

ETHICS IN CITY GOVERNMENT APPOINTED OFFICIALS

Late Winter 2021



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www.Chicago.gov/ethics

**Lori Lightfoot, Mayor
William F. Conlon, Chair**

The Board of Ethics

- Established February 1987, pursuant to chapter 2-156 of Municipal Code
- Administers, interprets & enforces Governmental Ethics Ordinance (chapter 2-156, MCC)

Board Members

- Appointed by Mayor, confirmed by City Council
- No compensation, staggered four-year terms
- Independent, can be removed only for cause, by Mayor, with consent of remaining Board members (§§ 2-156-310, -340)

The Governmental Ethics Ordinance Regulates the Conduct of...

- ✓ City Employees
- ✓ City Elected officials
- ✓ City Appointed officials
- ✓ City vendors and persons seeking to do business with the City
- ✓ Persons who lobby City government
- ✓ Persons who give or offer gifts to City employees or officials

Board Responsibilities

- Advice and guidance
- Education
- Enforcement/Adjudication
- Regulation

Advice and Guidance

- Informal/Formal: ~4,000 per year
- Confidential
- Requires “standing” to receive:
 - Any current/former City official/employee (or their attorney)
 - Any vendor
 - Any lobbyist, or
 - Any person directly involved in a situation that concerns a provision of the Ordinance

Advice and guidance

- The Board answers question and provides advance guidance and legal advice
- All advice and guidance regarding chapter 2-156 is confidential; confidentiality can be waived by the requestor
- Past violations disclosed must be categorized as minor or non-minor; non-minor violators are advised they may self-report to the Inspector General (“IG”)

Education

- On-line and face-to-face training
- Basic philosophy is to head off ethics problems before they occur

Enforcement/Adjudication

The Board adjudicates complaints investigated by the IG in which the IG believes substantiate Ethics Ordinance violations. Or, where no investigation is required, the Board may find probable cause based on facts presented to it, or in the public record.

If the Board finds probable cause based on its own self-initiated enforcement actions or IG investigations, the subject is entitled to a confidential, *ex parte* meeting with the Board. After that, the Board may dismiss or settle the matter, or the subject of the investigation is entitled to a confidential hearing before an Administrative Hearing Officer or an appeal to the Circuit Court.



Adjudications—made public, when

- After any hearing before an Administrative Hearing Officer, the officer issues recommendations to the Board, which can accept or reject them, in a final written opinion. All final Board opinions are made public, though the subject may request that his or her name be removed if there is a finding of no violation.
- All settlement agreements are made public.
- The subject may appeal the Board's final decision to the Cook County Circuit Court.

Duty to Cooperate and Report

- Every City employee, appointed/elected official, sub/contractor and applicant for a City program or contract has a duty to cooperate, and shall not interfere, with any investigation or hearing conducted by, or willfully refuse to comply with a subpoena issued by either the IG or the Board.
(§2-156-018)
- No employee or official shall fail to report misconduct to the proper City authority.

Regulation/Public Disclosures

- Statements of Financial Interests (§2-156-150 et seq.), filed by members of City boards + commissions that are not solely advisory. **Filing deadline is before May 1 beginning in 2021 [we will extend this deadline due to Covid].**
- Lobbyist Registration and Activity Reports. Lobbyists are persons who undertake to influence any legislative or administrative action by a City employee or official on behalf of another, with an exception for unpaid representatives of non-profits. (§§ 2-156-010-(p); - 210 et seq.)
- The Board posts other required and non-required disclosures, including business travel reports, aldermanic recusals, gift returns, gifts accepted on behalf of the City.

Campaign Financing Restrictions

- The Board administers and enforces campaign contribution limitations. These limit at \$1,500 per year contributions by certain persons or businesses to any single elected City official, candidate for elected City office, or City employee or official running for any other office. (§2-156-445 et seq.)
- Note: lobbyists, City employees, and appointed officials are prohibited from contributing to Mayor Lightfoot or her two political committee, per EOs 2011-1 and 2.

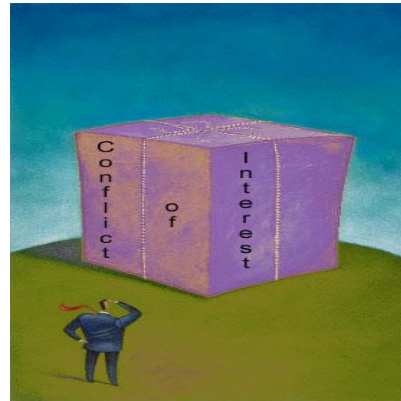
Code of Conduct

Code covers and restricts:

- ✓ Gifts
- ✓ Employment of relatives/domestic partners (nepotism)
- ✓ Conflicts of interests
- ✓ Contracting with City
- ✓ Loans from contractors
- ✓ Outside employment
- ✓ Political activity
- ✓ Use of City property/confidential information for private purposes
- ✓ Fiduciary duty
- ✓ Representation of third parties before City
- ✓ Revolving door, post-employment

Conflicts of Interests

- Appointed officials cannot make or participate in City matters or decisions in which they have any financial interest or from which they receive any compensation (such as matters involving outside employers). Recusal is required.



