

# **ETHICS ORDINANCE OF THE CHICAGO TRANSIT AUTHORITY**

## **SECTION 1. DEFINITIONS**

1.1 Whenever used in this Ordinance, the following terms shall have the following meanings:

(a) “Administrative action” means any decision on, or any proposal, consideration, enactment or making of any rule, regulation, or other official non-ministerial action or non-action by any department or division or any officer or employee, on any matter that is within the official jurisdiction of the Board.

(b) “Board” means the Chicago Transit Board.

(c) “Candidate” means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in Section 1-3 of the Illinois Election Code, 10 ILCS 5/1-3.

(d) “Chairman” means the Chairman of the Chicago Transit Board.

(e) “Chief Finance Officer” means the CTA executive officer who has overall responsibility for the CTA property inventory.

(f) “Collective bargaining” has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act, 5 ILCS 315/3.

(g) “Compensation” means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

(h) “Contract management authority” means personal involvement in or direct supervisory responsibility for the formulation or execution of a CTA contract, including, without limitation, the preparation of specifications, evaluations of bids or proposals, negotiation of contract terms or supervision of performance.

(i) “Contribution” has the same meaning as that term is defined in Section 90-1.4 of the Election Code, 10 ILCS 5/9-1.4.

(j) “CTA” means the Chicago Transit Authority.

(k) “CTA Contractor” means any person (including his/her agent or employees acting within the scope of their employment) doing business with the CTA.

(l) "Doing business" means any one or any combination of sales, purchases, leases or contracts to, from, or with the CTA in an amount in excess of \$10,000.00 in any twelve consecutive months.

(m) "Domestic partner" means qualified domestic partner as defined in Ordinance No. 99-99.

(n) "Economic interest" means any interest valued or capable of valuation in monetary terms; provided, that "economic interest" is subject to the same exclusions as "financial interest."

(o) "Employee" means a person employed by the CTA, with regard to the material details of how the work is to be performed, but does not include an independent contractor or Chicago Transit Board members.

(p) "Ethics Committee" means the committee formed pursuant to Section 4 of this Ordinance.

(q) "Ethics Ordinance" means this Ethics Ordinance adopted pursuant to Board Ordinance No. 011-73.

(r) "Financial interest" means (i) any interest as a result of which a person currently receives or is entitled to receive in the future more than \$2,500.00 per calendar year; (ii) any interest with a cost or present value of \$5,000.00 or more; or (iii) any interest representing, or resulting from ownership of, more than ten percent of a corporation, partnership, sole proprietorship, firm, enterprise, franchise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit. Financial interest, for purposes of clauses (i) and (ii) of this subsection, shall not include (a) any interest of the spouse or domestic partner of an officer or employee which interest is related to the spouse's or domestic partner's independent occupation, profession or employment; (b) any ownership through purchase at fair market value or inheritance of less than one percent of the shares of a corporation, or any corporate subsidiary, parent or affiliate thereof, regardless of the value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; (c) the authorized compensation paid to an officer or employee for his office or employment; (d) any economic benefit provided equally to all residents of the CTA service area; (e) a time or demand deposit in a financial institution; and (f) an endowment or insurance policy or annuity contract purchased from an insurance company.

(s) "Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

(t) "Immediate family member" means spouse, mother, father, children, grandmother, grandfather, grandchildren, brother, and sister.

(u) "Inspector General" means an office of the CTA created by the Board pursuant to CTA Ordinance 99-173, as amended from time to time.

(v) "Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity, including any person appointed to the Board.

(w) "Organizational conflict of interest" means that because of other activities, relationships, or contracts, a contractor is unable, or potentially unable, to render impartial assistance or advice to the CTA, a contractor's objectivity in performing the contract work is or might be otherwise impaired, or that a contractor has an unfair competitive advantage.

(x) "Person" means any individual, entity, corporation, partnership, firm, association, affiliate, union, trust, or estate, as well as any parent or subsidiary of any of the foregoing, whether or not operated for profit.

(y) "Political fundraising committee" means any fund, organization, political action committee or other entity that, for purposes of influencing in any way the outcome of any election, receives or expends money or anything of value or transfers money or anything of value to any fund, political party, candidate, organization, political action committee, or other entity.

(z) "President" means the President of the CTA pursuant to Board ordinance no. 92-66, as amended from time to time.

(aa) "Professional services" means services in any occupation requiring advanced or specialized education and training, including without limitation law, accounting, insurance, real estate, engineering, medicine, architecture, dentistry, banking, finance, public relations, education and consulting.

(bb) "Relative" means a person who is related to an officer or employee as spouse or domestic partner or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt or uncle, great aunt, great uncle, first cousin, niece or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, stepfather or stepmother, stepson or stepdaughter, stepbrother or stepsister, half-brother or half-sister and includes the grandfather or grandmother of the person's spouse and the person's fiancé or fiancée.

(cc) "Seeking to do business" means (1) taking any action within the past six months to obtain a contract with or business from the CTA when, if such action were successful, it would result in the person's doing business with the CTA; and (2) the contract or business sought has not been awarded to any person.

(dd) "Spouse" means a person who is related to an officer or employee by either marriage or civil union.

(ee) “State Ethics Act” means the State Officials and Employees Ethics Act, 5 ILCS 430 et seq., as amended.

Comment

An abridged copy of the State Ethics Act is attached to this Ordinance as an Appendix. The most recent version of the State Ethics Act may be found on the internet at [ilga.gov](http://ilga.gov), under “Illinois Compiled Statutes.”

# **ETHICS ORDINANCE OF THE CHICAGO TRANSIT AUTHORITY**

## **SECTION 2. CODE OF CONDUCT**

### **2.1 Appearance of Impropriety.**

Officers and employees have a special relationship of trust with the public and therefore must conduct themselves so as to avoid the appearance that they are violating the provisions of the Ethics Ordinance. Whether particular circumstances create an appearance that these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

### **2.2 Fiduciary Duty.**

Officers and employees owe a fiduciary duty to the CTA at all times in the performance of their public duties.

### **2.3 Improper Influence.**

(a) No officer or employee shall make, participate in making or in any way attempt to use his/her position to influence any CTA decision or action in which he/she knows or has reason to know that he/she has an economic interest distinguishable from that of the general public.

(b) Beginning when the Purchasing Department issues an invitation for bid, request for proposal or letter of interest and qualification, and ending when the Purchasing Department makes the contract award recommendation, no employee or officer shall communicate with any other employee or officer, or any person acting on behalf of such employee or officer, when that communication will potentially or is intended in any manner to influence the award of the contract or provide a potential vendor with an unfair advantage, including, but not limited to, the identity of the bidders or the amounts of the bids. Other communications with respect to the procurement, including, but not limited to, the correction of errors in a procurement document, are not prohibited, but must be in writing (by electronic or other means). The requirement that communications must be in writing is not intended to apply to communications between officers or employees that occur in the normal course of bid evaluation or negotiation, or to communications between officers or employees and a CTA attorney seeking or providing legal advice.

(c) Any person found to be in violation of this section shall be subject to a fine in the amount of \$300 and discipline or censure.

### **2.4 Gift Ban.**

(a) Except as permitted by the State Ethics Act, no officer or employee, and no spouse or domestic partner or immediate family member living with any officer or employee, shall intentionally solicit or accept any gift from any prohibited source.

(b) An officer or employee, or the spouse, domestic partner or minor child of any of them, or any immediate family member residing with the officer or employee, may accept a gift (as defined by the State Ethics Act) on the CTA's behalf; provided, however, the person accepting the gift shall promptly report receipt of the gift to the Ethics Committee and to the Chief Finance Officer, who shall add it to the inventory of CTA property.

(c) Any officer or employee who receives any gift (as defined by the State Ethics Act) or money for participating in the course of his public employment in speaking engagements, lectures, debates or organized discussion forums shall report it to the Ethics Committee within five business days.

### Comment

Definitions and exceptions applicable to the gift ban are found in section 10 of the State Ethics Act, 5 ILCS 430/10-10 et seq. All officers and employees are subject to the gift ban provisions under the State Ethics Act, as amended.

#### **2.5 Solicitation or Receipt of Money for Advice or Assistance.**

No officer or employee, or the spouse, domestic partner or minor child of any of them, or any immediate family member residing with the officer or employee, shall solicit or accept any money or other thing of value including, but not limited to, gifts, favors, services or promises of future employment, in return for advice or assistance on matters concerning the operation or business of the CTA; provided, however, that nothing in this Section shall prevent an officer or employee or the spouse or domestic partner of an officer or employee from accepting compensation for services wholly unrelated to the officer's or employee's CTA duties and responsibilities and rendered as part of an approved non-CTA employment, occupation or profession.

#### **2.6 CTA Owned Property.**

No officer, employee, or CTA Contractor shall engage in or permit the unauthorized use of CTA-owned property.

