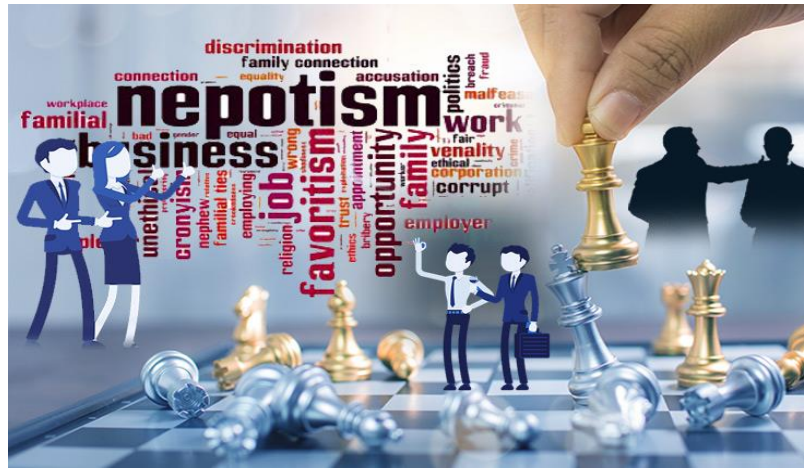


A PLAIN ENGLISH GUIDE TO THE CITY OF CHICAGO'S ANTI-NEPOTISM LAWS



Introduction. Like the laws of many governments in the U.S., Chicago's severely restrict City employees' and officials' ability to make or participate in governmental decisions that involve their relatives or domestic partners, or firms or organizations owned by or employing their relatives or domestic partners.

This Guide explains these restrictions. It is not a substitute for confidential advice from the Board. We encourage City employees or officials with questions about how Chicago's ethics laws restrict them with respect to City governmental decisions or actions affecting their relatives or relatives' employers or owned companies to contact us **before** acting or participating in any City actions or decisions. Violations of Chicago's anti-nepotism laws can result in fines of up to \$20,000 per violation, and reversal of regulatory decisions or cancellation of contracts.

What is a relative? The City's Governmental Ethics Ordinance defines "relative" as a parent, child, brother or sister, aunt or uncle, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister.

What is a domestic partner? The term is defined elsewhere in the City's Municipal Code.¹

¹ 2-152-072. A qualified domestic partner, as defined in this section, of an individual employed by the City of Chicago shall be eligible for the same benefits, including but not limited to health coverage, as are available to the spouse of an individual employed by the City of Chicago. To be eligible for coverage as a qualified domestic partner, the city employee and the domestic partner must complete and file with the department of human resources, before August 1, 2017, an "Affidavit of Domestic Partnership" in which they attest that:

- (A) they are each other's sole domestic partner, responsible for each other's common welfare; and
- (B) neither party is married, as marriage is defined under Illinois law; and
- (C) the partners are not related by blood closer than would bar marriage in the State of Illinois; and
- (D) each partner is at least 18 years of age, and the partners are the same sex, and the partners reside at the same residence; and
- (E) two of the following four conditions exist for the partners:
 - 1. The partners have been residing together for at least 12 months prior to filing the Affidavit of Domestic Partnership.
 - 2. The partners have common or joint ownership of a residence.
 - 3. The partners have at least two of the following arrangements:
 - a. joint ownership of a motor vehicle;
 - b. a joint credit account;
 - c. a joint checking account;
 - d. a lease for a residence identifying both domestic partners as tenants.
 - 4. The city employee declares that the domestic partner is identified as a primary beneficiary in the employee's will.

In light of the availability of marriage to same-sex partners conferred by the Religious Freedom and Marriage Fairness Act, 750 ILCS 80/1, et seq., the department of human resources shall not accept affidavits under this section after July 31, 2017.

Restrictions when one's relatives are also employed by the City.

