

2024 Ethics Training Program for State Employees and Appointees

Office of Executive Inspector General
for the Agencies of the Illinois Governor

Introduction and Instructions

Welcome to the 2024 Ethics Training for the Agencies under the Illinois Governor!

The State Officials and Employees Ethics Act (Ethics Act) requires State employees and appointees to complete an ethics training program each year. New State employees and appointees are required to complete the training within 30 days of starting their employment or appointment.

The Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) developed this training based on the Ethics Act's requirements. This training will help you understand your duties and obligations under the Ethics Act.

Throughout this training, we have included several links directly to statutes, case examples, and other information which may be relevant so that you can click wherever text appears **underlined and bolded in blue**.

You are expected to carefully read and review the contents of this training.

Once you have completed reviewing the content, there will be a certification form for you to authenticate. To fulfill your duty to complete ethics training, you **must** certify that you have carefully read and reviewed its contents at the end of the training. The certification will be saved in the OneNet training system and will be accessible by your agency ethics officer. At your discretion, you may also print the certificate or save an electronic copy for your records.

We all play an important role as public servants. Understanding your role and that of others can help ensure a strong workforce free of unethical conduct. Before we begin the deep dive into the allotted concepts, it is important to make sure we are all on the same page regarding the definitions for "State agency" and "State employee(s)."

"State agency" or "State agencies" refers to all offices, departments, agencies, boards, commissions, or other authorities of the executive branch of the State of Illinois.

"State employee(s)" refers to any employee, officer, or board member of any State agency, including appointees to State boards or regional transit boards, regardless of whether they receive compensation. It also includes contractual employees.

Now let's move on to understanding relevant roles.

Understanding Relevant Roles - Ethics Officer

"Ethics officer" refers to the employee that each State agency has designated to oversee a variety of ethical responsibilities. An ethics officer's statutory duties include:

- acting as a liaison between the agency and the OEIG and Executive Ethics Commission (EEC),
 - reviewing certain employees' Statements of Economic Interests prior to filing with the Secretary of State, and
 - interpreting and providing guidance to you, as State employees, about the Ethics Act based on EEC and judicial decisions, as well as opinions of the Attorney General,
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Ethics Officers also:

- help agencies maintain their revolving door lists ("c-lists"),
 - assist employees with revolving door issues and completing revolving door paperwork,
 - receive reports from you about misconduct you might have observed or ex parte communications you received (and reporting some of those ex parte communications to the EEC), and
 - ensure that all State employees fulfill their duty to complete ethics and harassment and discrimination prevention trainings.
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Items to note:

[Executive Order 16-04](#) requires ethics officers to promptly notify the OEIG if they become aware of any allegations of misconduct.

Questions regarding this ethics training should be directed to your ethics officer.

The name and contact information for your ethics officer can be found [on the ethics officer page of the OEIG's website](#).

Understanding Relevant Roles - OEIG

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 of governmental entities. The OEIG investigates allegations of misconduct by employees, appointees, and elected officials, and those doing business with entities under its jurisdiction, including traditional State agencies and boards, as well as State universities, the regional transit boards, and regional development authorities.

If the OEIG concludes an investigation and determines that there is reasonable cause to believe a violation occurred, it will draft and send a summary report regarding the investigation to the appropriate affected agencies and ultimate jurisdictional authorities.

The OEIG also oversees Ethics Act-mandated trainings and conducts revolving door determinations. In addition, the OEIG has a Division of Hiring & Employment Monitoring (HEM), which conducts compliance-based reviews of employment procedures and hiring decisions to ensure that they are lawful, merit-based and/or justifiable.

For additional information about the OEIG or its investigative process and procedures, visit its website at: oeig.illinois.gov/

For information about other inspectors general, please visit this page: [Other Illinois Inspectors General](#).

Understanding Relevant Roles - The Executive Ethics Commission (EEC)

The EEC is an independent nine-person commission whose members are appointed by the Governor (5), Attorney General (1), Secretary of State (1), Treasurer (1) and Comptroller (1). The EEC's jurisdiction extends to employees of the executive branch, traditional State agencies and boards, as well as State universities, the regional transit boards, and the regional development authorities.

The EEC has a number of responsibilities including conducting hearings and issuing determinations related to the Ethics Act, appointing Special Executive Inspectors General, providing administrative support services for each independent chief procurement officer, and overseeing training for State employees under its jurisdiction. The EEC is also responsible for the redaction and discretionary publication of OEIG and other Executive Inspectors Generals' summary reports, which are an invaluable tool in promoting transparency and deterring future employee misconduct.

For additional information about the EEC or its decisions and procedures, visit its website at: <https://eec.illinois.gov/>.

Understanding Relevant Roles - State Employees

As a public servant, the citizens of the State of Illinois have put their trust in you. The Ethics Act, as well as other laws and agency policies, create a vital framework upon which decisions should be made and actions taken.

Adhering to high ethical standards can be challenging but it is critical to ensure the public receives what it needs and deserves. We all play an important role in serving the public and ensuring an ethical workforce. This training will help you understand what is required and expected of State workers. Together, we can all do our part to better State government. Let's get started!

Lesson 1: Reporting Misconduct and Retaliation Provisions

In this lesson, you will learn you have a duty, as a State employee, to speak up when you see something is wrong. The following topics will be reviewed step by step:

- Reporting Misconduct
 - Cooperating with Investigations
 - Retaliation Provisions
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Reporting Misconduct

If you witness misconduct or have evidence of it, you should report it to the proper authorities. [Executive Order 16-04](#) imposes a specific duty on State employees to report alleged misconduct. You can comply with this duty by reporting the misconduct to the OEIG or to your ethics officer.

You may remember that if you report misconduct to your ethics officer, they then have an obligation to forward the report to the OEIG.

You may report alleged violations to the OEIG anonymously. When filing a complaint, please ensure there is sufficient detail about the allegations to initiate an investigation.

How to Report

To report a non-emergency violation of law, rule, regulation, or agency policy, you should contact the OEIG via:

- its website at: OEIG.illinois.gov/;
- its toll-free hotline at 866-814-1113;

- a telecommunications device for the deaf at 888-261-2734; or
- mailing a completed complaint form to: Office of Executive Inspector General for the Agencies of the Illinois Governor, Attention Complaint Division, 69 West Washington Street, Suite 3400, Chicago, Illinois 60602.

In the event of an emergency, such as those involving the illegal possession or use of a weapon, you should contact the police.

Cooperating in Investigations

As a State employee, you have an obligation to cooperate in OEIG investigations ([5 ILCS 430/20-70](#)).

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. You can find copies of the various forms that you will see when participating in an OEIG interview, as well as rules governing OEIG investigations, on the OEIG's website at: OEIG.illinois.gov/.

Failing to cooperate in OEIG investigations is a serious violation of the Ethics Act and [Executive Order 16-04](#). Failing to be truthful in all aspects of your duties erodes public trust in government. It can also cause investigators and the State to expend additional time and resources to determine whether any waste, fraud, mismanagement, or other misconduct has occurred or is ongoing. Failure to cooperate is grounds for disciplinary action, including dismissal, as well as administrative fines.

The EEC has imposed significant fines for failing to cooperate in investigations and lying to investigators. You can click on the links below to review some of the EEC's relevant decisions.

- [\\$4,000 fine for interfering with an OEIG investigation and for making intentionally false statements to OEIG investigators.](#)
 - [\\$2,500 fine for failing to cooperate with OEIG investigators and complete an interview.](#)
 - [\\$1,000 fine for making intentionally false statements to OEIG investigators.](#)
 - [\\$750 fine for engaging in prohibited political activity during State-compensated time and failing to cooperate with the OEIG's investigation.](#)
 - [\\$500 fine for making false and misleading statements to OEIG investigators.](#)
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Retaliation Provisions

Reporting misconduct can be stressful. For example, you may be worried that if you report misconduct by a supervisor, they may find out that you did and try to punish you. As you will learn in the next few slides, this kind of behavior is generally unlawful; but before we review that, let's review a few definitions.