#### **2.7 Use or Disclosure of Confidential Information.**

No current or former officer or employee shall use or disclose other than in the performance of his/her official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his/her CTA position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

#### **2.8 Conflicts of Interest.**

(a) No officer or employee shall make or participate in the making of any CTA decision with respect to any matter in which he/she has any economic interest distinguishable from that of the general public.

(b) No officer or employee who holds the title of Manager or above, or relative of such person, shall make, have or hold any interest in any entity in which such person is able through their duties to affect or influence the past, present or future financial condition of the entity, either doing or seeking to do business with CTA.

(c) Any officer who has any economic interest distinguishable from that of the general public in any matter pending before the Board or any Board committee shall publicly disclose the nature and extent of such interest or business relationship on the records of proceedings of the Board, and shall also notify the Ethics Committee of such interest within 72 hours of delivery by the Secretary to the member, of the introduction of any ordinance, resolution, order or other matter in the Board, or as soon thereafter as the officer is or should be aware of such potential conflict of interest. The Ethics Committee shall make such disclosures available for public inspection and copying immediately upon receipt. The officer shall abstain from voting on the matter but shall be counted present for purposes of a quorum. The obligation to report a potential conflict of interest under this subsection arises as soon as the officer is or should be aware of such potential conflict.

(d) Any officer or employee who has a financial interest in any matter pending before the CTA shall disclose the nature of such interest to the Ethics Committee and, if the matter is pending in his/her own division/department, to the head of that division or department or, in the case of a division or department head, to the President or CTA Chairman as applicable.

In the case of officers, all disclosures shall be made in writing to the Ethics Committee. The obligation to report under this subsection arises as soon as the officer or employee is or reasonably should be aware of the pendency of the matter. This subsection does not apply to applications for health, disability or worker's compensation benefits.

(e) No officer or employee shall participate directly or indirectly in the selection, award or administration of a CTA contract if a real or apparent conflict of interest exists. Such a conflict would arise when any of the following persons has a financial or economic interest in the entity selected for award: (a) an officer, employee, or their agent, partner, associate or affiliate; (b) a relative of the officer or employee; or (c) an organization that employs, or intends to employ, any of the above.

(f) Any officer or employee who becomes aware of an actual or apparent conflict of interest or an organizational conflict of interest shall report such conflict to the Ethics Committee or, if the matter is pending in his/her own division/department, to the head of that division or department or, in the case of a division or department head, to the President or CTA Chairman, as applicable. The obligation to report under this subsection arises as soon as the officer or employee is or reasonably should be aware of the pendency of the matter.

## **2.9 Representation of Other Persons.**

(a) No officer or employee may represent, or have an economic interest in the representation of, any person other than the CTA in any formal or informal proceeding or transaction with the CTA in which the CTA's action or non-action is of a non-ministerial nature, provided that nothing in this subsection shall preclude any officer or employee from performing the duties of his/her CTA employment.

(b) No officer or employee may have an economic interest in the representation of any person in any judicial or quasi-judicial proceeding before any administrative agency or court in which the CTA is a party and that person's interest is adverse to that of the CTA, or in any judicial or quasi-judicial proceeding before any administrative agency or court in which the CTA may be liable for the judgment or may be obligated to indemnify any of the parties.

## **2.10 Outside Employment**

Employees are not permitted to engage directly or indirectly in any other business or employment without prior written permission of the Authority.

## **2.11 Post-Employment Restrictions.**

(a) Under the State Ethics Act, officers and employees have restrictions on employment after leaving the CTA. In addition, the following rules in this section apply to post-employment activities of officers and employees.

(b) No former officer or employee shall assist or represent any person other than the CTA in any judicial or administrative proceeding involving CTA or any of its divisions for a period of one year after the termination of the officer's or employee's term of office or employment. If the officer or employee was counsel of record or participated personally and substantially in the proceeding during his/her term of office or employment, the ban contained within this section shall be permanent as to any such proceeding.

(c) No former officer or employee shall, for a period of one year after the termination of the officer's or employee's term of office or employment, assist or represent any person in any matter involving the CTA if the officer or employee participated personally and substantially in the same subject matter, work or function during his term of office or employment; provided, that if the officer or employee exercised contract management authority with respect to a contract this prohibition shall be permanent as to that contract.

(d) The provisions of subsection (c) do not apply to any former officer or employee who is acting within the scope of his/her employment while employed by any other governmental unit.

Comment

Under the State Ethics Act, officers and employees may be restricted for one year from accepting employment with, or accepting compensation or fees for services from, certain employers. Definitions and a notification requirement related to the “revolving door prohibition” under the State Ethics Act are found in section 5-45 of the State Ethics Act, 5 ILCS 430/5-45, as amended. Violations of section 5-45 are subject to an administrative fine of up to three times the total annual compensation that would have been obtained in violation of the revolving door prohibition.

#### **2.12 Interest in CTA Business.**

(a) No officer or employee shall have a financial interest in his/her own name or in the name of any other person in any contract, work or business of the CTA, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the CTA, or is authorized by Board ordinance.

(b) Compensation for property taken pursuant to the CTA's eminent domain power shall not constitute a financial interest within the meaning of this Section.

(c) Unless sold pursuant to a process of competitive bidding following public notice, no officer or employee shall have a financial interest in the purchase of any property that (i) belongs to the CTA, or (ii) is sold for taxes or assessments, or (iii) is sold by virtue of legal process at the suit of the CTA.

#### **2.13 Prohibited Conduct.**

(a) No officer or employee or the spouse or domestic partner of such officer or employee, or any entity in which such officer or employee or his or her spouse or domestic partner has a financial interest, shall apply for, solicit, accept or receive a loan of any amount from any person who is either doing business or seeking to do business with the CTA; provided, however, that nothing in this section prohibits application for, solicitation for, acceptance of or receipt of a loan from a financial lending institution, if the loan is negotiated at arm's length and is made at a market rate in the ordinary course of the lender's business. This subsection shall not apply to an entity in which the only financial interest of the officer or employee or his or her spouse or domestic partner is related to the spouse's or domestic partner's independent occupation, profession or employment.

(b) No officer, or the head of any CTA department, shall knowingly retain or hire as a CTA employee or CTA contractor any person with whom any officer has a business relationship.

#### **2.14 Nepotism.**

(a) No officer or employee shall employ, advocate for employment, or supervise, in any CTA department in which said officer or employee serves or over which he/she exercises authority, supervision, or control, any person

(i) who is a relative of said officer or employee, or

(ii) in exchange for or in consideration of the employment of any of said officer's or employee's relatives by any other office or employee.

(b) An officer or employee does not violate this section when a relative exercises his or her rights under a collective bargaining agreement and thereby becomes employed in a CTA department in which said officer or employee serves or over which he or she exercises authority, supervision or control, if:

(i) the officer or employee promptly discloses the existence of the relationship to his or her supervisor; and

(ii) the officer or employee refrains from having any personal involvement in the review or approval of any terms or conditions of the relative's employment; and

(iii) management makes reasonable efforts to ensure that the officer or employee shall not exercise authority, supervision or control over said relative.

(c) No officer or employee shall exercise contract management authority where any relative of the officer or employee is employed by or has contracts with persons doing CTA work over which the CTA officer or employee has or exercises contract management authority if a relative of the officer or employee will perform any part of the contract, or will derive an economic benefit from the contract, or if any relative exercises contract management authority over the contract.

(d) No officer or employee shall use or permit the use of his position to assist any relative in securing employment or contracts with persons over whom the employee or officer exercises contract management authority. The employment of or contracting with a relative of such an officer or employee by such a person within six months prior to, during the term of, or six months subsequent to the period of a CTA contract shall create a rebuttable presumption that said employment or contract was obtained in violation of this Ordinance.

## **2.15 Prohibited Political Activities.**

(a) Under the State Ethics Act, no officer or employee shall intentionally perform any prohibited political activity during any compensated time, and no officer or employee shall intentionally misappropriate any CTA property or resources by engaging in any prohibited political activity.

(b) No employee with contract management authority shall serve on any political fundraising committee.

Comment

Definitions and exceptions applicable to prohibited political activities are found in section 5-15 of the State Ethics Act, 5 ILCS 430/5-15, et seq. All officers and employees are subject to the “prohibited political activities” provisions under the State Ethics Act. 5 ILCS 430/5-15, as amended.

The Hatch Act, 5 U.S.C. §1501 et. seq., restricts the political activity of officers and employees in that they may not: (i) be candidates for public office in a partisan election; (ii) use official authority or influence for the purpose of interfering with or affecting the results of any election or a nomination for office; or (iii) directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

**2.16 Contract Inducement.**

No payment, gratuity, political campaign contribution or offer of employment shall be made in connection with any CTA contract, by or on behalf of a subcontractor to the prime contractor or higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract.

