

2025 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 2025 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 relevant information you can access.

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 respective 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.

Questions regarding this ethics training should be directed to your Ethics Officer.

Role of an 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),
- 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, and
- reviewing certain employees' Statements of Economic Interests prior to filing with the Secretary of State.

Executive Order 16-04

It is important to understand that this Executive Order requires Ethics Officers to promptly notify the OEIG if they become aware of any allegations of misconduct. This order also requires Ethics Officers to first report these allegations of misconduct *before* conducting any internal agency investigation.

Role of an Ethics Officer

Ethics Officers also:

- assist employees with revolving door issues and completing revolving door paperwork,
- receive complaints of employee wrongdoing,
- approve educational materials and missions and travel expense exceptions for gift ban purposes (and gain EEC approval for such expenses), and
- ensure that all State employees fulfill their duty to complete ethics and harassment and discrimination prevention trainings.

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

Role of the 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, boards, and commissions, as well as State universities, the regional transit boards, and the 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 makes 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 merit-based and justifiable.

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

Role of 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, commissions and boards, as well as State universities, the regional transit boards, and the regional development authorities.

The EEC's responsibilities and duties include 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 General 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: eec.illinois.gov/.

Role of 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!

Session 1: Duties and Consequences

In this session, 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. In fact, [**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 promptly forward the report to the OEIG.

You may report alleged violations to the OEIG anonymously. But if you do so, 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 to the OEIG, you can do so via:

- the OEIG website at: [OEIG.illinois.gov/](https://oeig.illinois.gov/);
- the 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 OEIG forms that are provided to participants of OEIG interviews, as well as rules governing OEIG investigations, on the OEIG's website at: [OEIG.illinois.gov/](https://oeig.illinois.gov/).

Failure to Cooperate

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 impede investigations and is grounds for disciplinary action, including dismissal, as well as administrative fines.

For example, failing to cooperate with the OEIG by providing untruthful statements in an interview has resulted in termination. [See OEIG Case No. 23-00127](#).

The EEC has imposed significant fines for failing to cooperate in investigations and lying to investigators:

- [\\$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.](#)

Understanding 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 can be unlawful, if the supervisor's action was **retaliatory** and the employee's action was a **protected activity**. Let's explain what these terms mean.

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](#), it is illegal for any employer (including the State) to take retaliatory action 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, under the [Illinois Whistleblower Act](#), an employer may not take retaliatory action, or even threaten to do so, against an employee who engages in protected activity when the employee has a good faith belief that the activity, policy, or practice violates a State or Federal law, rule, or regulation or poses a substantial and specific danger to employees, public health, or safety.

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 incurred costs 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 or not completing work assignments, even if the employee has previously reported misconduct. The agency may discipline this employee if it can show that it would have imposed discipline regardless of whether the employee made a report of misconduct.

Session 1: Check Your Knowledge

Gabriel and Adela are State employees who work in the financial department of their agency. Adela is a dependable and experienced employee who always receives positive feedback from Gabriel, her supervisor, and other colleagues. Adela submits a report for their agency's year-end grant expenses to Gabriel. Gabriel, soon after receiving the report, gives Adela a call and requests that she increase a few numbers on the report to ensure the agency receives a budget increase for the following year. When Adela questions this, Gabriel tells Adela that this is part of the job and reminds her that she is up for a promotion. Adela refuses to report inaccurate numbers and later files a formal misconduct complaint against Gabriel. The next day Adela is fired for insubordination and poor performance.

Is it possible that Gabriel retaliated against Adela?

- A. Yes
 - **Correct!** Choice A is correct. Based on the facts in the scenario, Adela did not have a history of poor work performance or insubordination. In this case, Adela engaged in a protected activity because she reported conduct she reasonably believed was in violation of the law, rule, and/or regulation. The retaliatory action Gabriel took was firing Adela the day after she refused to report inaccurate data in the year-end grant expenses report and filed a formal complaint.
 - B. No
 - Choice B is incorrect. Based on the facts in the scenario, Adela did not have a history of poor work performance or insubordination. In this case, Adela engaged in a protected activity because she reported conduct she reasonably believed was in violation of the law, rule, and/or regulation. The retaliatory action Gabriel took was firing Adela the day after she refused to report inaccurate data in the year-end grant expenses report and filed a formal complaint.
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Session 1: Check Your Knowledge