Gifts

- Appointed officials are subject to the \$50 per gift/per year limit (no cash or gift cards) from all persons. Notable exceptions: gifts from relatives and personal friends, City-related business travel, and gifts deriving from their non-City occupation, business or profession--appointed officials may accept gifts offered due to their non-City employment or activities as long as the gifts are offered to others similarly situated, and not given because of their City positions
- Money for advice: appointed officials may not receive anything for advice or assistance on City business unless the subject is **wholly unrelated** to their City board or commission

Interest in City Business

Appointed officials cannot have any business relationship that yields a “financial interest” in any City contract work or business unless the contract, work or business is ***wholly unrelated*** to their board’s or commission’s work.

Representation of third parties

Appointed officials may **not** “represent” third parties or clients:

- ♦ before any City departments, agencies, employees or officials unless they are doing their City work, or the matter is wholly unrelated to the work of their City Board or commission (appointed may register as lobbyists with the City provided this condition is met; or
- ♦ in proceedings against the City, or that may result in an adverse effect on City revenue, finances, or the health, safety, welfare or relative tax burden of any City residents, unless the proceedings are “wholly unrelated” to work of their board or commission.

Post-employment/revolving door

- Permanent restriction on proceedings and contracts over which you exercised contract management authority
- One-year subject matter prohibition
- 2-year lobbying ban on your Board or Commission

Political Activity

- Political activity is not prohibited: but it can't be done with or on City property, City title, or City equipment; you can't coerce or compel any other City person to solicit, make or not make a political contribution.

Sexual Harassment

The City's EEO policy prohibits all City employees and appointed officials from engaging in sexual harassment, committed in the course of their City work or through their City position or authority. Cases are investigated and could result in fines, public determinations of violations, and removal from office.

Sexual Harassment

Sexual harassment means “any unwelcome sexual advances or requests for sexual favors or conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment or of any government decision; or (ii) submission to or rejection of such conduct by an individual is used as the basis for any employment or other governmental decision affecting the individual or the individual’s client or employer; or (iii) such conduct has the purpose or effect of substantially interfering with an individual work performance or creating an intimidating, hostile or offensive working environment.”

Reporting Sexual Harassment

City officials also have a right to make complaints under state and Federal law by filing a charge with the Illinois Department of Human Rights (IDHR) or the U.S. Equal Employment Opportunity Commission (EEOC).

The Illinois Department of Human Rights (IDHR) is a state agency responsible for enforcing the Illinois Human Rights Act, the state law which makes it illegal to engage in sexual harassment or retaliation.

Complainants (victims of sexual harassment) may file a charge at any time within 300 days of the incident(s). IDHR has jurisdiction (authority) to investigate employers who have 1 or more employees.

To start the process, submit a Complainant Information Sheet to IDHR.

Remedies available under the Illinois Human Rights Act may include: back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, and attorney's fees and costs.

IDHR contact information:

1-800-662-3942 | www.ILLINOIS.GOV/DHR

100 W. Randolph St., #10-100, Chicago 60601

The State of Illinois *Sexual Harassment and Discrimination Helpline* is available for anyone who has experienced or witnessed unwelcome conduct of a sexual nature in the workplace. Calls are confidential and can be made anonymously.

Call: 1-877-236-7703

www.Illinois.gov/SexualHarassment

Reporting Sexual Harassment

- Persons who believe they are victims of sexual harassment by a City elected official should report it to the Office of the Inspector General, at 773-478-7799.
- Persons who believe they are victims of sexual harassment by any other City official or employee should report it to the Department of Human Resources, at City of Chicago Department of Human Resources Diversity and Equal Employment Opportunity Division, 121 N. LaSalle Street, Room 1100 Chicago, IL 60602 // Phone: (312)744-4224 // Facsimile: (312) 744-1521 // TTY: (312)744-5035 // Email: eeodiversity@cityofchicago.org.
- **All reports are confidential.** The City investigates these complaints with great sensitivity.

Reporting Sexual Harassment

The United States Equal Employment Opportunity Commission (EEOC) is responsible for enforcing Title VII of the Civil Rights Act of 1964, the federal law that makes it illegal to engage in sexual harassment or retaliation.

Complainants (victims of sexual harassment) may file a charge at any time within 300 days of the incident(s).

The EEOC has jurisdiction (authority) to investigate employers who have 15 or more employees. To start the process, call the EEOC or visit their website.

Remedies available under Title VII may include: back pay, lost benefits, clearing of a personnel file, damages, hiring, promotion, reinstatement, front pay where reinstatement is not possible, punitive damages, and attorney's fees and costs

U.S. EEOC contact Information:

1-800-669-4000 | www.EEOC.GOV

1-800-669-6820 (TTY for Deaf/Hard of Hearing callers only)

1-844-234-5122 (ASL Video Phone for Deaf/Hard of Hearing callers only)

JCK Federal Building, 230 S. Dearborn St., Chicago, IL 60604

Questions?

- 312-744-9660
- Email steve.berlin@cityofchicago.org
- www.Chicago.gov/ethics
- Twitter: @ChicagoEthicsBd
- No such thing as silly or trivial question!