**2.17 Ethics Education Seminars.**

In addition to any ethics training required under State law, all officers, all employees holding the position of manager or above and all persons in positions identified by the Ethics Committee shall attend an additional ethics education seminar approved within 120 days of the effective date of this Ordinance and every four years thereafter. The seminar shall educate persons as to their duties and responsibilities under this Ordinance. Any such officer or employee who fails to comply with this Section shall be subject to a \$300.00 fine.

Comment

All officers and employees are required to participate in annual “ethics training” under the State Ethics Act. 5 ILCS 430/5-10, as amended.

**2.18 Prohibition on Serving on Board.**

Members of the Board are subject to the provisions of the State Ethics Act entitled “Prohibition on serving on boards and commissions.”

Comment

State law places restrictions on Board membership for persons who are entitled to receive certain percentages of the total distributable income under a State contract.

Definitions and requirements applicable to this regulation are found in section 5-55 of the State Ethics Act, 5 ILCS 430/5-55, et seq., as amended.

# **ETHICS ORDINANCE OF THE CHICAGO TRANSIT AUTHORITY**

## **SECTION 3. FINANCIAL DISCLOSURE**

### **3.1 Statements of Financial Interests.**

(a) For purposes of this Section, the following persons shall be referred to as “reporting individuals”:

(i) each officer, and

(ii) each employee who is required to file a disclosure of economic interest pursuant to the Illinois Governmental Ethics Act, 5 ILCS 420/4A-101, et seq.

(b) Each reporting individual shall file by May 1 of each year a verified written statement of financial interests in accordance with the provisions of this Section unless he has already filed a statement in that calendar year.

(c) Statements of financial interests shall also be filed by the following:

(i) An officer at the time of filing his oath of office;

(ii) A person whose appointment to office is subject to confirmation by the Board at the time when his name is submitted to the Board for consideration; and

(iii) Any employee at the time he becomes a reporting individual, including CTA employees who become reporting individuals because they are newly hired or are receiving a pay increase, or a job or title change.

(d) The Human Resources Department, the office of the Chief Finance Officer and the office of the President shall cooperate with the Ethics Committee in notifying persons listed in subdivisions (ii) and (iii) of subsection (c) of this Section of their obligation to file statements of financial interests and in effecting the filing of such statements.

(e) No officer or employee shall be allowed to enter or continue his/her duties, nor shall he/she receive compensation from the CTA, unless he/she has filed a Statement of Financial Interests with the Ethics Committee as required by this Ordinance.

### **3.2 Content of Statements.**

Statements of Financial Interests shall contain the following information:

(a) The name, address, and type of any professional, business or other organization (other than CTA) in which the reporting individual was an officer, director, associate, partner, proprietor or employee, or served in any advisory or consulting capacity, and from which any income in excess of \$2,500.00 was derived during the preceding calendar year.

(b) The nature of any professional, business or other services rendered by the reporting individual or by his or her spouse or domestic partner, or by any entity in which the reporting individual or his or her spouse or domestic partner has a financial interest, and the name and nature of the person or entity (other than the CTA) to whom or to which such services were rendered if, during the preceding calendar year, (1) compensation in excess of \$5,000 was received for professional or other services by the reporting individual, or by such reporting individual's spouse or domestic partner, or by an entity in which the reporting individual or his or her spouse or domestic partner has a financial interest and (2) the person or entity was doing business with the CTA, or with any of its sister agencies.

(c) The identity of any capital asset, including the address or legal description of real estate, from which the reporting individual realized capital gain of \$5,000.00 or more in the preceding calendar year, other than the sale of the reporting individual's principal place of residence.

(d) The name of any unit of government other than CTA which employed the reporting individual during the preceding calendar year.

(e) The name of any person from whom the reporting individual received during the preceding calendar year one or more gifts or honoraria having an aggregate value in excess of \$500.00, but not including gifts from relatives.

(f) The name and instrument of ownership in any person conducting business with the CTA, in which the reporting individual had a financial interest during the preceding calendar year. Ownership interests in publicly held corporations need not be disclosed.

(g) The identity of any financial interest in CTA owned real estate, other than the principal place of residence of the reporting individual, and the address or, if none, the legal description of the real estate, including all forms of direct or indirect ownership such as partnerships or trusts of which the corpus consists primarily of real estate.

(h) The name of, and the nature of the CTA action requested by, any person who has applied to the CTA for any license or franchise during the preceding calendar year if the reporting individual has a financial interest in such person.

(i) The name of any person or entity doing business with CTA with whom the reporting individual had an financial interest during the preceding calendar year, and the title or description of any position held by the reporting individual in such person.

(j) The name and instrument of debt of all debts in excess of \$5,000.00 owed by the reporting individual, as well as the name and instrument of debt of all debts in excess of \$5,000.00 owed to the reporting individual, but only if the creditor or debtor, respectively, or any guarantor of the debt, has done work for or business with CTA in the preceding calendar year. Debt instruments issued by financial institutions whose normal business includes the making of loans of the kind received by the reporting individual and which are

made at the prevailing rate of interest and other terms and conditions standard for such loans at the time the debt was contracted, need not be disclosed. Debt instruments issued by publicly held corporations, and purchased by the reporting individual on the open market at the price available to the public, need not be disclosed.

### **3.3 Form for Statement of Financial Interests.**

The statement of financial interests required to be filed with the Ethics Committee shall be completed by typewriting or hand printing, and shall be verified, dated, and signed by the reporting individual personally. It shall be submitted on a form prescribed by the Ethics Committee.

### **3.4 Statements of Financial Interest.**

(a) Not later than February 1 of each year, the Secretary of the CTA shall certify to the Ethics Committee a list (current as of January 1 of the year of filing) of the names and mailing addresses of the persons described in section 3.1 who are required to file a statement of financial interests ("reporting individual"). In preparing this list, the Secretary shall set out the names in alphabetical order and shall file a copy of the list with the Ethics Committee. Not less than thirty (30) days before the due date for filing statements of financial interests, the Secretary shall certify to the Ethics Committee a supplemental list of those persons described in Section 3.1 who have, in the interim, become required to file a statement of financial interests. The supplemental list shall be in the same form and be filed in the same manner as the original list certified to the Ethics Committee.

(b) Not later than March 1 of each year, the Ethics Committee shall in writing notify all persons required to file statements of financial interests under this Section. Notice shall be by personal delivery or mail. The Ethics Committee may effect personal delivery of such notices by delivering the notices to the various department heads of the CTA for distribution to employees. Department heads shall notify the Ethics Committee of those employees who have not been served with such notice by April 1. The Ethics Committee shall then take appropriate steps to notify such persons by mail of the filing requirements. Employees shall be notified by mail at the last known address for them appearing in CTA records.

(c) The Ethics Committee shall deliver a receipt to each person who files a statement under this Section, indicating that the person has filed such statement and the date of such filing.

(d) All statements of financial interests shall be available for examination and duplication by the public in the office of the Ethics Committee during the regular business hours of CTA, except as otherwise provided by law. Each person examining or requesting duplication of a statement of financial interests must first complete a request form prepared by the Ethics Committee. The request form shall include the name, occupation, employer, address, and telephone number of the examiner as well as the date of and reasons for such examination or duplication. A separate request form must be completed

for each statement of financial interests to be examined. Requests for the examination or duplication of a statement of financial interests shall be filled as soon as is practicable. Request forms shall be available in the office of the Ethics Committee.

The Ethics Committee shall promptly notify each person required to file a statement of financial interests of each examination or duplication of his/her statement by sending to such person a copy of the completed request form. Costs of duplicating the statement of financial interests shall be paid by the person requesting duplication.

(e) No person shall use for any commercial purpose information contained or copied from statements of financial interests required to be filed by this Ordinance or from lists compiled from such statements.

### **3.5 Failure to File Statement by Deadline.**

(a) If any person who is required to file a statement of financial interest by May 1st of any year fails to file such a statement, the Ethics Committee shall by May 15th, notify such person by certified mail of his failure to file by the specified date. Such person shall file his statement on or before May 31st, along with a late filing fee of \$30.00. Any person who fails to file his statement on or before May 31 shall be subject to a fine of \$10.00 per day until the statement is filed, up to a maximum of \$100.00. Failure to file by May 31st shall constitute a violation of this chapter, except as provided in subsection (c).

(b) Any person who first becomes subject to the requirement to file a statement of financial interests within 30 days prior to May 1st of any year shall be notified at that time of the obligation to file and shall file his/her statement at any time on or before May 31st without penalty. If such person fails to file such statement by May 31st, the Ethics Committee shall, within seven days after May 31st, notify such person by certified mail of his failure to file by the specified date. Such person shall file his statement of financial interests on or before June 15th, along with a late filing fee of \$30.00, with the Ethics Committee. Failure to file by June 15th shall constitute a violation of this chapter, except as provided in subsection (c).