Rebecca is a new supervisor to an agency department. In the first few weeks of Rebecca's role as supervisor, she notices that Jeremiah tends to submit his assignments late and has missed a few team meeting calls without an explanation. Rebecca also checked Jeremiah's last evaluation which identified previous instances of Jeremiah missing meetings and failing to meet deadlines. Rebecca meets with Jeremiah to address the late assignments and missed meetings, and requests that his performance improve. Later that day, Jeremiah files a complaint with the HR department stating that Rebecca has been bullying him by requiring him to meet deadlines. As a few weeks go by,

Jerimiah continues to miss some mandatory meetings and deadlines. Jerimiah is put on an employee performance improvement plan and is demoted from his position.

Based on the facts in the scenario, did Rebecca take retaliatory action against Jerimiah?

- A. Yes, once Jerimiah filed a complaint, no adverse employment action can be taken against him.
 - Choice A is incorrect. Filing a complaint against your supervisor does not prohibit an employer from imposing discipline. An agency may discipline a State employee for failing to follow agency policies, such as not attending mandatory meetings or not completing work assignments within deadlines, even if the employee has previously reported misconduct. The agency may discipline this employee if it can show that it would have imposed discipline regardless of whether the employee made a report of misconduct.
 - B. Yes, employees should not be demoted for turning in assignments late or missing required meetings.
 - Choice B is incorrect. Expectations and responsibilities are individually designated by agencies, as well as decisions on how to address poor employee performance. There is no evidence that Rebecca took these actions for any retaliatory reason.
 - C. No, it appears Rebecca's actions were based on Jerimiah's performance.
 - **Correct!** Choice C is correct. Based on the facts in the scenario, Rebecca addressed Jerimiah's prolonged poor work performance appropriately in her supervisory capacity. There is no evidence that Rebecca took these actions for any retaliatory reason.
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Session 1: Highlights

- 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 Illinois Whistleblower Acts can subject a State employee to significant penalties for retaliation.
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Session 2: Conflicts of Interest and Documenting Your Work

It is important to understand how a conflict of interest may affect your State employment. These interests, as well as how you work remotely, how you can engage in other work outside of State employment, and how you document your work, involve particular processes that need to be followed. In this section the following topics will be reviewed:

- Conflicts of Interest
 - Documenting Your Time Worked
 - Truthful Oral and Written Statements
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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, for example, 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.

Conflicts of Interest

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 the 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, or a friend, family member, or an associate, owns an interest;
- participating in a decision to grant or renew State licenses for friends or 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).

More detailed examples of conflict of interest violations can also be found in the following recently published founded reports:

- [OEIG Case #22-00458](#)
 - [OEIG Case #22-02192](#)
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Conflicts of Interest

Some State employees' conflicts of interest might also 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.

Documenting Your Time Worked

Pursuant to the Ethics Act [5 ILCS 430/5-5](#), 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:

- submit time reports,
- ensure their time reports are accurate, and
- 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 perform duties on short notice.

Remember, you should accurately report the time you spend on State business even if it is outside of 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. For example, if you have any approved secondary employment, you should **not** perform tasks for that secondary job during your State job hours, even if you complete your State-employment related tasks later in the day. Whether working from home or at the office, you must still accurately record the time you spend on State business.

More detailed examples of violations of secondary employment policies can be found in these published OEIG reports:

- [OEIG Case #21-02272](#)
 - [OEIG Case #21-02372](#)
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Session 2: Check Your Knowledge

Alexis is a full-time State employee with a work schedule from 8:30am to 5:00pm, Monday through Wednesday in the office and Thursday and Friday from home. Alexis' timesheets always list 8:30am to 5:00pm. Alexis also works at a part-time private customer service job and listed the work hours as 6:00pm to 9:00pm Monday through Wednesday on the required secondary employment approval form. One particular week, JC, Alexis' supervisor, noticed Alexis came into the office an hour late on Wednesday and had blocked off time on the group schedule from 3:30-5:00pm on Thursday and Friday. When JC asked Alexis about the time blocks and tardiness, Alexis said, "I was covering for a friend at my other job, but thankfully, only a few quick calls came in during those times. Plus, Thursday and Friday were slow days for us here at the State, so I was able to get all of that done and still had time to field calls from my other job. Working from home sure helps me be flexible with my time and responsibilities!"

Is there any problem with Alexis' conduct?

