and the use of state facilities, staff, commodities, computers, pagers or phones to support outside activities is strictly prohibited.

Attorneys

Public service requires special obligations on the part of governmental attorneys to show that public decision-making is free from both actual conflicts of interest and the appearance of conflicts.

Agency attorneys may not represent individuals or businesses in court or in administrative proceedings before the department or other state agencies. Such representation, even if done during an attorney's free time, creates an unacceptable conflict of interest for that attorney and is prohibited. Attorneys who violate this policy are subject to dismissal.

B. Personal Relationships with Applicants, Persons Receiving Child Support or Medical Services, or Providers

Employees who have personal relationships with applicants, persons receiving child support or medical services, or providers may not engage in department business having any direct or indirect influence over the department's relationship with the applicant, person receiving child support or medical services, or provider in question.

For example, you may not be involved in the authorization of payments to a provider if you or your spouse has a personal or financial interest in the provider.

You may not authorize benefits for a person with whom you or your spouse have a personal relationship.

You may not be involved in the authorization, determination, redetermination or renewal of eligibility of a spouse, relative, household member, or someone for whom you have custodial responsibility, serve as guardian, or with whom you have a close personal relationship.

C. Business Transactions with Persons Receiving Medical or Child Support Services

You may not enter into the following personal business relationships with persons receiving medical or child support services without reporting the situation and obtaining approval as described in Section 610.1 (H):

1. Engage in a direct business relationship with a person receiving medical or child support services,

2. Own or operate a business that has a direct retail relationship with a

person receiving medical or child support services, or

3. Participate in a landlord/tenant relationship with a person receiving medical or child support services.

As soon as you believe that you are in or about to become involved in this kind of relationship, you should ask for a review of your situation or for approval and exception according to this policy by contacting the Agency's Ethics Officer in the Office of the General Counsel.

D. Negotiating, Authorizing or Awarding a Contract or Grant

You are prevented from negotiating, authorizing, or awarding a contract or grant for or to a relative or household member, unless the department's Ethics Officer has approved an exception in writing. A request for an exception must be submitted to the department's Ethics Officer for a decision.

For purposes of this policy:

1. A relative means spouse, parent, sibling, or child, grandchild, grandparent, aunt, uncle, cousin, including first-line blood, step, half, foster, or in-law relationships

2. A household member means any person other than a relative with whom the individual is residing.

E. Ban on Gifts from Prohibited Sources

You cannot solicit or accept a gift from a prohibited source.

1. A prohibited source is one of five things:

- a person or entity seeking official action from the employee, officer, appointee, or State agency.
- a person or entity that does business or seeks to do business with the State, employee, officer or appointee.
- a person or entity who conducts activities regulated by the employee, officer, appointee, or State agency.
- a person or entity who has interests that may be substantially affected by the performance or non-performance of the employee, officer or appointee.
- a person or entity who is a registered lobbyist.

2. Your spouse or immediate family members living with you, officer or appointee also cannot accept gifts from prohibited sources.

   There are a limited number of exceptions to this ban on gifts. Only the following 12 types of gifts are exceptions to the ban and can be accepted by you, officers and appointees from prohibited sources:

   - Opportunities, benefits and services available to the general public on the same terms.
   - Anything for which the employee paid market value.
   - A lawful contribution under the Election Code.
   - Educational materials and missions.
   - Travel expenses for a meeting to discuss state business.
   - A gift from a relative.
   - Anything provided on the basis of personal friendship. However, to determine whether the gift was given out of "personal friendship," one must look at the *history* of the relationship, whether you have *knowledge* that the gift was paid for as a *business expense* by the giver, and whether you have *knowledge* that the giver gave similar gifts to other employees, officers or appointees. If there is not a history to the relationship, and/or you know that that the giver gave the gift as a business expense, and/or gave the gift to other employees, officers and appointees, then you cannot accept the gift.
   - Food or drink that does not exceed $75 per calendar day.
   - Food, drink, lodging and transportation related to outside business, employment or activities, if the benefits are customarily provided to others in similar circumstances.
   - Intra-governmental or inter-governmental gifts (e.g. gifts between agency employees or between government employees).
   - Bequests, inheritances, and other transfers at death.
   - Any item or items from any one prohibited source during any calendar year that has a cumulative total of less than $100.

3. If you receive a gift from a prohibited source, you can rectify the situation and not be in violation of the ban if you immediately do either of the following:

   - Return the gift to the giver.
   - Give the gift to a not-for-profit organization, a 501(c)(3) organization.
   - Give an amount of equal value to a not-for-profit organization, 501(c)(3) organization.

F. Self-Disqualification

If you receive an assignment concerning a person acting as principal or agent with whom you currently have or have had social, business, or other relationships of a nature that might impair, or give the appearance of impairing, your impartiality or independence, you must discuss this matter with your immediate supervisor for possible reassignment. This applies particularly to assignments involving investigations, examinations, seizures and liquidation of assets or any other matters at issue between the public and the department.

G. Reporting Requirements

If you perform certain duties as a department employee, you will be required to file a Statement of Economic Interest with the Secretary of State in accordance with the Illinois Governmental Ethics Act (5 ILCS 420/1 et seq.). The due date for filing the Statement of Economic Interest is generally May 1, and you will be notified by the Secretary of State of the filing requirement on or before April 1 annually.

If you hold a department position designated as a senior employee or a contract monitor, you must submit your completed Statement of Economic Interest to the Ethics Officer for review prior to filing with the Secretary of State. You will be notified of this requirement if you are subject to it.

It is your responsibility to ensure that the Statement of Economic Interest you file is filled out completely and accurately. Failure to file a Statement of Economic Interest within the time frames specified by statute (5 ILCS 420/4A-105) will result in late filing fees, fines, and termination from employment. The willful filing of a false or incomplete Statement of Economic Interest constitutes a Class A misdemeanor under Illinois law.

H. Ethics Guidance

If you have a question as to whether a personal relationship, business transaction, outside employment, business interest, gift or association is or has the potential to be a conflict of interest, consult the Ethics Officer by filing an Ethics Guidance Request Form HFS 3786 with that Officer. If you are in doubt as to a potential conflict, you should report it. You will be notified as to whether or not the reported issue is determined to be a conflict of interest with your state duties.

I. Ethics Awareness Training Program

The Governor's Executive Order #5 (2003) mandates ethics training for all State of Illinois employees. As an employee of the State of Illinois, you are expected to participate annually in the Ethics Awareness Training Program. This training program appropriately addresses a range of ethical issues that you and officers face in the discharge of their duties. The Ethics Officer for each agency is responsible for implementing this training program.

As a State of Illinois employee, you shall attend and complete this training program within six months of your original hire date.

Failure to participate in the Ethics Awareness Training Program and corresponding testing may result in discipline up to and including discharge.

610.2 Administrative Malfeasance

State law requires that staff follow the rules and regulations of the department when authorizing any payments for Public Assistance purposes. Employees who misappropriate, misuse, unlawfully withhold or convert to their own use, or to the use of another, any Healthcare and Family Services funds are guilty of a violation of state law and are subject to legal action.

All employees of the department are required to report any suspected fraud or misconduct. This includes suspected fraud or misconduct committed by persons receiving child support, medical services, food stamps or Temporary Assistance to Needy Families as well as other state employees, vendors, providers, contractors and the general public. Use HFS 3103, Referral of Alleged Employee Misconduct, to make any such report.

610.3 Sexual Harassment

It is your right to work in an atmosphere free of sexual harassment. It is the department's goal to ensure that right.

Sexual harassment by any employee, including administrators, managers and supervisors, contractors, applicants, persons receiving medical or child support services or others will not be tolerated or condoned.

Sexual harassment is any unwelcome sexual advance or request for sexual favors or any conduct of a sexual nature when:

- submission to such conduct is made explicitly or implicitly a term or condition of your employment, or

- your submission to or rejection of such conduct is used as the basis for employment decisions affecting you, or

- such conduct has the purpose or effect of substantially interfering with your work performance or creating an intimidating, hostile or offensive working environment.

If you believe you have been sexually harassed, you are encouraged to immediately notify:

- your supervisor, or

- if the supervisor is the person alleged to have engaged in harassment, the next person in the chain-of-command, or

- the Equal Employment Opportunity (EEO) Office, or

- the Office of Inspector General's (OIG's) Bureau of Internal Affairs (BIA).

If you have observed a situation that could be construed as sexual harassment, you are required to report it immediately to one of the above.

Supervisors observing sexual harassment shall take immediate action to stop it. Supervisors are required to notify the EEO Office of any incident observed or reported to them. They may consult with the EEO Officer on the proper procedures to follow or they may request that the incident be investigated by the EEO Office or the Office of Inspector General's Bureau of Internal Affairs (OIG's BIA). Supervisors should observe strict confidentiality in these matters.

Complaints of sexual harassment will be promptly investigated by the EEO Office. Sexual harassment complaints involving allegations of criminal assault or other misconduct will be referred to the OIG's BIA. OIG's BIA will notify the EEO Office of complaints it receives and investigations it conducts. All investigations shall be treated with strict confidentiality.

If the EEO Officer's investigation reveals the complaint is valid, the EEO Officer will immediately notify the administrator responsible for the perpetrator's unit. The administrator shall assure that the perpetrator's supervisor or other manager shall immediately contact the Division of Personnel and Administrative Services to determine the appropriate level of disciplinary action to be taken against the perpetrator. The supervisor shall initiate disciplinary action promptly. Disciplinary action is based on the seriousness of the offense and disciplinary history of the employee. Discipline shall involve verbal or written reprimands, suspension or discharge. The EEO Office must be advised of any discipline or corrective action plan instituted.

Retaliatory action against anyone complaining or any witness of sexual harassment is prohibited and will be separate grounds for discipline.

The department will attempt to resolve sexual harassment complaints and incidents in-house. Nonetheless, an employee has the right to contact the Illinois Department of Human Rights (IDHR) or the federal Equal Employment Opportunity Commission (EEOC) about filing a formal complaint. This complaint must be filed with IDHR within 180 days of the alleged incident unless it is a continuing offense. A complaint to the EEOC must be filed within 300 days. An employee who is physically harassed or threatened while on the job may also have grounds for criminal charges of assault and battery.

Any employee who makes a false and frivolous charge of sexual harassment is subject to disciplinary action. False and frivolous charges refer to cases in which the accuser is using a sexual harassment complaint to accomplish some end other than stopping sexual harassment. It does not refer to charges made in good faith that cannot be proven.

== 610.4 Referral of Alleged Employee Misconduct

You must immediately report all instances of alleged or suspected employee misconduct to the Office of Inspector General's Bureau of Internal Affairs (OIG's BIA), which is responsible for reporting all allegations of employee criminal misconduct to the Illinois State Police (ISP). It is not necessary for you to have positive proof before reporting the suspected misconduct.

Instances of employee misconduct include but are not limited to:

- Bribery;
- Gross negligence seriously affecting department operations;
- Prohibited political activity;
- Engaging in any business with an applicant or a person receiving medical or child support services;
- Conflicting or incompatible outside interest;
- Misuse or theft of state property;
- Falsification of official documents or records;
- Misappropriation of state funds;
- Commission or conviction of a crime;
- Possession of a deadly weapon on state property;
- Unauthorized release of confidential information or records;
- Misuse of the department's computer system; or
- Violation of the Drug-Free Workplace policy as described in Section 605.3.

If the misconduct appears to require immediate action, make the initial report to OIG's BIA by calling (217) 782-1516. Follow up the telephone report with a completed HFS 3103 within 48 hours. OIG's BIA will advise you concerning whether you should report the incident to anyone else.

All reports of alleged employee misconduct must be kept confidential.

All department staff must cooperate with any investigation whether conducted by supervisory staff, Office of the Inspector General, Office of the Executive Inspector General, Office of the Attorney General, Illinois State Police or Division of Personnel and Administrative Services. Cooperation is defined per 5 ILCS430/20-70, but not limited to, answering questions fully and truthfully. Failure to cooperate can result in disciplinary action up to and including discharge.

In situations of an attempt to bribe you, you:

- must not indicate whether or not the bribe will be accepted, and
- must make a verbal report of the bribe attempt to the OIG's BIA, and
- must send a written referral to the OIG's BIA.

The Illinois State Police are responsible for coordinating all bribery investigations.

610.5 **Reports of Ex Parte Communications in Rulemaking**
01-05-05

You must file a written report (HFS 3816) of any ex parte communication in rulemaking with the department's Ethics Officer, regardless of whether you initiate or receive the ex parte communication. The following guidelines are provided to assist you in completing these reports:

An ex parte communication is any written or oral communication by any person to an agency, an agency head, or other agency employee during the rulemaking period that requests or contains information or argument regarding potential action concerning rulemaking.

An ex parte communication does <u>not</u> include discussions that are unrelated to a pending rulemaking action. For example, acceptable communications include statements:

- Made publicly by a person in a public forum (such as a committee meeting or a hearing);

- Regarding matters of procedure and practice (such as the number of copies required, the format of public comments, or the status of a rulemaking proceeding);

- Made by a state employee of that agency to the agency head or another agency employee.

The "rulemaking period" means the commencement or filing of the notice period.

The record of the ex parte communication in rulemaking is to include all written communications from and all written responses to the person, as well as a memorandum stating the substance of all oral communications. The memorandum must include the identity and job titles of all the communicators, the individual or entity represented by the person, and any other pertinent information. Dates of the communication must also be included.

Send completed ex parte reports to the department's Ethics Officer. The Ethics Officer will file the report of the communication and a summary memorandum with the Executive Ethics Commission.

== 610.6 **Whistle Blower Protection**

An officer, state employee, or state agency cannot take any retaliatory action against you for doing any of the following:

- Disclosing or threatening to disclose any practice or action that you reasonably believe is in violation of the law.

- Providing information or testifying about any violation of law by any officer, member, state employee, or state agency.

- Assisting or participating in a proceeding to enforce the provisions of the State Officials and Employees Ethics Act.

Notices of these protections are displayed on office bulletin boards.