(c) Any person who is required to file a statement of financial interests may affect one 30-day extension of time for filing the statement by filing with the Ethics Committee not less than 10 days before the date on which the statement is due, a declaration of his/her intention to defer the filing of the statement. The filing of such declaration shall suspend application of the late filing fee for the duration of the extension. Failure to file by the extended deadline shall constitute a violation of this chapter. A declaration of intention to defer filing is considered filed upon receipt by the Ethics Committee.

### **3.6 Certification of Familiarity With Ethics Ordinance.**

Every officer or employee, at the time he/she is hired, appointed or promoted to a position qualifying him/her as a reporting individual, or upon the publication of any

amendment to the Ordinance, shall certify that he/she has read and understands the Ordinance.

# **ETHICS ORDINANCE OF THE CHICAGO TRANSIT AUTHORITY**

## **SECTION 4. ETHICS COMMITTEE**

### **4.1 Appointment of Members.**

(a) There is hereby created and established the Ethics Committee. The Committee shall consist of three members appointed by the Chairman with the advice and consent of the Board. Members of the Committee shall:

(i) reside within the CTA service area as defined by Section 3 of the Metropolitan Transit Authority Act;

(ii) not hold other elected or appointed public or political party office, nor endorse or engage in any political or campaign activity on behalf of any candidate for public office;

(iii) not be an officer or employee of CTA or a relative of an officer or employee of the CTA; and

(iv) have no economic interest in any work or business of or official action by CTA or any other governmental agency within the jurisdiction of the State of Illinois, County of Cook, or City of Chicago.

One member of the Committee must be an attorney licensed to practice law in the State of Illinois.

(b) A member of the Ethics Committee shall be appointed for a term of office of four years and hold office until his/her successor has been appointed, except that members first appointed shall be appointed for the following terms of office: one for two years, one for three years, and one for four years. Vacancies on the Ethics Committee shall be filled in the same manner that original appointments are made and shall be filled for the unexpired term of the member whose place has become vacant.

### **4.2 Chair and Vice-Chair.**

The Ethics Committee Chair and Vice-Chair shall be designated by the Chairman. The Chair and Vice Chair shall serve in that capacity for a term of one year.

### **4.3 Removal of Members.**

The Chairman, with the advice and consent of the Board, may remove any member of the Ethics Committee for incompetency, substantial neglect of duty, gross misconduct or malfeasance in office, or violation of any law, after written notice stating with particularity the grounds for removal, and an opportunity for the member to respond.

#### 4.4 **Meetings.**

Unless otherwise determined by its members, the Committee shall meet quarterly at a regularly scheduled date and time determined by the Committee. Any member may administer oaths and receive testimony from witnesses at a meeting of the Committee. Two members of the Committee shall constitute a quorum. A majority vote of the total membership shall be necessary to take any action. A meeting shall be closed to the public to the extent authorized by the Open Meetings Act.

#### 4.5 **Records.**

The Ethics Committee shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote indicating such fact. The Ethics Committee shall also keep records of its investigations and other official actions. Every rule, regulation, amendment, order, requirement, decision, or determination of the Ethics Committee shall be filed in the office of the Ethics Committee.

#### 4.6 **Compensation.**

Ethics Committee members shall receive no compensation for their services, but each Ethics Committee member may be reimbursed for expenses reasonably incurred in the performance of Ethics Committee duties.

#### 4.7 **Powers and Duties.**

In addition to other powers and duties specifically mentioned in this Section, the Ethics Committee shall have the following powers and duties:

(a) to initiate and to receive complaints of violations of any of the provisions of this Ordinance and to investigate to act upon such complaints as provided by this Ordinance and to impose fines, assess penalties and refer violations of this Ordinance to the appropriate attorney for prosecution;

(b) to conduct investigations, inquiries, and hearings concerning any matter covered by this Ordinance, subject to the limitations expressed in the preceding subsection, and to certify its own acts and records. The Ethics Committee may exercise appropriate discretion in determining whether to investigate and whether to act upon any particular complaint or conduct. When the Ethics Committee determines that assistance is needed in conducting investigations, or when required by law, the Ethics Committee shall request the assistance of other appropriate agencies;

(c) to issue subpoenas, upon a showing of good cause, at the request of the person under investigation or on its own motion, when conducting an investigation authorized in accordance with this chapter, if (i) the Ethics Committee has a reasonable belief that a violation of the ethics ordinance has occurred and the party to whom the subpoena is to be issued has previously failed to respond to a written request for the production of documents and/or testimony within seven days of the receipt of said written

request; and (ii) the testimony of the witness or the documents or items sought by the subpoena are relevant to the investigation;

(d) to require the cooperation of CTA divisions or departments, officers, employees and other persons whose conduct is regulated by this Ordinance in investigating alleged violations of this Ordinance. Information reasonably related to an investigation shall be made available to the Ethics Committee by such persons on written request;

(f) to recommend to the Chairman and the President such action as it may deem appropriate to effectuate the implementation of this Ordinance;

(g) to conduct research in the field of governmental ethics and establish and carry out such educational programs as it deems necessary to effectuate the policy and purpose of this Ordinance;

(h) to promulgate rules for the conduct of Ethics Committee activities, including procedural rules consistent with the requirements of due process of law. No such rules and regulations shall become effective until approved by the Board;

(i) to prescribe forms for the disclosure and registration of information as provided in this Ordinance;

(j) to prepare and publish at least annually, reports summarizing the Ethics Committee's activities and to present such report to the Chairman and President; and

(k) to render written advisory opinions with respect to the provisions of this Ordinance based upon a real or hypothetical set of circumstances when requested in writing by an officer or employee or by a person who is personally and directly involved. Advisory opinions shall be made available to the public but the identity of the person requesting the opinion and of any person whose conduct is involved in the set of circumstances described in the request for opinion shall be confidential; and

(l) to prescribe the form of the statement of financial interests.

#### **4.8 Action on Complaints and Investigations.**

(a) Prior to the conclusion of an investigation, the Ethics Committee shall give the person under investigation notice of the substance of the complaint and an opportunity to present such written information as the person may desire, including the names of any witnesses the person wishes to have interviewed by the Ethics Committee.

(b) At the conclusion of an investigation, the Ethics Committee shall prepare a written report, including a summary of its investigation, a complete transcript of any proceeding including but not limited to any testimony heard by the Ethics Committee, to be duly recorded by a qualified reporter, and including recommendations for such administrative or legal action as it deems appropriate. The Ethics Committee shall conclude its investigation no later than one year from the date of initiating the investigation;

provided, however, that any period of time during which the Ethics Committee has suspended its investigation in accordance with Section 4.11 shall not be counted towards the one year period. If the Ethics Committee determines that the complaint is not sustained, it shall so state in its report and so notify the person investigated and any other person whom the Ethics Committee has informed of the investigation. If the person investigated is an employee and the Ethics Committee finds that corrective action should be taken, the Ethics Committee shall send its report to the Chairman and the President. If the person investigated is the President or an officer, and the Ethics Committee finds that corrective action should be taken, the Ethics Committee shall send its report to the Chairman. In all instances the Ethics Committee shall also send its report to the General Counsel.

A person to whom the Ethics Committee has transmitted a recommendation for action shall, within 30 days of receipt of the recommendation, report to the Ethics Committee in writing the actions taken on the recommendation and, to the extent that the person declines to take any recommended action, provide a statement of reasons for his decision.

(c) Nothing this section shall preclude the Committee from notifying a person, prior to or during an investigation, that a complaint against him/her is pending and, where appropriate, recommending to him/her corrective action; provided, however, that any such notification and recommendation shall be made in writing and a copy thereof shall be transmitted contemporaneously by the Committee to the Chairman, President and General Counsel.

#### **4.9 Confidentiality.**

Complaints to the Ethics Committee and investigations and recommendations thereon shall be confidential, except as necessary to carry out powers and duties of the Ethics Committee or to enable another person or agency to consider and act upon the notices and recommendations of the Committee; provided that, without identifying the person complained against or the specific transaction, the Ethics Committee may (a) comment publicly on the disposition of its requests and recommendations and (b) publish summary opinions to inform CTA personnel and the public about the interpretations of provisions of this Ordinance.

#### **4.10 Disclosure of Confidential Information.**

(a) If, by a vote of the majority of its members, the Ethics Committee determines that one of its members has publicly disclosed any information relating to an investigation or findings under this chapter, unless such disclosure is otherwise permitted under this Ordinance, the Ethics Committee may recommend to the Chairman that such member be removed from the Committee. Removal shall occur upon recommendation by the Chairman and approval of an appropriate resolution by the Board.