- A. No, as long as Alexis' State tasks were done and the timesheet recorded a full day's work, secondary employment is allowed.
 - Choice A is incorrect. The Ethics Act requires State employees to document time spent on State business to the nearest quarter-hour [5 ILCS 430/5-5(c)]. Even if secondary employment has not interfered with Alexis' State work performance, State employees must accurately report when they are working on State business on their timesheet, even if those times differ from their scheduled work hours. Moreover, secondary employment should not conflict with State employment, and Alexis should consult agency policies about secondary employment.
 - B. Yes, if Alexis is going to work any secondary employment during State working hours, they need to request personal or vacation leave time, and accurately record the hours they conducted State work.
 - **Correct!** Choice B is the correct answer. The Ethics Act requires State employees to document time spent on State business to the nearest quarter-hour [5 ILCS 430/5-5(c)]. Therefore, Alexis must accurately report hours on State business, which are not to overlap with secondary employment. Alexis also must use leave time for any secondary employment conducted during State time and should verify whether the employing State agency has any stricter policies regarding secondary employment and work from home expectations.
 - C. No, as long as Alexis is transparent with what hours are overlapping by continuing to block out secondary employment on the calendar and only does this when working from home.
 - Choice C is incorrect. The Ethics Act requires State employees to document time spent on State business to the nearest quarter-hour [5 ILCS 430/5-5(c)]. Therefore, regardless of whether Alexis works from home or a State office, Alexis must accurately report the hours worked on State business on their timesheet, which must not overlap with secondary employment. Alexis also must use leave time for any secondary employment work time. Employees should verify whether their State agency has any stricter policies regarding secondary employment and work from home expectations.
 - D. Yes, Alexis is not supposed to have secondary employment.
 - Choice D is incorrect. The Ethics Act does not prevent State employees from having secondary employment. Rather, secondary employment policies and approval of secondary employment is subject to the discretion of individual agencies.
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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 relevant OEIG 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.](#)

The OEIG's website also contains multiple published reports about State employees who were fired from their State jobs for completing and/or submitting federal loan applications with false information; some of these employees also falsely reported on their agency's secondary employment forms that they did not have any secondary employment. Go to the OEIG's website for further information at <https://oeig.illinois.gov/investigations/published-oeig-cases.html>.

Session 2: Highlights

- Conflicts of interest can be a violation of agency policy and the law. It is important you contact your Ethics Officer if you think a conflict exists or could appear to exist.

- Remember to always report time spent on State business accurately, particularly when working remotely, 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.
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Session 3: Improper Influence of Official Actions

In this section, 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 who direct you, or your State agency;
 - do business with, or seek to do business with, your State agency;
 - participate in activities regulated by you, the employees who direct you, 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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The Gift Ban

So, what is a gift? A gift is mostly what you would expect. The Ethics Act 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 \$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;
- 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 the educational materials and missions exception or the travel expense 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. It is also important to review your State agency's policies, which at times can be more restrictive than the Ethics Act's gift ban.

To be safe, you can simply decline anything of value offered to you (other than your salary and other State employment-related benefits).

The 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 or donuts.
 - 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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The Gift Ban

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 of 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 prevent State employees from being influenced in their official actions by prohibited sources 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.

Bribery

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, such 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.

In sum, 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.

Session 3: Check Your Knowledge

Amy is a State employee who inspects certain activities of facilities that are regulated by Amy's State agency. Amy has worked at this State agency for many years and has made life-long friendships along the way. On her birthday, she received many gifts, including flowers, chocolates, and gift cards. Among others, Amy received gifts from Arjun and Candice, two heads of facilities that are inspected by Amy or otherwise regulated by her agency. Amy has been long-time friends with Arjun, who is also her neighbor. In addition, their kids go to the same school, and their families spend summer vacations and holidays together. Amy met Candice through her job in the last year, and they would consider each other only to be professional acquaintances.

For her birthday this year, Arjun gave Amy a \$150 gift card to her favorite restaurant, and Candice gave Amy a voucher for a three days' and two nights' stay at a rental home. The voucher would amount to \$500 in value to the public, but luckily for Amy, Candice owns the rental home.

Which gift can Amy accept?