What is "retaliatory action"?

Retaliatory action includes the reprimand, discharge, suspension, denial of promotion or transfer, demotion, or any other change in the terms or conditions of State employment that is done in retaliation for a State employee's involvement in a protected activity.

What are "protected activities"?

For you as a State employee, protected activity includes reporting (or threatening to report) conduct you reasonably believe is a violation of law, rule, or regulation; providing information for an investigation into a violation of law, rule, or regulation; testifying at a public hearing regarding the alleged misconduct; or participating in a proceeding to enforce the provisions of the Ethics Act.

Under [Article 15 of the Ethics Act](#) and the [Illinois Whistleblower Act](#), it is illegal for any employer (including the State) to take retaliatory action, or even threaten to do so, in response to an employee engaging in protected activity such as disclosing (or threatening to disclose) what the employee reasonably believes is a violation of State or federal law, rule, or regulation to a government or law enforcement agency.

Similarly, [Executive Order 16-04](#) prohibits retaliation against State employees who raise genuine concerns about unethical, inappropriate, or illegal behavior.

Rights and Remedies to Retaliation

The Ethics Act and the Illinois Whistleblower Act both provide legal rights and remedies related to retaliation for engaging in protected activity.

For example, remedies available if an employee is successful in a retaliation lawsuit may include:

- reinstatement of their employment and any lost seniority rights;
- back pay with interest; and/or
- compensation for damages such as litigation costs and reasonable attorneys' fees.

Additionally, agencies may discipline State employees who engage in retaliatory conduct in violation of the Ethics Act, including discharging that State employee.

The EEC may also take administrative action, including imposing fines, against the employee.

What is *not* considered "retaliatory action"?

The Ethics Act and the Illinois Whistleblower Act **do not** prevent agencies from disciplining State employees for engaging in matters unrelated to protected activities, as described in previous slides.

For example, an agency may discipline a State employee for failing to follow agency policies, such as not reporting to work on time, even if the employee has previously reported misconduct. The agency may discipline this employee for violating policy if it can show that it would have imposed discipline regardless of whether the employee made a report of misconduct.

Lesson 1: Knowledge Check - Retaliation

Sam has worked in Devon's unit for two years and has consistently received poor performance evaluations and although this has been addressed with Sam, Sam's work performance has not changed. Recently, Devon invited her team of subordinates and their partners out for drinks after work one night. During the evening, Devon pressures Sam to drink shots of liquor, but Sam declines. Devon also makes sexually inappropriate comments to Sam's spouse which causes them to leave the event. The next day, Sam reports Devon's conduct to the human resources (HR) department. Devon learns that Sam reported her to HR, but does not confront Sam. A month later, during Sam's annual review, Devon again gives Sam the same poor performance rating as in the prior two years, citing Sam's lower than average production levels and the fact that the work product is consistently late.

Is Devon retaliating against Sam?

- A. Yes, because Sam received a poor performance evaluation after reporting misconduct.
 - This is not the correct answer. It is not retaliation for an employee to get a poor review if their performance was problematic, even after they reported misconduct. For example, if an employee submitted a complaint to HR but was also turning in assignments late, underproducing work product, and/or coming into work late, those are still valid reasons to give an employee a lower performance review; this appears to be the case here.
 - B. Yes, because Devon acted inappropriately during the after work outing with Sam and Sam's spouse.
 - This is not the correct answer. It is not retaliation if an employer can prove that an unfavorable personnel action would have been taken in the absence of an employee engaging in protected activity. Although Devon clearly acted inappropriately during her outing with Sam and Sam's spouse, may have violated the Ethics Act, and should likely face discipline for her behavior that night, there is not sufficient evidence to show that the low performance ratings were the result of retaliation because it also appears that Sam's own work performance was lacking; rather, these appear to be two separate issues.
 - C. No, because Devon did not confront Sam, so there is no way to know whether she is retaliating against Sam.
 - This is not the correct answer. Retaliation can occur even if the alleged "retaliator" does not confront the employee about the protected activity.
 - D. No, because Sam's poor performance evaluation was based on Sam's consistent poor quality of work, which was regularly documented.
 - **Correct! This is the correct answer.** Here, although Devon knows that Sam reported her behavior to HR, it also appears that Sam's work performance was lacking and thus a low performance evaluation was warranted. Furthermore, Sam's performance has been deficient for a while.
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Lesson 1: Key Points

- If you observe what you reasonably believe is misconduct, you must report it to the OEIG or your ethics officer.
 - You have a duty to cooperate with OEIG investigations.
 - Reporting misconduct can be worrying, but also remember that it is prohibited for others to retaliate against you for engaging in protected activities.
 - Lastly, violations of the Ethics and Whistleblower Acts can subject a State employee to significant penalties for retaliation.
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Lesson 2: Improper Influence of Official Actions

In this lesson, we will consider a few ethics rules and laws involving efforts by individuals or entities to influence official actions by State employees. The following topics will be reviewed:

- The Gift Ban
 - Official Misconduct
 - Bribery
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The Gift Ban

As a State employee, you (and some of your family members) may not ask for or accept a gift from a prohibited source. [This is called the gift ban \(see Article 10 of the Ethics Act\)](#). Prohibited sources are people or companies that:

- seek official actions from you, the employees you direct, or your State agency;
 - do business with or seek to do business with the State of Illinois or your State agency;
 - participate in activities regulated by you, the employees you direct, or your State agency;
 - have interests that are substantially affected by the performance (or lack of performance) of your official duties;
 - are registered lobbyists or must register as a lobbyist with the Illinois Secretary of State; or
 - are agents, spouses, or an immediate family member living with a prohibited source.
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So, what is a gift? A gift is mostly what you would expect. The Ethics Acts says that gifts include paying for entertainment, offering hospitality, loans, discounts, and any other tangible or intangible items that have monetary value. These are examples from published OEIG investigations and EEC decisions.

- [State employee accepted a ticket worth approximately \\$400 from a prohibited source who held State contracts to attend a golf outing.](#)
 - [State employee accepted a \\$100 gift certificate and a \\$200 bottle of liquor from a prohibited source that was a vendor for the employee's agency.](#)
 - [State university employee accepted payments from a vendor while approving payments for purchases of products from that vendor.](#)
 - [State employee accepted a \\$200 gift certificate from a prohibited source seeking a State permit.](#)
 - [State employee accepted an airline ticket for personal use from a company they regulated as a part of their official duties.](#)
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Gift Ban Exceptions

[Section 10-15 of the Ethics Act](#) lists some exceptions to the gift ban that allow you to accept gifts from a prohibited source. For example, you might be able to accept:

- a gift from a long-time friend or relative;
- items available to the general public on the same terms; or
- educational materials and missions or travel expenses for attendance at a meeting to discuss State business.
 - But you must follow additional steps [outlined in the Illinois Administrative Code](#) for this exception.
 - As discussed in the next slide, Executive Order 15-09 also places further restrictions on the educational materials and missions and travel exceptions.
 - If you are considering accepting this type of gift, you should ask your ethics officer for guidance.

To be safe, you can simply decline anything of value offered to you (other than your salary and other benefits) in relation to your official duties.