(b) Any employee of the Ethics Committee, or other CTA employee, who is found to have publicly disclosed any information relating to an investigation or findings under

this chapter, unless such disclosure is otherwise permitted under this chapter, shall be subject to employment sanctions, including dismissal from CTA or Committee employment.

#### **4.11 Investigation by Other Agencies.**

(a) If the Ethics Committee is reliably informed that a matter under investigation is also a matter under investigation by a law enforcement agency or the CTA's Office of the Inspector General, the Ethics Committee shall suspend its investigation. The Ethics Committee may reinstate its investigation upon the conclusion of the investigation by the law enforcement agency.

(b) If the Ethics Committee has a reasonable basis for concluding that an investigation has revealed criminal conduct, the Ethics Committee shall refer the matter to the appropriate law enforcement authority.

#### **4.12 Statute of Limitations on Investigations.**

The Ethics Committee shall have authority to investigate a complaint against an officer or employee of the CTA that alleges a violation of this Ordinance which occurred not more than two years prior to the date of the complaint.

#### **4.13 Ethics Officer.**

An Ethics Officer for the CTA shall be designated pursuant to the State Ethics Act. 5 ILCS 430/20-23, as amended.

## **ETHICS ORDINANCE OF THE CHICAGO TRANSIT AUTHORITY**

### **SECTION 5. PENALTIES FOR VIOLATION**

#### **5.1 Sanctions.**

(a) Any employee found to have violated any of the provisions of this Ordinance, or who intentionally files a false or misleading statement of financial interest, or who furnishes false or misleading information to the Ethics Committee with the intent to mislead or otherwise violates any provision of this Ordinance shall be subject to employment sanctions, including discharge, in accordance with procedures under which the employee may otherwise be disciplined.

(b) Any officer who intentionally files a false or misleading statement of financial interests, or knowingly fails to file a statement within the time prescribed in this Ordinance, or furnishes false or misleading information to the Committee with the intent to mislead or otherwise violates any provision of this Ordinance, shall be subject to removal from office as permitted by section 21 of the Metropolitan Transit Authority Act or other applicable law.

(c) Any CTA contractor found to have violated any provision of this Ordinance may be subject to suspension and/or debarment from CTA contracts.

#### **5.2 Penalties.**

(a) Any person found to have violated any provision of this Ordinance, where no other penalty is specifically provided, or of furnishing false, misleading or incomplete information to the Ethics Committee with the intent to mislead, shall be subject to a fine up to the amount permitted by law.

(b) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of this Ordinance is subject to discipline up to and including discharge.

#### **5.3 Invalid Actions.**

All CTA contracts shall include a provision requiring compliance with this Ordinance. Any contract negotiated, entered into, or performed in violation of any of the provisions of this Ordinance shall be voidable as to CTA. Any permit, license, ruling, determination, or other official action of the CTA applied for or in any other manner sought, obtained or undertaken in violation of any provisions of this Ordinance shall be invalid and without any force or effect whatsoever.

#### **5.4 Other Remedies.**

Nothing in this Ordinance shall preclude the CTA from maintaining an action for an accounting for any pecuniary benefit received by any person in violation of this Ordinance or other law, or to recover damages or obtain other relief for violation of this Ordinance.

#### **5.5 Relationship to Other Laws.**

The procedures and penalties provided in this Ordinance are supplemental and do not limit either the power of the Board to discipline its own members or the power of the President to discipline employees or take administrative action or to adopt more restrictive rules. Nothing in this Ordinance is intended to repeal or is to be construed as repealing in any way the provisions of any other law or ordinance.

#### **5.6 Sanctions Applicable to Ethics Committee.**

Any member of the Committee who knowingly violates Section 4.9 (Confidentiality) shall be subject to the penalties indicated in Section 5.2.

#### **5.7 Severability.**

If any provision of this Ordinance or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity does not affect other provisions or applications of this Ordinance, which can be given effect without the invalid application or provision, and to this end each such invalid provision or invalid application of this Ordinance is severable, unless otherwise provided by this Ordinance. It is hereby declared to be the intent of the CTA that this Ordinance would have been adopted had any such unconstitutional or otherwise invalid provision or application not been included.

**ETHICS ORDINANCE OF THE CHICAGO TRANSIT AUTHORITY**

**SECTION 6. EFFECTIVE DATE**

**6.1 Effective Date.**

This Ordinance shall be in full force and effect in accordance with the provisions of the Metropolitan Transit Authority Act, 70 ILCS 3605/31.

Approved by Ordinance No. 011-73, August 10, 2011.

## APPENDIX TO THE CTA CODE OF ETHICS

### Comment

**The State Officials and Employees Ethics Act, 5 ILCS 430 et seq. (the “State Ethics Act”) applies to all CTA officers and employees by virtue of legislation that became effective on July 1, 2011. This appendix contains an abridged version of the State Ethics Act in order to provide the reader with content that may be useful in understanding the State Ethics Act. CTA officers and employees are responsible for complying with State law, including content that may not be published in this Appendix. The complete, and most recent, version of the State Ethics Act may be found on the internet at [ilga.gov](http://ilga.gov), under “Illinois Compiled Statutes.” In addition, if you have questions about the State Ethics Act, or about the CTA Code of Ethics, please contact the CTA’s Ethics Officer.**

### **(5 ILCS 430/) State Officials and Employees Ethics Act.**

(5 ILCS 430/Art. 1 heading)

#### ARTICLE 1

#### GENERAL PROVISIONS

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/1-1)

Sec. 1-1. Short title. This Act may be cited as the State Officials and Employees Ethics Act.  
(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/1-5)

(Text of Section from P.A. 96-1528)

Sec. 1-5. Definitions. As used in this Act:

"Appointee" means a person appointed to a position in or with a State agency, regardless of whether the position is compensated **[and includes a person appointed to serve on the Chicago Transit Board]**.

"Board members of Regional Transit Boards" means any person appointed to serve on the governing board of a Regional Transit Board.

"Campaign for elective office" means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected State office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at either a general

primary election or general election.

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act.

"Commission" means an ethics commission created by this Act.

"Compensated time" means any time worked by or credited to a State employee that counts toward any minimum work time requirement imposed as a condition of employment with a State agency, but does not include any designated State holidays or any period when the employee is on a leave of absence.

"Compensatory time off" means authorized time off earned by or awarded to a State employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of employment with a State agency.

"Contribution" has the same meaning as that term is defined in Section 9-1.4 of the Election Code.

"Employee" means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed **[and includes a full-time, part-time, or contractual employee of the CTA]** or (ii) any appointed or elected commissioner, trustee, director, or board member of a board of a State agency, including any retirement system or investment board subject to the Illinois Pension Code or (iii) any other appointee.

"Employment benefits" include but are not limited to the following: modified compensation or benefit terms; compensated time off; or change of title, job duties, or location of office or employment. An employment benefit may also include favorable treatment in determining whether to bring any disciplinary or similar action or favorable treatment during the course of any disciplinary or similar action or other performance review.

"Executive branch constitutional officer" means the Governor, Lieutenant Governor, Attorney General, Secretary of State, Comptroller, and Treasurer.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member, or officer. The value of a gift may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and for employees of the office of the Auditor General.

"Governmental entity" means a unit of local government (including a community college district) or a school district but not a State agency or a Regional Transit Board.

"Leave of absence" means any period during which a State employee does not receive (i) compensation for State employment, (ii) service credit towards State pension benefits, and (iii) health insurance benefits paid for by the State.

"Legislative branch constitutional officer" means a member of the General Assembly and the Auditor General.

"Legislative leader" means the President and Minority Leader of the Senate and the Speaker and Minority Leader of the House of Representatives.

"Member" means a member of the General Assembly.

"Officer" means an executive branch constitutional officer or a legislative branch

constitutional officer **[and includes a person appointed to serve on the Chicago Transit Board]**.

"Political" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action (as those terms are defined in Section 2 of the Lobbyist Registration Act), (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official State duties or governmental and public service functions.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code, but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

(2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

(3) Soliciting, planning the solicitation of, or preparing any document or report regarding any thing of value intended as a campaign contribution.

(4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.

(6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.

(7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.

(8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.

(9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.

(10) Preparing or reviewing responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.

(11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.

(12) Campaigning for any elective office or for or against any referendum question.

(13) Managing or working on a campaign for elective office or for or against any referendum question.

(14) Serving as a delegate, alternate, or proxy to a political party convention.

(15) Participating in any recount or challenge to the outcome of any election, except to the extent that under subsection (d) of Section 6 of Article IV of the Illinois Constitution each house of the General Assembly shall judge the elections, returns, and qualifications of its members.