- A. Candice's gift, but not Arjun's gift.
 - Choice A is incorrect. Candice is a prohibited source and is not considered a personal friend, and no other exceptions appear to be applicable in this case that would allow Amy to receive this gift without violating the gift ban. Thus, Amy would violate the gift ban provisions if she accepted Candice's gift and did not promptly take reasonable action to return it to Candice or donate the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 (5 ILCS 430/10-15). Arjun may be considered a personal friend under one of the gift ban exceptions, however, and thus, Amy could accept Arjun's gift.
- B. Candice's and Arjun's gifts.
 - Choice B is incorrect. While both Arjun and Candice may be prohibited sources, Arjun would likely be considered a personal friend under one of the gift ban exceptions. However, Candice is not a personal friend, and there appear to be no other applicable exceptions that would allow Amy to receive this gift without violating the gift ban. Thus, in order to not violate the gift ban, if Amy accepted Candice's gift, she would have to promptly take reasonable action to return it to Candice or donate the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 (5 ILCS 430/10-15).
- C. Arjun's gift, but not Candice's gift.
 - **Correct!** Choice C is correct. Under the gift ban provisions, there is an exception that would appear to allow Amy to receive Arjun's gift without violating the gift ban. Even though Arjun is considered a prohibited source, a gift provided by an individual on the basis of a friendship, which can be proven with history and knowledge of the relationship between both parties, is an exception to the gift ban. However, Amy would violate the gift ban if she accepted Candice's gift without promptly taking reasonable action to return it to Candice or donate the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code of 1986 (5 ILCS 430/10-15), since Candice is not a considered a personal friend, and there appear to be no other applicable exceptions.
- D. She can accept both gifts, as long as she removes herself from being involved in any inspections involving the facilities Arjun and Candice oversee.
 - Choice D is incorrect. Arjun and Candice are both considered to be prohibited sources of Amy's agency since their facilitates engage in activities that are regulated by Amy's agency. Thus, Amy would violate the gift ban provisions if she accepts Candice's gift at all, even with the intention of removing herself from future inspections, since Candice is not a considered a personal friend, and there appear to be no other applicable exceptions. On the other hand, Arjun may be considered a personal friend under one of the gift ban exceptions, and thus, Amy could accept Arjun's gift; but, Amy should disclose her personal relationship with Arjun to her supervisor if she was ever assigned to inspect Arjun's facility.

Session 3: Highlights

- 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 of your lawful authority might be a criminal offense.

Session 4: Prohibited Political Activities and Public Service Announcements

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

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

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 also review your agency's policies and laws to see if you must comply with even tighter restrictions on political activities. For example, employees at some State agencies are prohibited from engaging in certain political activities even when they are off work and at home.

In addition, an employee cannot intentionally require another 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.

Prohibited Political Activities

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).

Prohibited Political Activities



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.

Additional Restrictions on 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 donate to their campaign; this would be true even 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.](#)

Session 4: Check Your Knowledge

Derrick arrives early to a staff meeting and is sitting at the conference table checking email while waiting for everyone to arrive. Shyla comes in a few minutes before the meeting and greets Derrick at the conference table. While Derrick and Shyla are catching up with each other, Derrick tells Shyla that he has been helping his friend-only on the weekends-with her senate campaign. Derrick then invites Shyla to join him for a 5k campaign fundraiser run the following Sunday to support his friend. Derrick also informs Shyla that a VIP ticket is \$100, for which she can receive a beverage and burger after the run. Shyla enthusiastically takes out her personal phone and buys a \$100 VIP ticket for the run. Shyla receives the ticket confirmation in her personal email right before their other coworkers arrive and the meeting starts.

Did Shyla and/or Derrick violate the Ethics Act based on their actions?