City employees and officials may not “employ,” supervise or advocate for City employment any relative or domestic partner of theirs. But City Council members may have their relatives as their personal staff members (as City employees, not as contractors). ***Over the years, the Board of Ethics has determined that City employees and officials (with the one exception noted above) may not exercise any employment supervision over their relatives or domestic partners, including participating in or making decisions as to approval of raises, vacation or sick time, performance reviews, or daily work assignments.*** Relatives or domestic partners may work for the same City department, but neither may supervise the other, directly or indirectly. They may work side-by-side. But if one relative works at a supervisory level, e.g. as an Assistant Commissioner, and that person’s daughter, say, is assigned to the same chain of command, then the supervisory relative must fully “recuse themselves” from all employment-related decisions affecting their relative—another supervisory employee must handle these.

Example: Maria is an Assistant Commissioner in the Department of Water Management. Her son Eric works as a plumber in the department. If Eric is assigned to Maria’s bureau, Maria must carefully delegate all employment-related decision-making regarding Eric to another supervisor, and cannot in any way try to influence those decisions.



Restrictions when relatives work for outside companies with City dealings.

City employees and officials may not make or participate in any City decisions or actions with respect to their relatives or domestic partners, or persons, firms, or entities that employ, are owned by, or have contracts with their relatives or domestic partners. [Note: through September 2022, City employees and officials were prohibited only from exercising contract management authority with respect to their relatives’ or domestic partners’ employers, contractors, or companies owned by their relatives. That prohibition was significantly expanded.] The restriction falls on the City employees or officials—their relatives or relatives’ employers or owned-companies are not prohibited from having otherwise permissible dealings with the City—although a violation by the City employee or official could lead to cancellation of the relatives’ firm’s contract, or reversal of any regulatory decision made.

Example 1: Stan is a business license examiner for the Department of Business Affairs and Consumer Protection. His aunt Michelle is employed as a salesperson by a company that is seeking a business license.

In addition to the foregoing, for a domestic partner to be qualified, the parties must agree to notify the department of human resources of any change in the circumstances which have been attested to in the documents qualifying a person for coverage as a domestic partner. Following the termination of a domestic partnership, a minimum of 12 months must elapse before a city employee is eligible to designate a new domestic partner.

The commissioner of human resources is hereby authorized to promulgate regulations to effectuate the purposes of this section. The regulations shall provide that any person who submits false information in connection with this section, including an affidavit that contains inaccurate information, shall be subject to discipline as set forth in the city human resources rules.

If Stan is assigned to determine whether to grant the license to his aunt's employer, he must recuse himself from this work and ensure that someone else in the Department who is not a relative of Michelle's conducts the examination. This is true even if Michelle's work for the company has nothing to do with the City of Chicago.

Example 2: Audrey is an inspector for the Department of Buildings. Her brother Miles owns four 3-flats. If Audrey is assigned to inspect any of these buildings, she must recuse herself from this work and ensure that another building examiner handles the inspections.

Example 3: Debbie is a contracts administrator for the Department of Information and Technology. Her son Chris works for Ford Motor Company, and is based in Detroit. Debbie is asked to negotiate the purchase of 35 customized Ford vehicles for the City. She should contact the Board of Ethics; when dealing with such a large, multinational company, the Board will ascertain whether Debbie's relative works in a division that has no dealings with the City, and will determine that Debbie may continue this work.²

Can the employer of the relative of a City employee or official violate these provisions?

Yes. The law prohibits any company, organization, firm or person from intending to skirt these laws by hiring or retaining as a contractor any relative or domestic partner of any City employee or official who manages the company's contracts or who deals with the company in their City job.

Questions?

Please contact the Board at 312-744-9660, or email us at steve.berlin@cityofchicago.org. This guide cannot cover all the possibilities or scenarios that may arise, which is why the Board provides confidential advice.

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²See this Board opinion: https://www.chicago.gov/dam/city/depts/ethics/general/AO_EmployRelatives/03051AO-red.pdf