"Prohibited source" means any person or entity who:

(1) is seeking official action (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(2) does business or seeks to do business (i) with the member or officer or (ii) in the case of an employee, with the employee or with the member, officer, State agency, or other employee directing the employee;

(3) conducts activities regulated (i) by the member or officer or (ii) in the case of an employee, by the employee or by the member, officer, State agency, or other employee directing the employee;

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the member, officer, or employee;

(5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or

(6) is an agent of, a spouse of, or an immediate family member who is living with a "prohibited source".

"Regional Transit Boards" means (i) the Regional Transportation Authority created by the Regional Transportation Authority Act, (ii) the Suburban Bus Division created by the Regional Transportation Authority Act, (iii) the Commuter Rail Division created by the Regional Transportation Authority Act, and (iv) the Chicago Transit Authority created by the Metropolitan Transit Authority Act.

"State agency" includes all officers, boards, commissions and agencies created by the Constitution, whether in the executive or legislative branch; all officers, departments, boards, commissions, agencies, institutions, authorities, public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act (except community colleges), and bodies politic and corporate of the State; and administrative units or corporate outgrowths of the State government which are created by or pursuant to statute, other than units of local government (including community college districts) and their officers, school districts, and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the Governor. "State agency" includes the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, and the legislative support services agencies. "State agency" includes the Office of the Auditor General. "State agency" does not include the judicial branch.

"State employee" means any employee of a State agency **[and includes an employee of the CTA]**.

"Ultimate jurisdictional authority" means the following:

(1) For members, legislative partisan staff, and legislative secretaries, the appropriate

legislative leader: President of the Senate, Minority Leader of the Senate, Speaker of the House of Representatives, or Minority Leader of the House of Representatives.

(2) For State employees who are professional staff or employees of the Senate and not covered under item (1), the Senate Operations Commission.

(3) For State employees who are professional staff or employees of the House of Representatives and not covered under item (1), the Speaker of the House of Representatives.

(4) For State employees who are employees of the legislative support services agencies, the Joint Committee on Legislative Support Services.

(5) For State employees of the Auditor General, the Auditor General.

(6) For State employees of public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act (except community colleges), the board of trustees of the appropriate public institution of higher learning.

(7) For State employees of an executive branch constitutional officer other than those described in paragraph (6), the appropriate executive branch constitutional officer.

(8) For State employees not under the jurisdiction of paragraph (1), (2), (3), (4), (5), (6), or (7), the Governor.

(9) For employees of Regional Transit Boards, the appropriate Regional Transit Board **[for employees of the CTA, the Ultimate Jurisdictional Authority is the Chicago Transit Board].**

(10) For board members of Regional Transit Boards, the Governor **[for members of the Chicago Transit Board, the ultimate jurisdictional authority is the Governor].**

(Source: P.A. 95-880, eff. 8-19-08; 96-6, eff. 4-3-09; 96-555, eff. 8-18-09; 96-1528, eff. 7-1-11.)

(5 ILCS 430/Art. 5 heading)

## ARTICLE 5 ETHICAL CONDUCT

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/5-5)

Sec. 5-5. Personnel policies.

(a) Each of the following shall adopt and implement personnel policies for all State employees under his, her, or its jurisdiction and control: (i) each executive branch constitutional officer, (ii) each legislative leader, (iii) the Senate Operations Commission, with respect to legislative employees under Section 4 of the General Assembly Operations Act, (iv) the Speaker of the House of Representatives, with respect to legislative employees under Section 5 of the General Assembly Operations Act, (v) the Joint Committee on Legislative Support Services, with respect to State employees of the legislative support services agencies, (vi) members of the General Assembly, with respect to legislative assistants, as provided in Section 4 of the General Assembly Compensation Act, (vii) the Auditor General, (viii) the Board of Higher Education, with respect to State employees of public institutions of higher learning except community colleges, and (ix) the Illinois Community College Board, with respect to State employees of community colleges. The

Governor shall adopt and implement those policies for all State employees of the executive branch not under the jurisdiction and control of any other executive branch constitutional officer.

(b) The policies required under subsection (a) shall be filed with the appropriate ethics commission established under this Act or, for the Auditor General, with the Office of the Auditor General.

(c) The policies required under subsection (a) shall include policies relating to work time requirements, documentation of time worked, documentation for reimbursement for travel on official State business, compensation, and the earning or accrual of State benefits for all State employees who may be eligible to receive those benefits. The policies shall comply with and be consistent with all other applicable laws. The policies shall require State employees to periodically submit time sheets documenting the time spent each day on official State business to the nearest quarter hour; contractual State employees may satisfy the time sheets requirement by complying with the terms of their contract, which shall provide for a means of compliance with this requirement. The policies for State employees shall require those time sheets to be submitted on paper, electronically, or both and to be maintained in either paper or electronic format by the applicable fiscal office for a period of at least 2 years.

(d) The policies required under subsection (a) shall be adopted by the applicable entity before February 1, 2004 and shall apply to State employees beginning 30 days after adoption.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03.)

(5 ILCS 430/5-10)

Sec. 5-10. Ethics training.

(a) Each officer, member, and employee must complete, at least annually beginning in 2004, an ethics training program conducted by the appropriate State agency. Each ultimate jurisdictional authority must implement an ethics training program for its officers, members, and employees. These ethics training programs shall be overseen by the appropriate Ethics Commission and Inspector General appointed pursuant to this Act in consultation with the Office of the Attorney General.

(b) Each ultimate jurisdictional authority subject to the Executive Ethics Commission shall submit to the Executive Ethics Commission, at least annually, or more frequently as required by that Commission, an annual report that summarizes ethics training that was completed during the previous year, and lays out the plan for the ethics training programs in the coming year.

(c) Each Inspector General shall set standards and determine the hours and frequency of training necessary for each position or category of positions. A person who fills a vacancy in an elective or appointed position that requires training and a person employed in a position that requires training must complete his or her initial ethics training within 30 days after commencement of his or her office or employment.

(d) Upon completion of the ethics training program, each officer, member, and employee must certify in writing that the person has completed the training program. Each officer, member, and employee must provide to his or her ethics officer a signed copy of the certification by the deadline for completion of the ethics training program.

(e) The ethics training provided under this Act by the Secretary of State may be expanded to satisfy the requirement of Section 4.5 of the Lobbyist Registration Act.  
(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/5-15)

Sec. 5-15. Prohibited political activities.

(a) State employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). State employees shall not intentionally misappropriate any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

(b) At no time shall any executive or legislative branch constitutional officer or any official, director, supervisor, or State employee intentionally misappropriate the services of any State employee by requiring that State employee to perform any prohibited political activity (i) as part of that employee's State duties, (ii) as a condition of State employment, or (iii) during any time off that is compensated by the State (such as vacation, personal, or compensatory time off).

(c) A State employee shall not be required at any time to participate in any prohibited political activity in consideration for that State employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(d) A State employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the State employee's participation in any prohibited political activity.

(e) Nothing in this Section prohibits activities that are otherwise appropriate for a State employee to engage in as a part of his or her official State employment duties or activities that are undertaken by a State employee on a voluntary basis as permitted by law.

(f) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of State employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/5-20)

Sec. 5-20. Public service announcements; other promotional material.

(a) Beginning January 1, 2004, no public service announcement or advertisement that is on behalf of any State administered program and contains the proper name, image, or voice of any executive branch constitutional officer or member of the General Assembly shall be broadcast or aired on radio or television or printed in a commercial newspaper or a commercial magazine at any time.

(b) The proper name or image of any executive branch constitutional officer or member of the General Assembly may not appear on any (i) bumper stickers, (ii) commercial billboards, (iii) lapel pins or buttons, (iv) magnets, (v) stickers, and (vi) other similar

promotional items, that are not in furtherance of the person's official State duties or governmental and public service functions, if designed, paid for, prepared, or distributed using public dollars. This subsection does not apply to stocks of items existing on the effective date of this amendatory Act of the 93rd General Assembly.

(c) This Section does not apply to communications funded through expenditures required to be reported under Article 9 of the Election Code.

(Source: P.A. 93-615, eff. 11-19-03; 93-617, eff. 12-9-03; 93-685, eff. 7-8-04.)

(5 ILCS 430/5-30)

Sec. 5-30. Prohibited offer or promise.

(a) An officer or employee of the executive or legislative branch or a candidate for an executive or legislative branch office may not promise anything of value related to State government, including but not limited to positions in State government, promotions, salary increases, other employment benefits, board or commission appointments, favorable treatment in any official or regulatory matter, the awarding of any public contract, or action or inaction on any legislative or regulatory matter, in consideration for a contribution to a political committee, political party, or other entity that has as one of its purposes the financial support of a candidate for elective office.

(b) Any State employee who is requested or directed by an officer, member, or employee of the executive or legislative branch or a candidate for an executive or legislative branch office to engage in activity prohibited by Section 5-30 shall report such request or directive to the appropriate ethics officer or Inspector General.