It is important to review your State agencies policies, which at times can be more restrictive than the Ethics Act's gift ban. [Executive Order 15-09](#) also established more restrictive gift policies, such as:

- State employees must obtain approval from the Executive Director of the EEC **before** their agencies accept payment from a prohibited source for travel expenses related to meetings and educational materials and missions.
 - State employees can only accept *de minimis* meals or refreshments at business meetings or events paid for by prohibited sources. "*De minimis*" is not defined in the Executive Order, but by its ordinary meaning would cover low-value food or refreshments that would typically accompany a business meeting, e.g., a cup of coffee.
 - The Executive Order also declared that the exceptions that previously allowed State employees to accept gifts from prohibited sources so long as the gifts did not exceed up to \$100 cumulatively, or food and refreshments up to \$75 per day, in a calendar year no longer apply to State employees.
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If you do receive a gift from a prohibited source, there are a few things you can do to make sure you do not violate the Ethics Act. Specifically, you can:

- return the gift to the prohibited source; or
- give the gift, or a donation equal to the gift's value, to a non-profit, tax-exempt organization.

But remember, under the gift ban provisions if you receive a prohibited gift, you must take one of these actions **PROMPTLY**.

Official Misconduct

People and companies who are hoping that State government will decide to take or not take a certain action may try to gain favor with government employees like you. You should take the time to understand whether those actions could result in Ethics Act or criminal violations.

State employees commit official misconduct when, in their official capacity, they:

- intentionally or recklessly fail to perform any mandatory duty;
- knowingly perform an act they know is illegal;
- perform an act outside their lawful authority to try to obtain a personal advantage for themselves or anyone else; or
- solicit or accept a bribe.

Official misconduct is a Class 3 felony. If you commit official misconduct, you may also forfeit your State office or employment.

Bribery

Accepting a bribe in exchange for performing an official act is a type of official misconduct.

The Ethics Act's gift ban is meant to stop prohibited sources from trying to influence a State employee's official actions by giving them a gift. The gift ban and the crime of bribery are therefore related.

Bribery happens when you receive or ask for any property or personal advantage in exchange for performing or not performing an official act. Bribery also happens if you accept any property or personal advantage in exchange for just influencing someone else to act or not.

You cannot accept anything of value in exchange for taking an official action. As examples, this means that you cannot receive cash, free services, loans, or travel expenses for authorizing State financial aid, hiring a particular individual, signing or renewing a State contract, issuing or expediting a professional license, or any other official duty as a State employee. If you do any of these things, you might face **criminal charges, as a Class 2 felony.**

If someone tries to bribe you, you **must** decline the bribe **AND** report the bribery attempt to the Illinois State Police. **Failing to report a bribe or an offer of a bribe is a Class A misdemeanor.**

Exceptions?

While there might be limited situations where you can accept a gift from a prohibited source, these gift ban exceptions **DO NOT** apply to the bribery criminal statute.

You can **never** accept or solicit gifts in exchange for performing an official act.

When considering gifts, the Ethics Act gift ban is only the beginning. Your agency's policies, criminal statutes, or executive orders might apply to the gift in question and may be more restrictive than the Ethics Act.

Lesson 2: Knowledge Check - Gift Ban

Kennedy works for a State agency where one of her duties includes issuing licenses to businesses and individuals allowing them to provide certain counseling services in the State of Illinois. Kennedy is interested in attending an out-of-State training, which will include meetings to discuss State business. A business that is awaiting the approval of their license from Kennedy's State agency offers to pay for Kennedy's travel to the training, as the business will also be a part of the meetings held at the training. Without consulting with anyone, Kennedy accepts a first-class plane ticket to travel to the training from the business.

Did Kennedy violate the Ethics Act's gift ban?

- A. Yes, because Kennedy failed to take the steps needed in order to qualify for an exception to the gift ban.
 - **Correct! This is the correct answer.** Although there is an exception in the Ethics Act allowing employees to accept certain travel expenses from a prohibited source to attend a meeting to discuss State business, based on administrative rules and Executive Order 15-09, there are additional factors that lead to whether this exception applies. For example, the employee must obtain approval from the agency ethics officer and the EEC's Executive Director before accepting the gift. The travel must also be in a style and manner in character with the conduct of State business, and primarily benefit the public and not the employee. Here, Kennedy failed to seek preapproval from the ethics officer or the EEC before accepting the first-class plane ticket, which is not travel in a style in character with the conduct of State business and primarily benefits Kennedy rather than the public; thus, Kennedy's actions violated the gift ban.
- B. No, Kennedy did not violate the gift ban because there is a travel expense exception to the gift ban provisions of the Ethics Act.
 - This is not the correct answer. While it is true that there is an exception in the Ethics Act allowing employees to accept certain travel expenses from a prohibited source to attend a meeting to discuss State business, based on administrative rules and Executive Order 15-09, there are additional steps, such as required approval, that must take place before the exception applies. In this case, Kennedy did not consult with anyone before accepting the travel payment.
- C. Yes, because employees are never allowed to accept gifts from prohibited sources.

- This is not the correct answer. While it is true that employees are generally not permitted to solicit or accept gifts from prohibited sources, there are certain exceptions under the Ethics Act that can apply, including for example, allowing employees to accept travel expenses to a meeting to discuss State business. There are, however, conditions that apply to this particular exception, contained in the Administrative Code and Executive Order 15-09, that must apply before an employee can accept a gift under this exception. Employees should consult their ethics officer before accepting travel expenses.
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Lesson 2: Key Points

- Do not accept anything of value in exchange for performing your State duties.
 - Be sure to understand what is considered a gift and who would be considered a prohibited source.
 - While there are limited situations in which you can accept a gift from a prohibited source, you can never accept a bribe.
 - Accepting a bribe, failing to perform your State duties, or acting outside your lawful authority might be a criminal offense.
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Lesson 3: Prohibited Political Activity

The Ethics Act supports the principle that you should not mix your government work and personal business, including political activities. In this lesson the following topics will be reviewed:

- Prohibited Political Activities
 - Political Campaign Contributions
 - Public Service Announcements
 - Prohibited Offer or Promise
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Prohibited Political Activities

There are many political activities State employees cannot participate in while on State property, during working hours, or when using State property or resources.

The Ethics Act establishes these [political activity prohibitions \(5 ILCS 430/5-15\)](#).

However, you should review your agency's policies and laws specific to your agency to see if you must comply with even tighter restrictions on political activities. For example, State employees at some State agencies may not be able to engage in certain political activities even when they are not working and not on State property.

In addition, an employee cannot intentionally misappropriate the services of another employee by requiring that employee to perform any prohibited political activity.

As a reminder, if you know of State employees engaging in prohibited political activities or if other State employees are asking you to engage in prohibited political activities, you must report these violations to the OEIG and/or your agency ethics officer.

Examples of prohibited political activities include:

- Distributing or preparing to distribute political campaign materials;
- soliciting votes on behalf of a political candidate;
- making contributions to a political candidate or party;
- preparing for, organizing, or participating in a political meeting or rally;
- participating in or conducting a public opinion poll connected to a political organization or campaign for a political office;
- soliciting votes in support of a referendum; and
- managing or working on a campaign.

See the Ethics Act for additional examples of prohibited political activity (5 ILCS 430/5-15).

You should avoid performing any political activities during paid time or by using any State property or resource, including State email accounts, phones, printers, computers, or office supplies.

Note that you generally may engage in political activities during vacation, personal, or compensatory time off **unless your agency has stricter policies or applicable laws**. You may also be able to perform political activities during unpaid time off.

You should contact your ethics officer with any questions.

Political Campaign Contributions

The Ethics Act also specifically prohibits State employees from intentionally soliciting, accepting, offering, or making political contributions *while on State property* (see [5 ILCS 430/5-35](#)).

For purposes of this Section, "State property" means any building or portion thereof owned or exclusively leased by the State or any State agency at the time the contribution is solicited, offered, accepted, or made.

This prohibition also applies to political candidates and lobbyists, even though they may not be State employees.

For example, this means it is illegal for a political candidate to come to your State office and ask you to make a financial contribution to their campaign; this would even be true if the candidate was your coworker!

