

# **A PLAIN ENGLISH ETHICS GUIDE FOR CITY EMPLOYEES AND ELECTED OFFICIALS**



## **BOARD OF ETHICS**

**LORI E. LIGHTFOOT, MAYOR  
WILLIAM F. CONLON, CHAIR**

The City's Governmental Ethics Ordinance covers the conduct of all City employees and officials, addressing conflicts of interest, outside jobs, being offered gifts, business travel, employing relatives, engaging in political activity, and other topics, including restrictions on what City employees and officials can do after their City service ends.

In recent years, important changes have been made to the ethics laws. It's helpful to understand the restrictions generally, so you can spot possible "ethics issues" and obtain confidential advice where appropriate.

This guide outlines the key restrictions but is not intended to be all-inclusive. It is not a substitute for confidential Board advice. *If you have questions about whether an action you are considering complies with the City's ethics laws and standards, please request a confidential advisory opinion from the Board of Ethics. We at the Board are an important resource for you. Please use us.*

### **ADVISORY OPINIONS**

City employees, officials, or others subject to the Ordinance may request a **confidential** Board advisory opinion. The Board can render binding opinions *only* as to **future** conduct. If someone discloses conduct involving an apparent **past** violation the Board believes is not minor, the person may self-report it to the City's Inspector General ("IG"), or the Board must. But, if followed, advisory opinions can be used as a defense in investigations. They are always based on the facts presented.

### **ASPIRATIONAL CODE OF CONDUCT**

As a City employee or official, you are subject to an aspirational code of conduct. It requires, among other things, that you: disclose waste, fraud, abuse and corruption to the appropriate authorities; avoid sexual harassment, give a full day's work for a full day's pay; and act impartially in performing your duties so that no private organization or individual is given preferential treatment.

### **DUTY TO REPORT CORRUPT OR UNLAWFUL ACTIVITY/WHISTLEBLOWER PROTECTION**

City employees, officials and contractors must report to the IG conduct they know or should know involves corrupt or other unlawful activity concerning the City. The Ordinance provides explicit protection for those who report such violations in its "whistleblower protection" provisions.

### **FIDUCIARY DUTY**

☞ You **owe a fiduciary duty** to the City at all times in the performance of your public duties.

### **USE OF CITY PROPERTY**

☞ You **may not use** or permit the use of **City-owned property for any unauthorized purpose**, including prohibited political activity. This includes City-owned vehicles, offices, smart phones, tablets, business cards, letterhead, City staff, etc.

### **SEXUAL HARASSMENT**

City elected officials who engage in behavior constituting sexual harassment violate the Ordinance. Complaints are confidential and alleged harassment should be reported to the IG.

### **GIFTS**

You, your spouse/domestic partner, or any family member living with you, **may not solicit or accept**:

- ☞ any gift, item or service given **anonymously**;
- ☞ any gift, item, or service if it is understood that the purpose is **to influence your official actions or decisions**;
- ☞ any cash or gift cards in any amount;
- ☞ any other non-cash, non-gift card gift or combination of gifts **worth more than \$50 from a single source in a calendar year**;
- ☞ **any gift from another City employee or official over whom you are an official superior** (there are exceptions, such as items worth less

than \$10, and gifts given for infrequent life occasions like weddings, where the cap is \$100);

☞ **anything of value (like tips) in return for your advice or assistance on matters concerning City business** unless that advice or assistance is wholly unrelated to your City responsibilities.

There are **exceptions. You may accept:**

- ☞ anything for which you pay fair market value;
- ☞ anything offered to members of the public on the same terms, like sales promotions;
- ☞ anything from your relatives or personal friends, unless you have reason to believe the gifts were offered to you *because* of your City position;
- ☞ gifts on the City's behalf (these must be usable for City business and must be reported promptly to the Board and Comptroller);
- ☞ reasonable hosting expenses related to official City business, if the Board approves them in advance and they are offered by the sponsor or host, and you report them to the Board within 10 days of acceptance;
- ☞ materials or travel expenses related to a public or governmental educational purpose, if the Board approves them, and you report it to the Board within 10 days of your return; or
- ☞ gifts offered to you, your spouse, or domestic partner in the course of non-City business, employment, or community activity.



### **HONORARIA**

☞ **Honoraria are prohibited:** you may not accept any gift or money for participating in speaking engagements, lectures, or discussion forums in the course of your City service. Do turn down or immediately return any checks or other things of value offered or sent to you in exchange for your speech.

**But you may accept:**

☞ **honoraria** for speaking engagements **unrelated to your City job;** or

☞ **reasonable travel expenses to the location of your speech**, even if it is related to your City job, including air, ground transportation, lodging, and food. But you must receive advance clearance from your department head (or alderman) **and** from the Board of Ethics **and** must report your travel in writing to the Board of Ethics within 10 days of your return. The Board makes these reports public.

### **REPRESENTING OR “LOBBYING” FOR NON-CITY PERSONS**

☞ You **may not represent or receive anything of value from the representation of** any person (like a non-profit, or friend) **before a City agency in any formal or informal meeting or transaction**, but this does not prevent you from performing your official City duties.

☞ You may not represent, or receive anything of value from the representation of, any person in any judicial, quasi-judicial or administrative proceeding in which the City is an adverse party or that may adversely affect City revenue, financial, or the health, safety welfare or relative tax burden of City residents.

☞ You may not contact other City officials or employees regarding any matter involving a person or organization with whom you have a business relationship that creates a financial interest for you, or involving a person from whom or which you, your spouse/domestic partner, or a business either of you own, have derived or expect to derive compensation or income with 12 months before or after the contact.

☞ City employees and elected officials may not lobby (or receive any compensation from lobbying by another) the State of Illinois or any unit of local government in the State on behalf of any private person (as “lobby” or “lobbyist” is defined by state law), although they can perform their City jobs, and attorneys can provide legal representation to their clients.

### **POST-EMPLOYMENT/“REVOLVING DOOR”**

☞ **For one year after leaving City service**, you **cannot** assist or represent a new employer or client on a transaction involving the City if, while in City service, you were personally and substantially involved in its “subject matter.”

☞ **For two years after leaving City service**, non-clerical Mayoral personnel and department heads **may not lobby any** City department, employee or official, and Executive branch Shakman-exempt employees (and appointed officials) may not lobby their former department or board/commission.

☞ For **one year after leaving City service**, City Council members **may not lobby** any City department, employee, or official.

☞ If you **exercise management authority over a City contract**, you may **not** assist or represent anyone other than the City (such as a new client or employer) with **that contract for as long as it lasts**.

☞ If you **participated personally and substantially or were counsel of record** in a judicial or quasi-judicial proceeding involving the City, you may not assist or represent anyone other than the City in that proceeding.

☞ You may not **negotiate the possibility of future employment** with any person (except another government agency) that has a **matter pending before you**.

### REVERSE REVOLVING DOOR

☞ For your **first two years** of City service, you may not participate in a decision-making capacity in any matter that benefits your immediate pre-City employer or client whom you represented or to whom you consulted or on whose behalf you lobbied.

### LOANS FROM LOBBYISTS AND CITY CONTRACTORS

☞ You, your spouse/domestic partner, or any entity in which either of you have an ownership interest worth more than \$1,000, **may not apply for, solicit, accept, or receive loans from a person doing or seeking to do business with the City**, or from any lobbyist, except for ordinary market rate loans from financial lenders negotiated at arm's length.

### CONTRACTING WITH THE CITY

You may **not have a financial interest** (meaning an ownership interest worth more than \$1,000 in a calendar year) in:

▶ your own name, or in the name of another person (such as a firm in which you have an ownership interest) **in any City contract, work, sale, or business** (except for participation in designated housing assistance programs)

▶ the purchase of City property, unless sold through a process of competitive bidding following public notice.

### DUAL EMPLOYMENT

☞ Personnel Rule XX prohibits City employees from engaging in a profession, business, trade,

investment, occupation, or other activity that results in a conflict of interest with City employment. (That Personnel Rule also requires City employees to obtain written permission from their Department head or alderman to engage in dual employment or outside business activities.) It also prohibits department heads and Mayoral employees from having any outside or secondary employment relationship with any person.

### NEPOTISM

☞ You may not hire or advocate for hiring your relative or domestic partner in a City agency in which you serve or exercise authority (there is an exception for an alderman's personal staff hired as a City employee).

☞ You **may not exercise supervisory authority over your relative or domestic partner** (there is an exception for City Council members' personal staff hired as City employees).

☞ You may not use your City position to help a relative or domestic partner acquire employment or contracts with any person or entity whose City work you oversee.

☞ You may not make or participate in any City decisions or actions with respect to your relatives or domestic partner, or to persons, firms, or entities that employ, are owned by, or have contracts with your relatives or domestic partner.



### POLITICAL ACTIVITY

☞ You **cannot perform political activity during compensated time** (that is, when you're at your City job, or time for which you're credited for minimum City work time requirements).

☞ You **cannot ever use (or be on) City property or resources while performing any prohibited political activity**, even on your vacation, furlough, or lunch.

☞ You **cannot solicit, accept, or make a political contribution while on City property** or during compensated time.

☞ If you exercise contract management authority in your City job, **then you cannot serve on a political fundraising committee**. But you can still

be politically active as long as you follow the other rules described.

☞ Unless you're a candidate for elected office, you **cannot knowingly solicit or accept political contributions from a person or firm doing business with the City.**

☞ You **may not require other City employees or officials to perform political activity** as part of their job or on their time off, or coerce them to make, not make or solicit any political contributions.

### **CONFLICTS OF INTEREST**

☞ You **can't make**, participate in, or try to **use your City position to influence** any City governmental decision or action on any matter from which you have derived income or compensation in the previous year, or expect to derive income or compensation in the next year, or have an ownership interest that is worth \$1,000 or more, or have any financial interest distinguishable from that of the general public.

### **STRICTER DEPARTMENTAL RULES**

**The Ordinance is a floor, not a ceiling.** Any department or aldermanic office may adopt stricter rules. This is especially true with respect to gifts—some departments have a gift ban—and outside employment. Always check with your department or aldermanic office first. Here is a list of all ethics officers:

<https://www.chicago.gov/content/city/en/depts/ethics/provdrs/ethicsofficers.html>

### **MANDATORY ETHICS TRAINING**

All lobbyists, employees, City Council members and “contract employees” and appointed officials must complete an annual ethics training program we design. City Council members and employees and Senior Executive City employees must also attend face-to-face ethics training every four years. Board trainings include a unit on avoiding and reporting sexual harassment. Those who do not complete training as required are subject to a daily \$250 fine, and their violations are made public.

### **STATEMENTS OF FINANCIAL INTERESTS**

Elected officials, certain appointed officials, and City employees with managerial responsibilities must file a Statement of Financial Interests annually with the Board of Ethics. Filings can be done on-line. Knowingly answering falsely or incompletely is a violation of the Ordinance. Filed Statements are posted on our website for seven (7) years after filing. See <https://webapps1.chicago.gov/efis/search>

Those who fail to file Statements as required are

subject to daily fines of \$250. Their violations are made public.

### **COMPLAINTS AND INVESTIGATIONS**

The Board accepts and may refer to the IG for factual investigation any complaint alleging Ethics Ordinance violations, or the Board could find probable cause to believe a violation has been committed if no IG factual investigation is needed.

After any Board probable cause finding, the Board provides due process by meeting with the subject (and/or the subject's attorney), then may dismiss the matter, or try to settle the matter (typically by fine), or, after IG investigations, administer an evidentiary hearing for the purpose of determining whether the Ordinance was truly violated.

**All complaints, investigations and probable cause findings are confidential until a final resolution. All final Board determinations, penalties, and settlement agreements are public.** See:

[https://www.chicago.gov/city/en/depts/ethics/supp\\_info/AO-I-EM.html](https://www.chicago.gov/city/en/depts/ethics/supp_info/AO-I-EM.html)

### **PENALTIES FOR VIOLATIONS**

The Board has the sole authority to determine whether violations of the Ethics Ordinance have occurred, and can impose or recommend penalties, including fines (for most violations the fines are \$500-\$20,000 per violation), employment sanctions, removal from office, censure, or invalidation of contracts. Summaries of concluded cases are made public.



### **FOR MORE INFORMATION**

Please visit our website:

**[www.chicago.gov/Ethics](http://www.chicago.gov/Ethics)**

***For confidential advice or guidance, contact:***

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