- A. No, Shyla used her personal phone, personal email account, and money to purchase the VIP ticket and sign up for the 5k.
 - Choice A is incorrect. Shyla and Derrick were on State property when he suggested that she support a political campaign fundraiser by buying a VIP ticket, which she then proceeded to do. Under the Ethics Act, contributions shall not be intentionally solicited, accepted, offered, or made on State property by public officials, State employees, or candidates for elective office (5 ILCS 430/5-35). Thus, Derrick violated the Ethics Act by soliciting the contribution while they were at their State office, and Shyla violated it by making the contribution there, via this purchase, even if she only used personal resources to do so.
 - B. No, Shyla and Derrick were not working when she purchased the VIP ticket to sign up for the 5k.
 - Choice B is incorrect. Shyla was on State property when Derrick suggested that she support a political campaign fundraiser, via purchasing a VIP ticket, and she chose to do so. Although it may not be clear whether or not Shyla and Derrick were on any kind of unpaid break before the meeting, it is not the relevant factor at play here, because the contribution was made in a State building. Per the Ethics Act, contributions shall not be intentionally solicited, accepted, offered, or made on State property by public officials, State employees, or candidates for elective office (5 ILCS 430/5-35). This applies even when the actions occur before work hours, after work hours, or on any breaks.
 - C. Yes, because State employees are never allowed to solicit or make campaign contributions.
 - Choice C is incorrect. State employees generally are allowed to engage in political activities, including soliciting or making campaign contributions when they do so in a personal capacity, outside of State work time, as long as they do so away from State property and without using any other State resources. That being said, as a reminder, some agencies have additional restrictions on political activities, so it is important to double check your agency policies and laws.
 - D. Yes, Derrick asked for a contribution to a political campaign, in the form of a VIP ticket, in a State building, and Shyla made the requested campaign contribution by buying this ticket.
 - **Correct!** Choice D is correct. Shyla was at her agency's office, and thus, on State property, when she purchased a VIP ticket in support of a political campaign fundraiser. Derrick solicited the campaign contribution, by asking Shyla to buy a VIP ticket, also while in the office. Thus, both violated the Ethics Act, which states that contributions shall not be intentionally solicited, accepted, offered, or made on State property by public officials, State employees, or candidates for elective office (5 ILCS 430/5-35).
-

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:

- 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 an activity that may be a prohibited offer or promise, you **must** report it to the OEIG and/or your Ethics Officer.

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](#).

Session 4: Check Your Knowledge

Jakub has worked for Agency A for six years now and has decided to run for election as an alderman. One of Jakub's subordinates, Daniel, agreed to help Jakub with his social media accounts to manage voter engagement, promote upcoming campaign events, and streamline the look and language being posted for the campaign. On the days Daniel works from home, he uses his personal devices to post campaign content and replies to comments from potential voters in the comments section. Sometimes Daniel posts campaign content and replies to comments on Jakub's social media campaign page during his scheduled State work hours; however, it does not interfere with Daniel turning in any work assignments on time or attending meetings for his State job.

Is Daniel engaging in prohibited political activity?

- A. No, he is not using State resources to post campaign content and reply to comments.
 - Choice A is incorrect. Although Daniel is not using State resources, such as a work computer or phone, he is engaging in prohibited political activity when he goes on to social media to post campaign content and reply to campaign-related comments on his scheduled State work hours.
- B. Yes, Daniel cannot engage in political activity with and for his supervisor.
 - Choice B is incorrect. The Ethics Act does not prevent State employees from ever engaging in political activity with other State employees. However, it does prohibit engaging in political activity during scheduled State work hours or while on State property or using State resources.
- C. No, so long as Daniel ensures his supervisor, Jakub, knows that Daniel is working on Jakub's campaign on State time.
 - Choice C is incorrect. Although Jakub is Daniel's supervisor, Daniel's State job duties do not include helping his supervisor with his campaign. Daniel is engaging in prohibited political activity when he goes on social media to post campaign content and reply to campaign-related comments during his State work hours, regardless of the fact that Jakub is aware of Daniel's actions on behalf of the campaign.
- D. Yes, he is posting campaign content during his State work hours.
 - **Correct!** Choice D is correct. Daniel is engaging in prohibited political activity when he goes onto social media to post campaign content and reply to campaign-related comments while working his scheduled State work hours.

Session 4: Highlights

- 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 also specifically prohibits State employees from intentionally soliciting, accepting, offering, or making political contributions while on State property.
- 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.

Session 5: Revolving Door

There can be restrictions on future employment for employees who leave State employment. Moreover, certain State employees have a specific obligation to report to the OEIG about post-State employment offers.

It is important to understand Revolving Door provisions and how they apply to you, particularly because failing to follow these provisions may result in large financial penalties.



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 labeled 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 (which includes grants) or change orders of \$25,000 or more in total to that entity, including any other companies the entity owns or is owned by. Through the revolving door determination appeal process, the EEC determined that grants are contracts for revolving door purposes.
- 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.