(c) Nothing in this Section prevents the making or accepting of voluntary contributions otherwise in accordance with law.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/5-35)

Sec. 5-35. Contributions on State property. Contributions shall not be intentionally solicited, accepted, offered, or made on State property by public officials, by State employees, by candidates for elective office, by persons required to be registered under the Lobbyist Registration Act, or by any officers, employees, or agents of any political organization, except as provided in this Section. 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. "State property" does not however, include any portion of a building that is rented or leased from the State or any State agency by a private person or entity.

An inadvertent solicitation, acceptance, offer, or making of a contribution is not a violation of this Section so long as reasonable and timely action is taken to return the contribution to its source.

The provisions of this Section do not apply to the residences of State officers and employees, except that no fundraising events shall be held at residences owned by the State or paid for, in whole or in part, with State funds.

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/5-40)

Sec. 5-40. Fundraising in Sangamon County. Except as provided in this Section, any

executive branch constitutional officer, any candidate for an executive branch constitutional office, any member of the General Assembly, any candidate for the General Assembly, any political caucus of the General Assembly, or any political committee on behalf of any of the foregoing may not hold a political fundraising function in Sangamon County on any day the legislature is in session (i) during the period beginning February 1 and ending on the later of the actual adjournment dates of either house of the spring session and (ii) during fall veto session. For purposes of this Section, the legislature is not considered to be in session on a day that is solely a perfunctory session day or on a day when only a committee is meeting.

During the period beginning June 1 and ending on the first day of fall veto session each year, this Section does not apply to (i) a member of the General Assembly whose legislative or representative district is entirely within Sangamon County or (ii) a candidate for the General Assembly from that legislative or representative district.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/5-45)

Sec. 5-45. Procurement; revolving door prohibition.

(a) No former officer, member, or State employee, or spouse or immediate family member living with such person, shall, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer, member, or State employee, during the year immediately preceding termination of State employment, participated personally and substantially in the award of State contracts, or the issuance of State contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary.

(b) No former officer of the executive branch or State employee of the executive branch with regulatory or licensing authority, or spouse or immediate family member living with such person, shall, within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer or State employee, during the year immediately preceding termination of State employment, participated personally and substantially in making a regulatory or licensing decision that directly applied to the person or entity, or its parent or subsidiary.

(c) Within 6 months after the effective date of this amendatory Act of the 96th General Assembly, each executive branch constitutional officer and legislative leader, the Auditor General, and the Joint Committee on Legislative Support Services shall adopt a policy delineating which State positions under his or her jurisdiction and control, by the nature of their duties, may have the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions. The Governor shall adopt such a policy for all State employees of the executive branch not under the jurisdiction and control of any other executive branch constitutional officer.

The policies required under subsection (c) of this Section shall be filed with the appropriate ethics commission established under this Act or, for the Auditor General, with the Office of the Auditor General.

(d) Each Inspector General shall have the authority to determine that additional State positions under his or her jurisdiction, not otherwise subject to the policies required by

subsection (c) of this Section, are nonetheless subject to the notification requirement of subsection (f) below due to their involvement in the award of State contracts or in regulatory or licensing decisions.

(e) The Joint Committee on Legislative Support Services, the Auditor General, and each of the executive branch constitutional officers and legislative leaders subject to subsection (c) of this Section shall provide written notification to all employees in positions subject to the policies required by subsection (c) or a determination made under subsection (d): (1) upon hiring, promotion, or transfer into the relevant position; and (2) at the time the employee's duties are changed in such a way as to qualify that employee. An employee receiving notification must certify in writing that the person was advised of the prohibition and the requirement to notify the appropriate Inspector General in subsection (f).

(f) Any State employee in a position subject to the policies required by subsection (c) or to a determination under subsection (d), but who does not fall within the prohibition of subsection (h) below, who is offered non-State employment during State employment or within a period of one year immediately after termination of State employment shall, prior to accepting such non-State employment, notify the appropriate Inspector General. Within 10 calendar days after receiving notification from an employee in a position subject to the policies required by subsection (c), such Inspector General shall make a determination as to whether the State employee is restricted from accepting such employment by subsection (a) or (b). In making a determination, in addition to any other relevant information, an Inspector General shall assess the effect of the prospective employment or relationship upon decisions referred to in subsections (a) and (b), based on the totality of the participation by the former officer, member, or State employee in those decisions. A determination by an Inspector General must be in writing, signed and dated by the Inspector General, and delivered to the subject of the determination within 10 calendar days or the person is deemed eligible for the employment opportunity. For purposes of this subsection, "appropriate Inspector General" means (i) for members and employees of the legislative branch, the Legislative Inspector General; (ii) for the Auditor General and employees of the Office of the Auditor General, the Inspector General provided for in Section 30-5 of this Act; and (iii) for executive branch officers and employees, the Inspector General having jurisdiction over the officer or employee. Notice of any determination of an Inspector General and of any such appeal shall be given to the ultimate jurisdictional authority, the Attorney General, and the Executive Ethics Commission.

(g) An Inspector General's determination regarding restrictions under subsection (a) or (b) may be appealed to the appropriate Ethics Commission by the person subject to the decision or the Attorney General no later than the 10th calendar day after the date of the determination.

On appeal, the Ethics Commission or Auditor General shall seek, accept, and consider written public comments regarding a determination. In deciding whether to uphold an Inspector General's determination, the appropriate Ethics Commission or Auditor General shall assess, in addition to any other relevant information, the effect of the prospective employment or relationship upon the decisions referred to in subsections (a) and (b), based on the totality of the participation by the former officer, member, or State employee in those decisions. The Ethics Commission shall decide whether to uphold an Inspector General's determination within 10 calendar days or the person is deemed eligible for the employment opportunity.

(h) The following officers, members, or State employees shall not, within a period of one year immediately after termination of office or State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the person or entity or its parent or subsidiary, during the year immediately preceding termination of State employment, was a party to a State contract or contracts with a cumulative value of \$25,000 or more involving the officer, member, or State employee's State agency, or was the subject of a regulatory or licensing decision involving the officer, member, or State employee's State agency, regardless of whether he or she participated personally and substantially in the award of the State contract or contracts or the making of the regulatory or licensing decision in question:

- (1) members or officers;
- (2) members of a commission or board created by the Illinois Constitution;
- (3) persons whose appointment to office is subject to the advice and consent of the Senate;
- (4) the head of a department, commission, board, division, bureau, authority, or other administrative unit within the government of this State;
- (5) chief procurement officers, State purchasing officers, and their designees whose duties are directly related to State procurement; and
- (6) chiefs of staff, deputy chiefs of staff, associate chiefs of staff, assistant chiefs of staff, and deputy governors.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/5-55)

Sec. 5-55. Prohibition on serving on boards and commissions. Notwithstanding any other law of this State, on and after February 1, 2004, a person, his or her spouse, and any immediate family member living with that person is ineligible to serve on a board, commission, authority, or task force authorized or created by State law or by executive order of the Governor if (i) that person is entitled to receive more than 7 1/2% of the total distributable income under a State contract other than an employment contract or (ii) that person together with his or her spouse and immediate family members living with that person are entitled to receive more than 15% in the aggregate of the total distributable income under a State contract other than an employment contract; except that this restriction does not apply to any of the following:

(1) a person, his or her spouse, or his or her immediate family member living with that person, who is serving in an elective public office, whether elected or appointed to fill a vacancy; and

(2) a person, his or her spouse, or his or her immediate family member living with that person, who is serving on a State advisory body that makes nonbinding recommendations to an agency of State government but does not make binding recommendations or determinations or take any other substantive action.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/5-60)

Sec. 5-60. Administrative leave during pending criminal matter.

(a) If any officer or government employee is placed on administrative leave, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution

and that officer or government employee is removed from office or employment due to his or her resultant criminal conviction, then the officer or government employee is indebted to the State for all compensation and the value of all benefits received during the administrative leave and must forthwith pay the full amount to the State.

(b) As a matter of law and without the necessity of the adoption of an ordinance or resolution under Section 70-5, if any officer or government employee of a governmental entity is placed on administrative leave, either voluntarily or involuntarily, pending the outcome of a criminal investigation or prosecution and that officer or government employee is removed from office or employment due to his or her resultant criminal conviction, then the officer or government employee is indebted to the governmental entity for all compensation and the value of all benefits received during the administrative leave and must forthwith pay the full amount to the governmental entity.

(Source: P.A. 95-947, eff. 8-29-08.)

(5 ILCS 430/Art. 10 heading)

## ARTICLE 10 GIFT BAN

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-10)

Sec. 10-10. Gift ban. Except as otherwise provided in this Article, no officer, member, or State employee shall intentionally solicit or accept any gift from any prohibited source or in violation of any federal or State statute, rule, or regulation. This ban applies to and includes the spouse of and immediate family living with the officer, member, or State employee. No prohibited source shall intentionally offer or make a gift that violates this Section.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-15)

Sec. 10-15. Gift ban; exceptions. The restriction in Section 10-10 does not apply to the following:

(1) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(2) Anything for which the officer, member, or State employee pays the market value.