Additionally, you should note that it is illegal for State employees to solicit or receive campaign contributions from anyone that they inspect, license, investigate, or regulate.

This applies even when not on compensated time or on State property. [This behavior is Solicitation Misconduct and is a crime under the Illinois Criminal Code.](#)

Lesson 3: Knowledge Check - Prohibited Political Contributions on State Property

Peter and Lee work in the same agency office (in a building owned by the State) and share in-office workdays during a hybrid work structure. While Peter and Lee are on their lunch break in the agency office staff lounge, Peter hands Lee a brochure in support of a political candidate who is his friend and asks if he would like to contribute to their campaign and join him that evening for an event the candidate is hosting. Lee takes the brochure and asks Peter if he can electronically transfer funds directly to the campaign. Peter sends Lee the campaign's donation link via his personal cell phone. Lee joins Peter after work that evening.

Based on this context, is Peter violating the prohibited political contributions on State property provision of the Ethics Act?

- A. No, Peter did not solicit contributions on State property.
 - This is not the correct answer. Peter did make a solicitation on State property because the staff lounge is in a State building.
 - B. Yes, speaking to anyone who works for the State to solicit support of a candidate is prohibited regardless of location.
 - This is not the correct answer. State employees generally have the right to solicit campaign contributions, however, not on State property or time.
 - C. Yes, Peter is soliciting for campaign contributions on State property.
 - **Correct! This is the correct answer.** The Ethics Act states that contributions shall not be intentionally solicited, accepted, offered, or made on State property by public officials, State employees, political candidates or campaign employees, or lobbyists. In this case, Peter made a solicitation on State property because the staff lounge is in a State-owned building.
 - D. No, Peter has the right to solicit donations outside of the parameters of his cubicle.
 - This is not the correct answer. "State property" includes any building or portion thereof owned or exclusively leased by the State or any State agency at the time the contribution is solicited, offered, accepted, or made. In this case, Peter made a solicitation on State property because the staff lounge is in a State building.
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Public Service Announcements

Public service announcements issued by the State cannot contain the proper name, image, or voice of any executive branch constitutional officer or member of the General Assembly. This includes messages made through radio, television, commercial newspapers or magazines, or billboards or electronic message boards.

Furthermore, promotional items like bumper stickers, billboards, stickers, or other promotional items cannot use the proper name or image of any executive branch constitutional officer or member of the General Assembly when these items are not part of that official's public functions and public funds are used for their creation, purchase, or distribution.

For more information on public service announcements, you can review [Section 5-20 of the Ethics Act](#).

Prohibited Offer or Promise

The Ethics Act further prohibits you from offering or promising anything of value related to State government in exchange for a political contribution. [This is a prohibited offer or promise.](#)

This means that you cannot offer or promise anything of value related to State government in exchange for a contribution to a political committee, a political party, or any other entity that provides financial support to a political candidate.

Offering anything of value might include promising:

- a position in State government;
- promotions or salary increases;
- favorable treatment in regulatory matters; or
- an award of public contracts.

Per [Section 5-30](#) of the Ethics Act, if another State employee requests or directs you to engage in activity that may be a prohibited offer or promise, you **must** report it to the OEIG and/or your ethics officer.

Lesson 3: Knowledge Check - Prohibited Political Activity

Part 1

Alex is a State employee, as well as an alderman in his community, and he is up for reelection. One day before leaving his State job for the night, Alex forwards his agency's entire State email list for its employees to his personal email. Later that night, while at home after his State workday is over, Alex uses the State employee email list to send an email to all the employees on the list. The email asks the recipients to consider contributing to Alex's reelection campaign and to volunteer at upcoming youth events he was sponsoring in connection with his campaign.

Did Alex engage in prohibited political activity?

- A. No, Alex did not send the email soliciting contributions on State time or from his own State email account.
 - This is not the correct answer. Even though Alex did not send the emails soliciting contributions on State time, or directly from his State email, it appears that he misappropriated State resources when he sent an email to other State accounts to fundraise for his campaign and to organize political events.
 - B. Yes, because Alex obtained the State employee email list for reasons unrelated to his State employment and used it for the purpose of fundraising for his campaign and organizing political events.
 - **Correct! This is the correct answer.** In this case, Alex engaged in prohibited political activity when he misappropriated State resources by obtaining and using other State email addresses for the purpose of fundraising and to organize political events.
 - C. No, it is not considered prohibited political activity to obtain and use State emails to fundraise for a campaign.
 - This is not the correct answer. State email is considered a State resource to be used for official purposes, and therefore, it is prohibited political activity to obtain and use State addresses in order to fundraise for a campaign.
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Lesson 3: Knowledge Check - Prohibited Political Activity

Part 2

What should the State employees who receive this after-hours email from Alex in their State email accounts do?

- A. Nothing, since it's okay to use State email accounts to discuss, plan, or participate in political activities that support a good cause.
 - This is not the correct answer. While the youth events Alex is sponsoring certainly would be good causes, State email accounts should not be used for political matters. Here, Alex is soliciting contributions for his aldermanic campaign and sponsoring these youth events as campaign events, thus State email should not be used.
 - B. Reply and ask to be removed from the mailing list.
 - **Correct! This is the correct answer.** In this case, the State employees should ask Alex not to send these types of emails to their State email accounts, in order to ensure they themselves do not also eventually engage in prohibited political activities.
If they want to support these political activities, they must instead take any further actions using personal email accounts and only doing so during non-State work hours.
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Lesson 3: Key Points

- As a State employee, there are certain political activities you cannot participate in while on State property, during working hours, or when using State property or resources.
 - The Ethics Act prohibits you from offering or promising anything of value related to State government in exchange for a political contribution. This is a prohibited offer or promise.
 - The Ethics Act also specifically prohibits State employees from intentionally soliciting, accepting, offering, or making political contributions while on State property.
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Lesson 4: Rules on Ethical Hiring and Documenting Your Work

There are significant processes to consider when starting State employment and documenting your work. In this lesson the following topics will be reviewed:

- Ethical Hiring Practices
 - Documenting Your Time Worked
 - Truthful Oral and Written Statements
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Ethical Hiring Practices

The OEIG's Hiring & Employment Monitoring (HEM) Division is a unit within the OEIG that conducts compliance-based reviews of hiring and employment decisions made by agencies. HEM ensures compliance with the State's **Comprehensive Employment Plan (CEP)** provisions and makes recommendations to agencies, if changes need to be made. HEM reports on its work by issuing advisories, and quarterly and annual reports.

Various laws and judicial decisions require agencies to designate and fill most positions through an objective, merit-based system. These positions have many names such as "covered," "job-protected," "non-exempt," "personnel code-protected," or "Rutan-covered" positions. This training refers to these positions as "job protected."

Agencies must post and fill job-protected positions according to a competitive selection process. An agency cannot consider an applicant's political affiliation or support when making a hiring decision for a job-protected position. The agency can then only remove employees from such positions for cause.

Certain principles of ethical hiring apply to all agencies, boards, and commissions under the Governor's jurisdiction for hiring into job-protected positions. A few of the principles include:

- Each position with the State has verifiable, objective minimum qualifications that agencies must include in the official position description and must directly relate to the duties and responsibilities of that position.
 - Before an agency posts for a vacant position, it must review the position description and update it, if necessary, to ensure the description accurately reflects the current position duties, responsibilities, and requirements.
 - Agencies cannot consider and must certify there were no improper political reasons or factors for any hiring or employment action, including promotions.
 - State employees who participate in the interview process must do so without any apparent or actual conflict of interest and are required to fill out a conflict-of-interest form identifying any existing personal or business relationships with all applicants.
 - State employees must immediately report any political discrimination they see or have a reason to believe occurred to the OEIG or the Department of Central Management Services (CMS) Compliance Office.
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Ethical Hiring Practices - Political Contact Reporting

The CEP requires that any contact from an elected or appointed political official regarding a hiring or employment action for a job-protected position be reported to CMS or HEM. This includes unsolicited contact that is directed to any personnel involved in the hiring or employment action, as well as contact made with employees that do not work within human resources, e.g., legislative affairs staff.

The CEP requires any employee who receives a political contact or has reason to believe one has occurred to report it within 48 hours to the:

- CMS Chief Compliance Officer at CMS.PersonnelCompliance@Illinois.gov; and/or
- HEM at OEIG.HEM@illinois.gov.

CMS Compliance and HEM staff work together in responding to political contact reports, which includes following up with and advising agency staff on how (not) to proceed. HEM and CMS also periodically report on political contacts as required by the CEP.

Documenting Your Time Worked

Pursuant to the Ethics Act, State agencies must have policies obligating you to accurately report the time you spend on State business each day. As such, all State employees should:

1. submit time reports,
2. ensure their time reports are accurate, and
3. report the time spent on State business to the nearest quarter hour.

State employees fill many different roles. Many employees work primarily during normal business hours, Monday to Friday. Some employees, however, have positions that require them to work unusual schedules or to perform duties on short notice.

Remember, you should accurately report the time you spend on State business even if it is outside your regularly scheduled work hours.

Documenting Your Time Worked - Working from Home

Some agencies permit some employees to work from home. Typically, working from home is a privilege. You must not abuse this privilege. **You should speak to your supervisor and review your agency policies for working from home, including any rules regarding what activities you may perform during compensated time.**

You should also remember that when you work from home, you are still working. It is important to manage your time outside of your agency's office environment in the same manner you would if you were in the office. Whether working from home or at the office, you must still accurately record the time you spend on State business.

Lesson 4: Knowledge Check - Documentation of Time Worked

Emily is a hybrid remote worker who is expected to go into the office three days a week. During the days Emily goes into the office, Oliver notices that Emily often takes two-hour lunches, leaves work a few minutes early, and arrives to work a few hours late. Oliver sees Emily in the staff lounge one morning and engages in conversation about schedules. Emily says she basically makes her own schedule to complete all her hours since she is on call throughout the week for certain projects and is balancing her personal life and work life to make it fit her schedule. Because Oliver is a timekeeper at his agency, he sees that Emily always fills out her timesheet saying she's working from 8:00 am to 4:00 pm with a half an hour lunch break at noon.

Is Emily violating her timekeeping documentation responsibilities?

- A. No, as long as she is working the amount of hours equal to a full work day.
 - This is not the correct answer. According to the Ethics Act, State agencies must have policies requiring their employees to periodically submit timesheets documenting the time spent each day on official State business to the nearest quarter hour. These timesheets must be accurate.
- B. Yes, Emily must have a timesheet that accurately reflects the times Emily started and stopped working.
 - **Correct! This is the correct answer.** According to the Ethics Act, State agencies must have policies requiring their employees to periodically submit timesheets documenting the time spent each day on official State business to the nearest quarter hour. In this case, Emily stated she does not accurately record the hours she works on her timesheet because she makes her own schedule and is on call; this is inappropriate conduct.
- C. No, as long as the supervisor knows when the employee is working, a timesheet with the correct start and stop time is not necessary.
 - This is not the correct answer. According to the Ethics Act, State agencies must have policies requiring employees to periodically submit timesheets documenting the time spent each day on official State business to the nearest quarter hour.

Truthful Oral and Written Statements

It is essential to the operation of good government that all statements you make as a part of your work for the State of Illinois, whether oral or written, be truthful. Every day, Illinois citizens rely on statements made by State employees.

Failure to make truthful statements erodes the public's trust in State government, may detrimentally affect a citizen's access to much needed public aid, could violate agency policies or State law, and could subject you to discipline or termination (see Section [20-70 of the Ethics Act](#) and [Executive Order 16-04](#)). Links to examples of recent founded reports are available below:

- [OEIG Case #21-00329: Employee was terminated for knowingly providing false information and making misrepresentations on employment applications.](#)
- [OEIG Case #20-01184: An employee was ultimately suspended for 20 days for providing false information and making misrepresentations on State promotional applications.](#)

Lesson 4: Key Points

- State employees who participate in the interview process must do so without any apparent or actual conflict of interest and are required to fill out a conflict-of-interest form identifying any existing personal or business relationships with all applicants.
- The CEP requires any employee who receives a political contact or has reason to believe one has occurred to report it within 48 hours to the: CMS Chief Compliance Officer and/or HEM.
- Remember to always report time spent on State business accurately and understand your agency's timekeeping policies.
- It is essential to the operation of good government that statements you make as part of your work, whether written or oral, always be truthful.

Lesson 5: Revolving Door

There can be restrictions on future employment for certain employees who leave State employment. It is important to understand Revolving Door provisions and how they apply to you.

[Revolving door employment provisions](#) apply to *all* State employees, including their spouses or immediate family members living with them ([see 5 ILCS 430/5-45](#)).

What is the Revolving Door prohibition?

If, as a State employee, you participated **personally and substantially** in certain decisions or administrative functions related to a non-State entity, you cannot accept employment or compensation from that entity if your participation occurred within **one year prior** to the date you left State employment. Generally, these kind of State employees are labelled as "c-list" or "h-list," however, the prohibition applies to all State employees involved in these actions.

What type of actions does this include?

- Personal and substantial participation in the award or *fiscal administration* of State contracts or change orders of \$25,000 or more in total to that entity, including any other companies the entity owns or is owned by.

- Personal and substantial participation in making a regulatory or licensing decision that applied directly to that entity, including any other companies the entity owns or is owned by.
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This doesn't mean you can never accept employment from these entities, but you cannot do so for **one year after** the date you leave State employment.

The **date of termination of State employment** is the key date in determining whether an individual can take a job or not under the revolving door prohibitions.

As you will see, the revolving door prohibitions involve additional specific rules based on the position you hold and the work you may do.

The "c-list"

Some of our State of Illinois employees are on a "c-list," which means they are in positions identified pursuant to subsection "c" of Section 5-45 of the Ethics Act. "C-list" positions are specifically identified because the nature of those positions gives these employees the authority to participate personally and substantially in the award or fiscal administration of State contracts, or in regulatory or licensing decisions.

There are many different types of positions that may belong on the "c-list;" a few examples include:

- a contracting officer who can prepare or sign contracts,
- an employee who serves as an inspector of a health facility as part of a process to license or certify the facility, as well as that inspector's supervisor,
- an administrative law judge, or
- an employee who decides whether an individual should be given a license to work as a medical professional in the State of Illinois.

Your agency should notify you that you are in a "c-list" position in writing.

Notification Requirement

If you are in a "c-list" position, you **must** notify the OEIG when you want to accept an offer of compensation or employment from a non-State employer. By doing so, you are seeking a revolving door determination.

You must do this **before** you accept the offer.

You must do so any time you have received an offer and are contemplating leaving State employment, as well as any time you receive an offer within one year after you leave State employment.

Additional employees who are **NOT** on the "c-list" **may** also seek a determination from the OEIG since the revolving door restrictions apply to all State employees.

Notification Process

There are two forms required in the notification process, the RD-101 and RD-102, and an optional form, the RD-103. All forms are available on the OEIG website, along with answers to frequently asked questions about the revolving door process.

RD-101

The **RD-101** is the form you, the employee, **must** fill out which asks for information about the work you did as a State employee, your new job offer, and the work you will do in your new job. You should submit a completed and signed copy of this form to the OEIG via one of the methods listed on the website.

RD-102

Once you complete the RD-101, you must then notify your agency ethics officer and ask them to fill out the **RD-102** form. Your agency's ethics officer must complete and submit a copy of the RD-102 form to the OEIG via one of the methods listed on the website within five calendar days of receiving the RD-101 form.

RD-103

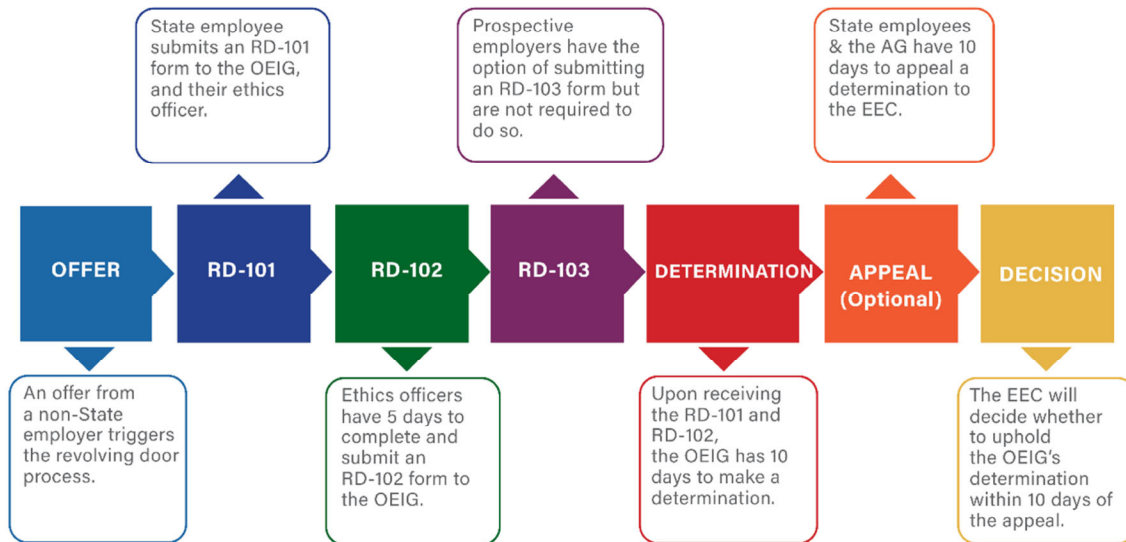
The entity who has offered you the job **may** fill out an **RD-103** form, which describes the work you will do for them and the interactions that entity has with your State agency. The entity does not have to fill out this form, but you should know that this information can be very useful to the OEIG in making its determination.

Determination and Appeal Process

Within 10 calendar days of receiving both the RD-101 and RD-102 forms, the OEIG will determine whether you are restricted from accepting the offer and notify you of its determination.

If you do not agree with the determination, you can appeal to the EEC within 10 calendar days from the date of the determination. The Attorney General also can appeal the OEIG's determination. The EEC must then issue its decision within 10 calendar days after an appeal. If there is no appeal within the allotted time frame, the OEIG's determination is then final.

Flow Chart of the Process:



Resources for the Revolving Door Process

The OEIG website has a variety of tools, including revolving door instructions, forms, FAQs, and EEC decisions available for your review and to help assist in your understanding of revolving door topics. The following are examples of decisions available.

The following decisions evaluate what it means to be involved in a regulatory decision:

- [#21-EEC-005](#)
- [#22-EEC-001](#)

The following decisions focus on "substantial" involvement in certain activities:

- [#22-EEC-001 \(regulatory decisions\)](#)
- [#23-EEC-001 \(fiscal administration of contracts and issuance of change orders\)](#)

The "h-list"

There are also employees in positions listed in subsection "h" of Section 5-45 of the Ethics Act that are prohibited from accepting employment, compensation, or fees from a non-State entity regardless of whether the "h-list" employee was personally or substantially involved in a regulatory, licensing, or contracting decision, or the fiscal administration of a contract, with the non-State entity.

Specifically, if you are an "h-list" employee and your prospective employer, including any company it owns or is owned by, was:

- a party to a State contract(s) with a total value of \$25,000 or more involving your State agency, or
- subject to a regulatory or licensing decision applied directly to your agency,

then you cannot accept employment, compensation, or fees from that prospective employer for **one year** after the date you leave State employment.

These broader revolving door restrictions apply to certain high ranking positions, as well as certain positions involved in procurement, and to all employees of the Illinois Racing and Gaming Boards. For a full list of positions on the "h-list," please review the [Ethics Act](#).

Because employees on the "h-list" are strictly prohibited from accepting such job offers, regardless of their participation in any relevant transactions, the OEIG does *not* make revolving door determinations for people on the "h-list." "H-list" employees, however, may contact their ethics officer for guidance concerning a prospective job offer prior to accepting such non-State employment.

For an example, review EEC decision [#19-EEC-005](#) or [#13-EEC-006](#).

Special Two-Year Ethics Act Revolving Door Restrictions

Employees of the *Illinois Gaming Board* and the *Illinois Racing Board* may not generally hold an ownership interest in a gaming license issued under Illinois law for two years after leaving State employment. This two-year prohibition extends to employees' spouses and immediate family members living with them. [Section 5-45\(a-5\)](#).

Similarly, State employees *working at a State agency that regulates cannabis business licenses*, and who participated personally and substantially in the award of such licenses, may not generally hold an ownership interest in a cannabis license, during State employment or for two years after leaving State employment. This two-year prohibition also extends to employees' spouses and immediate family members living with them. [Section 5-45\(a-10\)](#).

Revolving Door Penalties

Violating the revolving door prohibitions may carry substantial potential penalties.

Accepting Restricted Jobs

The EEC may issue fines **up to three times** the annual compensation a State employee received or would have received in violation of the Ethics Act's revolving door prohibitions.

For example, if an employee accepts a position with a salary of \$100,000 per year in violation of the revolving door prohibitions, the EEC could issue a fine as high as \$300,000. To review another example, please click the link below.

[The EEC fined a former State employee \\$193,689.60 when that former employee failed to comply with the Ethics Act when leaving State employment.](#)

Failing to Notify the OEIG of Job Offers

"C-list" employees also may face a fine of up to \$5,000 issued by the EEC if they fail to notify the OEIG of a job offer and seek a determination prior to accepting that employment. The EEC may impose this fine even if the underlying job offer would not have violated the revolving door prohibitions.

Additional Post-Employment Restrictions

There are a few final post-employment restrictions to consider.

Under [Section 50-30 of the Illinois Procurement Code](#), certain State employees cannot participate in procurement-related activities on behalf of a non-State employer that relate to the State agency the individual worked for most recently for **two years** after leaving the State agency. This applies to:

- certain State employees who had duties directly related to State procurement for at least six months, and
- executive officers confirmed by the Illinois Senate.

[Section 50-15 of the Illinois Procurement Code](#) also prohibits a State employee who has a contract for future employment, or is negotiating possible future employment with, a vendor from representing the State in any contract negotiations with that vendor.

Lastly, [Executive Order 15-09](#) prohibits State employees under the Governor's jurisdiction from:

- negotiating for post-State employment with any entity that lobbies that employee's agency while they are still employed by the State; and
 - being paid to lobby any State executive agency for **one year** after the employee leaves their State position.
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Lesson 5: Knowledge Check - Revolving Door

Luis is a former "c-list" employee that left State employment to take care of a family member. Luis knows he is a "c-list" employee because he was notified by his ethics officer and had duties that included reviewing and providing input in the vendor selection. Eight months after caring for that family member, Luis starts to look for a job in the private sector. He specifically applied for jobs with companies that did not submit any contract proposals to his agency during his State employment. Luis is offered a job from a former State vendor with a start date exactly eleven months from the date that he left State employment. Luis thinks it would be a waste of time to let the OEIG know of the job offer since he already knows he had no significant relationship with the company during his State employment and the company no longer has a relationship with the State. Luis accepts the position and begins his employment on the designated start date.

Did Luis violate his obligations as a "c-list" employee under the Ethics Act revolving door provisions?

- A. No, if it is clear to Luis that he had no interaction with the former vendor while employed by the State, there is no need to seek approval from the OEIG.
 - This is not the correct answer. Regardless of whether or not Luis had a direct, indirect, or no relationship with the former vendor, it is up to the OEIG to determine if Luis would be restricted from accepting the job, not Luis.
- B. Yes, Luis must notify the OEIG within one year of ending his State employment, regardless of his take on the relationship with the former vendor.
 - **Correct! This is the correct answer.** The Ethics Act requires "c-list" employees to notify the OEIG and obtain a determination prior to accepting post-State employment. In this case, Luis was aware he was required to notify the OEIG of any employment outside of State agencies for the year after ending State employment, and failed to do so; thus, he violated the revolving door notification provision.
- C. No, because Luis would start working at the private company eleven months after he stopped working for the State.
 - This is not the correct answer. Luis was aware that he was on the "c-list;" based on this status, he was required to notify the OEIG of any employment outside of State agencies for **one year** after ending State employment; eleven months is within that time period.
- D. No, because Luis does not need to notify the OEIG if he left work to help family.
 - This is not the correct answer. Luis needs to notify the OEIG of **any** employment outside of State agencies for one year after ending State employment, regardless of the reason for leaving.

Lesson 5: Key Points

- Revolving door prohibitions apply to **all** State employees.
- A State employee cannot accept employment or compensation from an entity if the employee personally and substantially participated in the award or fiscal administration of certain contracts, or in licensing or regulatory decisions, related to that entity within **one year prior** to the date of termination of State employment. The prohibition extends for **one year after** the termination of State employment.
- If you are a "c-list" employee, you **must** seek a determination from the OEIG **prior** to accepting non-State employment or compensation.
- If you are an "h-list" employee, you cannot accept employment for one year after termination of State employment from an entity that has been involved in certain contracting, regulatory, or licensing decisions with your agency, even if you were not involved in these decisions.

Lesson 6: Rules for Procurement and Ex Parte Communications

This lesson will discuss some rules you must follow to ensure transparency in procurement and official decision-making processes. The following topics will be reviewed:

- Memorializing Procurement Communications
- Protecting the Procurement Process
- Ex Parte Communications in State Decision-making

The State of Illinois must procure a wide range of goods and services to ensure it fulfills its vital government functions. Since the State of Illinois uses public funds in acquiring these goods and services, the public has a vested interest in accessing the communications related to the State of Illinois' procurement operations and decisions.

Memorializing Procurement Communications

State employees who participate in contract award decisions and receive certain communications about active procurement matters may be required to report those communications. This applies to contract awards, contract change orders, and contract renewals or extensions. Depending on the procurement matter, other relevant laws may require the employee to document the communications in other ways.

If you work in procurement, you should be familiar with the procurement communications reporting provisions of the Illinois Procurement Code. For additional information, you should review [30 ILCS 500/50-39](#), [50-40](#), and [50-45](#).

You should also review relevant administrative regulations at: 2 Ill. Admin. Code, Sections [1620.825](#), [1620.826](#), and [3002](#). The next few slides will provide some additional information about procurement communications.

When to Report

If you work in procurement and receive a communication about an active procurement matter, you may have to report that communication to the Procurement Policy Board.

Specifically, the Illinois Procurement Code ([Section 50-39](#)) says that certain employees shall report procurement related communications when they:

- impart or request material information regarding a procurement matter (these things might include price, quantity, terms of payment, performance terms, or other terms of a contract);
 - involve a potential procurement action;
 - relate to a currently active matter; AND
 - are not privileged, confidential, or otherwise protected from disclosure.
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If you engage in a material communication with a registered lobbyist, the [Illinois Administrative Code](#) requires that you make every attempt to get a written statement from that lobbyist about the communication that took place.

You should still prepare a report for the communication and file the report with the Illinois Procurement Policy Board.

In fact, if the lobbyist fails to provide you with a written statement within 30 days, you must file your own report, and include information about your attempted requests to get the lobbyist to report the communication.

How to Report

You could receive a phone call, an email, a letter, a text message, or an in-person communication. Regardless of how you receive it, you must document and report the communication. In the report, include:

- the name(s), job title(s), and location(s) of each person that made and received the communication;
- the identity of the individual or entity represented by the person making the communication;
- the date, time, and duration of each communication;
- the communication method (including phone numbers, if applicable); AND
- a detailed summary of the communication, including any actions requested or recommended, and any responses given.

[Reporting requirements for procurement communications](#) can vary depending on the communication.

The [Procurement Policy Board website](#) allows you to report procurement-related communications online.

Exceptions

You might be wondering about those very brief communications you sometimes receive, like when you get a 30-second phone call to confirm how many copies a party must submit. There are some exceptions under the [Illinois Procurement Code](#) to the reporting requirement for certain communications.

For example, you do not have to report communications about procedural steps in the procurement process; communications that the law says are privileged, protected, or confidential; or communications made during a formal public hearing. However, if a party communicates material information to you after the hearing is over, you must report that communication.

Protecting the Procurement Process

In addition to memorializing procurement-related communications, State employees have a duty to protect the integrity of the procurement process.

If you suspect parties (including other State employees) are colluding or engaging in any anticompetitive practices, you *must* report such suspicions to the OEIG, the Office of the Attorney General, and the Chief Procurement Officer ([30 ILCS 500/50-40](#)).

You should also know that certain State employees who willfully use information from procurement matters to gain an advantage or otherwise negatively affect the fairness or integrity of the process could lose their jobs and face criminal prosecution ([30 ILCS 500/50-45](#)).

Ex Parte Communications in State Decision-making

First, what is an ex parte communication? It is any written or oral communication that imparts or requests material information or makes a material argument about a potential action being considered before [certain State agencies](#) that make regulatory, quasi-judicial, investment, or licensing decisions ([5 ILCS 430/5-50](#)). Some of these agencies include, for example, the Illinois Commerce Commission, the Prisoner Review Board, the Civil Service Commission, or the Department of Insurance. However, general statements about matters of procedure and practice, and statements made in a public forum, are not considered to be ex parte communications.

If you receive an ex parte communication from **an interested party**, you must promptly memorialize that communication and make it part of the record. An "interested party" is anyone whose rights, privileges, or interests are the subject of, or are directly affected by, a regulatory, quasi-adjudicatory, investment, or licensing matter.

Alternately, if you receive an ex parte communication about a pending matter from anyone who is **not a party to that matter**, you *must* report it immediately to your ethics officer, who shall ensure the communication is made part of the record **AND reported to the EEC**.

Lesson 6: Knowledge Check - Ex Parte Communications

A State commission that makes regulatory decisions has a pending matter before it. A former employee of the commission, Lin, hears that a decision will be made soon and, although Lin will not be personally affected by the decision, Lin has a strong opinion about what the outcome should be. Lin feels they need to speak out so Lin calls their former boss, who will be involved in making the decision. During the call, Lin makes several arguments about why they think the commission should decide a certain way.

Did Lin engage in an ex parte communication?

- A. No, Lin used to work at the commission so they can weigh in on pending matters and it is not considered an ex parte communication.
 - This is not the correct answer. Receiving a communication from a former employee of a regulatory agency is not an exception to the ex parte communication reporting provisions.
- B. No, Lin was just calling their old boss to give them their insight and it was not a formal call; thus, Lin did not engage in an ex parte communication.
 - This is not the correct answer. Lin made arguments related to the outcome of the decision, and these statements were not made in a public forum and did not appear to be about general procedures or practices.
- C. Yes, because Lin made material arguments about an action that was pending before the commission.
 - **Correct! This is the correct answer.** An ex parte communication occurs when a person makes a material argument regarding potential action concerning a regulatory, quasi-judicatory, investment, or licensing matters pending before or under consideration by the agency. Here, although Lin does not appear to be an interested party, Lin was making arguments to an employee of the decision-making body and the conversation was not in a public forum. Consequently, the supervisor needs to report this communication to the ethics officer, who must ensure the communication is made a part of the record and reported to the EEC.

Lesson 6: Key Points

- If you work in procurement and receive a communication regarding an active procurement matter, you may have to report it to the Procurement Policy Board even if it was just a brief communication. Be sure to know what sorts of communications must be reported.
- Ex parte communications occur when someone communicates and imparts or requests material information, or makes a material argument, to representatives of certain State agencies. However, general statements about matters of procedure and practice, or statements made in a public forum, are not considered to be ex parte communications.
- If you suspect parties (including other State employees) are colluding or engaging in any anticompetitive practices, you *must* report such suspicions to the OEIG, the Office of the Attorney General, and the Chief Procurement Officer.

Lesson 7: General Ethical Rules

In this lesson the following topics of general ethical rules will be reviewed:

- Conflicts of Interest
- Statements of Economic Interests
- General Penalties

Conflicts of Interest

If you think you may have a real or apparent conflict of interest, you should disclose this information to your supervisor or ethics officer. They will assist you in dealing with that conflict.

Conflicts of interest may occur when a State employee's decision or recommendation related to their State work affects or is affected by their personal interests, including the interests of family members, friends, or associates. Even an appearance of a conflict can be a violation of agency policy.

Some State employees cannot accept outside/secondary employment or compensation opportunities due to the positions they hold or the agencies they work for. This may occur when a State employee holds a position where the duties and responsibilities of that position make conflicts of interest more likely, more serious, or both.

State employees should review the conflict of interest-related laws, rules, and policies for their agencies to determine if the agency defines "conflict of interest" more broadly or requires State employees to perform certain actions if there may be a conflict of interest or appearance of one.

Examples of conflicts of interest that State employees must avoid include:

- influencing or making hiring decisions regarding family, friends, or associates;
- signing or making a recommendation on a State grant or contract with an entity in which the employee, friends, family members, or associates own an interest;

- participating in a decision to grant or renew State licenses for friends and family;
 - holding secondary employment that conflicts with an employee's work for the State; or
 - representing individuals in adversarial matters with the State of Illinois (i.e., suing the State of Illinois).
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Some State employees' conflicts of interest might be a violation of law. For example:

- [Illinois Procurement Code Section 50-50](#) makes it illegal to use insider information to benefit yourself or any other person. It is thus illegal for a State employee to provide confidential information to someone they know who is vying for a State contract.
- [Section 50-13 of the Illinois Procurement Code](#) and [Section 3A-35 of the Illinois Governmental Ethics Act](#) also prevent certain State employees, as well as their family members and business associates, at times, from acquiring interests in State contracts.
- In most cases, individuals who have certain types of financial interests in State contracts or are registered lobbyists cannot hold positions on State boards or commissions. This prohibition sometimes extends to family members too. For more information on these restrictions, you can review the following links:
 - [the Ethics Act, 5 ILCS 430/5-55](#) and
 - [the Lobbyist Registration Act, 25 ILCS 170/3.1](#).

Conflicts of interest can be very complicated. You should contact your ethics officer if you have questions.

Statements of Economic Interests

Certain State employees must file annual Statements of Economic Interests with the Illinois Secretary of State. These statements are supposed to disclose certain financial interests and relationships that State employees may have that could create a conflict of interest or the appearance of a conflict of interest based on the employees' duties.

The Secretary of State will notify you no later than April 1 each year if you need to submit a Statement of Economic Interests. The Statements of Economic Interests may be filed electronically after you receive a notice with login information from the Secretary of State. Visit the [Secretary of State's website](#) for guidance on completing these forms.

Your ethics officer must review the statement prior to its final submission to the Secretary of State before the **May 1 filing deadline**.

If you have a question about a Statement of Economic Interests, you may seek the advice of your ethics officer and review any guidance that may be available on the Secretary of State's website. You should also be aware that ***if you willfully file a false or incomplete statement, you may be guilty of a Class A misdemeanor***; however, if you complete your statement in reasonable, good faith reliance on guidance provided to you by your ethics officer, it shall not constitute a willful false or incomplete statement.

If you are required to file a Statement of Economic Interests with the Secretary of State, then you must also answer four supplemental questions from the EEC. These questions cover property ownership, non-governmental positions you might hold, litigation you might have with the State, and relatives you have that serve in State government. You file this supplementary form electronically with the EEC. [You may review the supplemental form and other related information on the EEC's website](#).

For further information on Statements of Economic Interests and Supplemental Statements of Economic Interest, see [5 ILCS 420/4A](#) and [Executive Order 15-09](#).

General Penalties

As you should have seen in this training, State employees who violate ethics-related laws, rules, and policies may face significant penalties, depending upon the specific circumstances.

- Penalties may include administrative action up to and including termination of employment.
 - In addition, the EEC may levy [administrative fines](#) for certain violations of the Ethics Act.
 - Illegal acts, such as bribery or official misconduct, may result in criminal prosecution.
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Lesson 7: Key Points

- Conflicts of interests can be a violation of agency policy and the law. It is important you contact your ethics officer if you think a conflict exists.
 - If you are required to fill out a Statement of Economic Interests, be sure to do so by the filing deadline of May 1st.
 - Also remember that there is a separate Supplemental Statement of Economic Interest that must be submitted to the EEC.
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Training Conclusion

We know there are a lot of specific rules regarding ethics, so if you need to keep it simple, remember some essential guidance.

1. **Be honest.** Be honest in all aspects of your work, such as timekeeping, hiring, reporting your financial and personal interests, and talking to the OEIG.
2. **Act in the best interest of the State.** As a public servant your conduct should further the State's best interest. Thus, if an interest may conflict with the interest of the State, or could appear to do so, the State's interest should prevail.
3. **Ask for guidance if you have questions.** Some ethics rules are specific and follow precise processes. You do not have to guess the process; there are resources, such as your ethics officer, who can assist you in understanding or obtaining the best information.

Following these tenets will help you be on your way to abiding by ethics laws and rules.

Congratulations!

You have reached the end of your annual 2024 Ethics Training. This training was created to give you the tools and information necessary for you to fulfill your duties as an ethical public servant. We all play an important role in serving the public and ensuring an ethical workforce.

TO COMPLETE THIS TRAINING, PLEASE CONTINUE TO THE LAST SLIDE TO CERTIFY YOUR COMPLETION



Survey

We encourage you to complete this training survey and leave any comments you may have about the training. If you have suggestions for topics for future training, found certain sections of this training to be particularly confusing, or want to comment on any other training matter, please [Take our Survey](#). **If you take the survey, be sure to return to this training to certify your participation.**

Your input is important to us in ensuring we are delivering the most effective training so that all State employees are informed and may deliver exemplary public service.

Comments or questions about State policies or reports of potential violations should **NOT** be placed here.

If you have a question concerning a work-related ethics issue, please contact your State agency's ethics officer. To report a non-emergency violation of the law, rule, regulation, or policy, please contact the OEIG via its hotline at (866) 814-1113 or via TTY at (888) 261-2734.

Certification

Acknowledgement of Participation in:

2024 Ethics Training Program for State Employees and Appointees

"I certify that I have carefully read and reviewed the content of, and completed, the 2024 Ethics Training Program for State Employees and Appointees. 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."

I certify and Acknowledge the above statement.

Printed Name: _____ Signature: _____ Date: _____