This doesn't mean you can never accept employment from these entities, but you cannot do so for **one year after** 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 State 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 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 evaluates grant applications to determine whether an organization should receive a State grant,
- 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 for one year after leaving 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 OEIG's 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

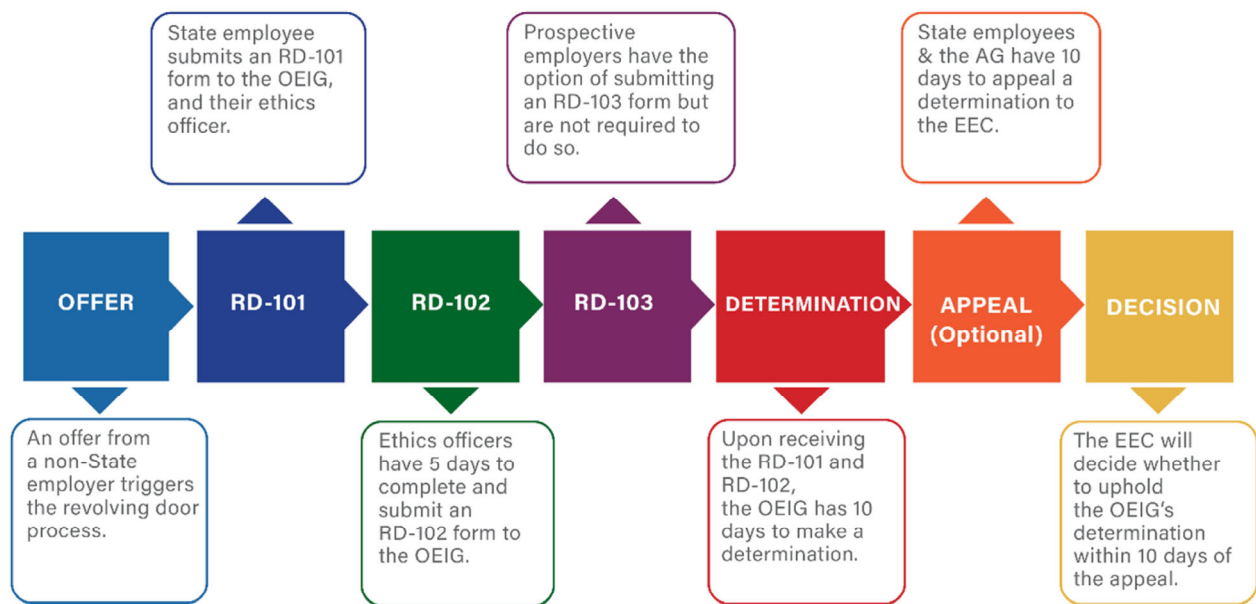
The entity who has offered you the job **may** fill out an [RD-103](#) form, which describes the work you will do for them and the interactions that entity has with your State agency. The entity does not have to fill out this form, but this information can be very useful to the OEIG in making its determination.

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 decision focuses on what it means to have "substantial" involvement in certain activities:

- [#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 contracts with a total value of \$25,000 or more involving your State agency, or
- subject to a regulatory or licensing decision involving 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. "H-list" employees may also wish to consult with a private attorney for advice.

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.

Penalties For 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, 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.](#)

Penalties for 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.

Session 5: Check Your Knowledge

Oscar is a c-list employee who is considering accepting a position being offered by a State contractor. Oscar is familiar with the company and believes he may have been involved in awarding a contract to them. After further consideration, he recalls that it has been two years since their three-million-dollar contract was awarded, and, while he gave recommendations, he was not the ultimate decision-maker and has not been involved with the company since then.

Does Oscar need to seek approval from the OEIG to take the position offered?

- A. No, because it has been more than a year since Oscar had any involvement with the company.
 - Choice A is incorrect. Oscar is required to seek a determination from the OEIG, regardless of how long it has been since he had any professional interaction with the company since he is a State employee on the c-list. It is up to the OEIG to decide if Oscar is restricted from accepting the job based on his personal and substantial involvement in the award or fiscal administration of the contract, including for example, evaluating the timing of any such involvement.
- B. No, Oscar was not the final decision maker in the award of the contract to the company.

