

Explanation of Revolving Door (Non-State Employment) Restrictions (from State Officials and Employees Ethics Act (5 ILCS 430/5-45))

The Ethics Act contains restrictions that may, under certain circumstances, affect whether a state employee (or his/her family members) may lawfully accept employment, compensation, or fees from another person or entity after the employee ends his or her state employment.

The Ethics Act also contains requirements for certain employees and former employees (or the spouse or immediate family member living with such a person) to immediately notify the appropriate Executive Inspector General if offered non-state employment from certain persons or entities.

Restrictions Related to Contract Decisions

If, within one year before terminating state employment, a state employee participated personally and substantially in the award of state contracts or the issuance of state contract change orders with a cumulative value of \$25,000 or more to a person, entity, its parent or subsidiary, that state employee (or the spouse or immediate family member living with such a person) may not knowingly accept employment or receive compensation or fees for services from that person, entity, or parent or subsidiary for one year after terminating state employment.

Restrictions Related to Regulatory or Licensing Decisions

If, within one year before terminating state employment, a state employee participated personally and substantially in making a regulatory or licensing decision that directly applied to a person, entity, its parent or subsidiary, that state employee (or the spouse or immediate family member living with such a person) may not knowingly accept employment or receive compensation or fees for services from that person, entity, or parent or subsidiary for one year after terminating state employment.

Additional Restrictions, Notification Requirements, and Procedures that are Dependent on the Nature of a State Employee's Duties

The enactment of recent amendments to the Ethics Act requires each executive branch constitutional officer to adopt a policy delineating which positions under his or her jurisdiction and control, by nature of their duties, may have the authority to participate personally and substantially in the award of state contracts or in regulatory or licensing decisions. **Any employee in a position which has been identified as having such authority and who is offered non-state employment during state employment or within a period of one year immediately after termination of state employment shall, prior to accepting such non-state employment, notify the appropriate Executive Inspector General.**

Similar notification requirements apply to the spouse or any immediate family member living with a state employee in a position which has been identified as having such authority and when said spouse or immediate family member is offered non-state employment during the state employment or within a period of one year immediately after termination of the state employment of the related state employee. The related spouse or immediate family member shall, prior to accepting such non-state employment, notify the appropriate Executive Inspector General.

Within ten (10) calendar days after receiving such notification, the Executive Inspector General shall make a determination as to whether the state employee (or spouse or immediate family member living with the employee) is restricted from accepting such employment. An Executive Inspector General's determination may be appealed to the Executive Ethics Commission no later than ten (10) calendar days after the date of determination.

In addition to those positions determined by the executive branch constitutional officer as being subject to these employment restrictions, the appropriate Executive Inspector General has the authority to determine additional state positions under his or her jurisdiction that, due to their involvement in the award of state contracts or in regulatory or licensing decisions, are also subject to these employment restrictions and requirements to notify the Executive Inspector General of certain non-state employment offers. In all instances, an employee whose position is determined by either the constitutional officer or the Executive Inspector General as being subject to these employment restrictions will be provided written notification by the constitutional officer regarding the applicability of these employment restrictions to his or her position upon hiring, promotion, or transfer into a relevant position; and at the time the employee's duties are changed in such a way as to qualify that employee for the restrictions.

Additional Restrictions that are Independent of a State Employee's Duties

The following officers, members, or state employees shall not, within a period of one year immediately after termination of office or state employment, knowingly accept employment or receive compensation or fees for services 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 officer, member, or state employee's state agency, or was the subject of a regulatory or licensing decision involving the officer, member, or state employee's state agency, **regardless of whether he or she participated personally and substantially in the award of the state contract or contracts or the making of the regulatory or licensing decision in question:**

- members or officers;
- members of a commission or board created by the Illinois Constitution;
- persons whose appointment to office is subject to the advice and consent of the Senate;
- the head of a department, commission, board, division, bureau, authority, or other administrative unit within the government of this State;

- chief procurement officers, state purchasing officers, and their designees whose duties are directly related to state procurement; and
- chiefs of staff, deputy chiefs of staff, associate chiefs of staff, assistant chiefs of staff, and deputy governors.