(3) Any (i) contribution that is lawfully made under the Election Code or under this Act or (ii) activities associated with a fundraising event in support of a political organization or candidate.

(4) Educational materials and missions. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.

(5) Travel expenses for a meeting to discuss State business. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.

(6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, niece, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law,

stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.

(7) Anything provided by an individual on the basis of a personal friendship unless the member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member, officer, or employee and not because of the personal friendship.

In determining whether a gift is provided on the basis of personal friendship, the member, officer, or employee shall consider the circumstances under which the gift was offered, such as:

(i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals;

(ii) whether to the actual knowledge of the member, officer, or employee the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and

(iii) whether to the actual knowledge of the member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, or employees.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the officer, member, or employee as an office holder or employee) of the officer, member, or employee, or the spouse of the officer, member, or employee, if the benefits have not been offered or enhanced because of the official position or employment of the officer, member, or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts.

For the purpose of this Act, "intra-governmental gift" means any gift given to a member, officer, or employee of a State agency from another member, officer, or employee of the same State agency; and "inter-governmental gift" means any gift given to a member, officer, or employee of a State agency, by a member, officer, or employee of another State agency, of a federal agency, or of any governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of one another.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-30)

Sec. 10-30. Gift ban; disposition of gifts. A member, officer, or employee does not violate this Act if the member, officer, or employee promptly takes reasonable action to return the prohibited gift to its source or gives 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, as now or hereafter amended, renumbered, or succeeded. (Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/10-40)

Sec. 10-40. Gift ban; further restrictions. A State agency may adopt or maintain policies that are more restrictive than those set forth in this Article and may continue to follow any existing policies, statutes, or regulations that are more restrictive or are in addition to those set forth in this Article.

(Source: P.A. 93-617, eff. 12-9-03.)

(5 ILCS 430/Art. 50 heading)

## ARTICLE 50 PENALTIES

(Source: P.A. 93-615, eff. 11-19-03.)

(5 ILCS 430/50-5)

Sec. 50-5. Penalties.

(a) A person is guilty of a Class A misdemeanor if that person intentionally violates any provision of Section 5-15, 5-30, 5-40, or 5-45 or Article 15.

(a-1) An ethics commission may levy an administrative fine for a violation of Section 5-45 of this Act of up to 3 times the total annual compensation that would have been obtained in violation of Section 5-45.

(b) A person who intentionally violates any provision of Section 5-20, 5-35, 5-50, or 5-55 is guilty of a business offense subject to a fine of at least \$1,001 and up to \$5,000.

(c) A person who intentionally violates any provision of Article 10 is guilty of a business offense and subject to a fine of at least \$1,001 and up to \$5,000.

(d) Any person who intentionally makes a false report alleging a violation of any provision of this Act to an ethics commission, an inspector general, the State Police, a State's Attorney, the Attorney General, or any other law enforcement official is guilty of a Class A misdemeanor.

(e) An ethics commission may levy an administrative fine of up to \$5,000 against any person who violates this Act, who intentionally obstructs or interferes with an investigation conducted under this Act by an inspector general, or who intentionally makes a false, frivolous, or bad faith allegation.

(f) In addition to any other penalty that may apply, whether criminal or civil, a State employee who intentionally violates any provision of Section 5-5, 5-15, 5-20, 5-30, 5-35, 5-45, or 5-50, Article 10, Article 15, or Section 20-90 or 25-90 is subject to discipline or discharge by the appropriate ultimate jurisdictional authority.

(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/50-10)

Sec. 50-10. Injunctive relief.

(a) For a violation of any Section of this Act, an ethics commission may issue appropriate injunctive relief up to and including discharge of a State employee.

(b) Any injunctive relief issued pursuant to this Section must comport with the

requirements of Section 20-40.  
(Source: P.A. 96-555, eff. 8-18-09.)

(5 ILCS 430/Art. 75 heading)

#### ARTICLE 75. REGIONAL TRANSIT BOARDS

(Source: P.A. 96-1528, eff. 7-1-11.)

(5 ILCS 430/75-5)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 75-5. Application of the State Officials and Employees Ethics Act to the Regional Transit Boards.

(a) Beginning July 1, 2011, the provisions of Articles 1, 5, 10, 20, and 50 of this Act, as well as this Article, shall apply to the Regional Transit Boards. As used in Articles 1, 5, 10, 20, 50, and 75, (i) "appointee" and "officer" include a person appointed to serve on the board of a Regional Transit Board, and (ii) "employee" and "State employee" include a full-time, part-time, or contractual employee of a Regional Transit Board.

(b) The Executive Ethics Commission shall have jurisdiction over all board members and employees of the Regional Transit Boards. The Executive Inspector General appointed by the Governor shall have jurisdiction over all board members, employees, vendors, and others doing business with the Regional Transit Boards to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act.

(Source: P.A. 96-1528, eff. 7-1-11.)

(5 ILCS 430/75-10)

(This Section may contain text from a Public Act with a delayed effective date)

Sec. 75-10. Coordination between Executive Inspector General and Inspectors General appointed by Regional Transit Boards.

(a) Nothing in this amendatory Act of the 96th General Assembly precludes a Regional Transit Board from appointing or employing an Inspector General to serve under the jurisdiction of a Regional Transit Board to receive complaints and conduct investigations in accordance with an ordinance or resolution adopted by that respective Board, provided he or she is approved by the Executive Ethics Commission. A Regional Transit Board shall notify the Executive Ethics Commission within 10 days after employing or appointing a person to serve as Inspector General, and the Executive Ethics Commission shall approve or reject the appointment or employment of the Inspector General. Any notification not acted upon by the Executive Ethics Commission within 60 days after its receipt shall be deemed to have received the approval of the Executive Ethics Commission. Within 30 days after the effective date of this amendatory Act of the 96th General Assembly, a Regional Transit Board shall notify the Executive Ethics Commission of any person serving on the effective date of this amendatory Act as an Inspector General for the Regional Transit Board, and the Executive Ethics Commission shall approve or reject the appointment or employment within 30 days after receipt of the notification, provided that any notification not acted upon by the Executive Ethics Commission within 30 days shall be deemed to have received approval. No person rejected by the Executive Ethics Commission shall serve as an Inspector General for a Regional Transit Board for a term of 5 years after being rejected by

the Commission. For purposes of this subsection (a), any person appointed or employed by a Transit Board to receive complaints and investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance, malfeasance, or violations of this Act shall be considered an Inspector General and shall be subject to approval of the Executive Ethics Commission.

(b) The Executive Inspector General appointed by the Governor shall have exclusive jurisdiction to investigate complaints or allegations of violations of this Act and, in his or her discretion, may investigate other complaints or allegations. Complaints or allegations of a violation of this Act received by an Inspector General appointed or employed by a Regional Transit Board shall be immediately referred to the Executive Inspector General. The Executive Inspector General shall have authority to assume responsibility and investigate any complaint or allegation received by an Inspector General appointed or employed by a Regional Transit Board. In the event the Executive Inspector General provides written notification of intent to assume investigatory responsibility for a complaint, allegation, or ongoing investigation, the Inspector General appointed or employed by a Regional Transit Board shall cease review of the complaint, allegation, or ongoing investigation and provide all information to the Executive Inspector General. The Executive Inspector General may delegate responsibility for an investigation to the Inspector General appointed or employed by a Regional Transit Board. In the event the Executive Inspector General provides an Inspector General appointed or employed by a Regional Transit Board with written notification of intent to delegate investigatory responsibility for a complaint, allegation, or ongoing investigation, the Executive Inspector General shall provide all information to the Inspector General appointed or employed by a Regional Transit Board.

(c) An Inspector General appointed or employed by a Regional Transit Board shall provide a monthly activity report to the Executive Inspector General indicating:

- (1) the total number of complaints or allegations received since the date of the last report and a description of each complaint;
- (2) the number of investigations pending as of the reporting date and the status of each investigation;
- (3) the number of investigations concluded since the date of the last report and the result of each investigation; and
- (4) the status of any investigation delegated by the Executive Inspector General.

An Inspector General appointed or employed by a Regional Transit Board and the Executive Inspector General shall cooperate and share resources or information as necessary to implement the provisions of this Article.

(d) Reports filed under this Section are exempt from the Freedom of Information Act and shall be deemed confidential. Investigatory files and reports prepared by the Office of the Executive Inspector General and the Office of an Inspector General appointed or employed by a Regional Transit Board may be disclosed between the Offices as necessary to implement the provisions of this Article.

(Source: P.A. 96-1528, eff. 7-1-11.)