- Choice B is incorrect. Oscar is required to seek a determination from the OEIG, regardless of whether he was the ultimate decision-maker since he is a State employee on the c-list. Although Oscar was not the final decision maker, he may still have been personally and substantially involved with the award or fiscal administration of that State contract, and it is the OEIG's role to make that determination, not Oscar.
- C. Yes, because Oscar is a c-list employee required to notify the OEIG prior to accepting non-State employment.
 - **Correct!** Choice C is correct. Since Oscar is a c-list employee, he must seek a determination from the OEIG prior to accepting any non-State employment or compensation during his State employment and for one year after he leaves State employment, regardless of how long it has been since he had any involvement with the company or whether he was the ultimate decision maker or not.
- D. Answers A and B are correct.
 - Choice D is incorrect. Oscar is required to seek approval from the OEIG, regardless of how long it has been since he had a relationship with the company or whether he was the final decision maker, since he is on the c-list.

Session 5: Highlights

- 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.

Session 6: Rules for Procurement and Ex Parte Communications

This section 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's 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, change orders, and 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.

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 short phone call to confirm how many copies of a document 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; such as communications that are privileged, protected, or confidential; or communications made during a formal public hearing, as well as other forms. For more information, please see section [30 ILCS 500/50-39](#). 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 an interested 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**.

Session 6: Check Your Knowledge

Aubrey and Uma are enjoying lunch together outside a State agency building. The two are old friends who have lunch from time to time. Uma is a member of a State commission subject to the ex parte communications rules under the Ethics Act. Uma's commission is currently considering a license renewal for a non-profit organization that Aubrey is the head of. Aubrey casually tells Uma, "I hate to bring this up during our lunch, but I just found out yesterday that if your commission doesn't renew the license under consideration, our organization may have to close, which would harm the community we serve. I hope you renew that license." Uma thanked Aubrey for her insight and changed the subject.

Is Aubrey's comment considered an ex parte communication that Uma would need to memorialize?

- A. No, the comment was informally made to an old friend.
 - Choice A is incorrect. No matter the relationship between Aubrey and Uma, Aubrey made an oral communication that imparted material information related to a licensing matter under consideration by Uma's commission - this is considered an ex parte communication that must be memorialized and made part of the record.
 - B. No, only written communications regarding an argument for a potential action concerning a licensing matter under consideration by a relevant agency is an ex parte communication.
 - Choice B is incorrect. Any oral or written communications that impart or request material information or make a material argument regarding potential action concerning regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by a relevant agency are considered ex parte communications. Aubrey's comments here would thus be considered an ex parte communication.
 - C. No, because the comment was made during a lunch break and off State time.
 - Choice C is incorrect. The timing of the communication is irrelevant here. Communications made on or off State time regarding any written or oral communication that impart or request material information or make a material argument regarding potential action concerning regulatory, quasi-adjudicatory, investment, or licensing matters pending before or under consideration by a relevant agency are considered ex parte communications. Thus, Uma needs to ensure this conversation is memorialized and made part of the record.
 - D. Yes, any communication raising an argument for a potential action concerning a licensing matter under consideration by a relevant agency is an ex parte communication.
 - **Correct!** Choice D is correct. Aubrey made an oral communication providing information and making an argument in favor of a licensing renewal matter under consideration by a commission subject to the ex parte communications Ethics Act provision. This is an ex parte communication that Uma needs to ensure is memorialized and made part of the record.
-

Session 6: Highlights

- 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.
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Session 7: General Ethical Rules

Ensuring proper hiring practices is an essential part of the OEIG's role. This session will review some of the duties State employees have in the hiring process, as well as other ethical rules that need to be followed.

- Ethical Hiring Practices
 - Statements of Economic Interests
 - General Penalties
-

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 process. 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.

Ethical Hiring Practices

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 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 professional 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.

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 of 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 in a form called a Supplemental Statement of Economic Interest. 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.

The EEC will notify you of this responsibility and provide you with login information to file your Supplemental Statement of Economic Interest 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](#).

Session 7: Highlights

- 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 professional 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.
 - If you are required to fill out a Statement of Economic Interests, be sure to do so by the filing deadline of May 1st.
 - Remember, there is a separate Supplemental Statement of Economic Interest that must be submitted to the EEC.
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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.

Finally, illegal acts, such as bribery or official misconduct, may result in criminal prosecution.

Training Reminders

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 your personal interests conflict with the interests of the State, or could appear to do so, the State's interests 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 2025 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:

2025 Ethics Training Program for State Employees and Appointees

"I certify that I have carefully read and reviewed the content of, and completed, the 2025 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. (Please type your name and date in the fields below.)

Name:

Date: