

Ethics Training for North Boone CUSD 200 Employees

This training course has been developed in accordance with requirements of the *State Officials and Employees Ethics Act* (5 ILCS 430/5-10)

INTRODUCTION

This brief training document will cover the main elements of the *State Officials and Employees Ethics Act* (5 ILCS 430, available at www.ilga.gov/legislation/ilcs/ilcs.asp), which was passed in November of 2003. The *State Officials and Employees Ethics (Ethics Act)* requires all state public employees to complete ethics training annually. This training is administered on a calendar year basis.

WHY TRAIN?

Not only does the law require you to complete ethics training each year, but ethics plays a central role in business and social settings alike, so it is important to understand and demonstrate the highest ethical standards.

The Inspector General requires training and understanding of the following subject areas.

ETHICS OFFICERS

Each state agency has an Ethics Officer who serves as the liaison between the institution, the Inspector General, and the Executive Ethics Commission. Some responsibilities of the Ethics Officer include: developing and/or administering annual ethics training; reviewing the Statement of Economic Interests forms for officers and senior employees; and providing guidance on interpretation and implementation of the *Ethics Act*. Guidance on interpretation of the *Ethics Act* is based on court decisions, Attorney General opinions, and the findings and opinions of the Executive Ethics Commission. Ethics Officer work products are exempt from *Freedom of Information Act (FOIA)* requests. At North Boone, the Ethics Officer is Jane Lenser, 815-765-9006.

ANNUAL ETHICS TRAINING

The *State Officials and Employees Ethics Act* (5 ILCS 430/5-10) requires public employees to complete, at least annually, an ethics training program conducted by their state agency. It also requires that new employees complete ethics training within 30 days of their initial employment or appointment. This training program is intended to allow you to meet your obligation to comply with those requirements. You will be notified by the District each calendar year when you are required to complete annual ethics training. For the purposes of annual ethics training, employees are defined as individuals who receive a paycheck from the district. The Ethics Act establishes the training frequency and general standards. District training programs are developed within these standards. Employees who do not complete the training as directed may be subject to disciplinary action.

GIFT BAN

The gift ban section of the *Ethics Act* is highly relevant in a school environment. As a result of the District's diverse mission, employees at all levels may be presented with opportunities and gifts from vendors that either do business with or are seeking to do business with the District.

Current vendors, along with their spouses and immediate family members living with the vendor, as well as those who are interested in doing work for the District, are considered to be prohibited sources.

This means you, as well as any member of your immediate family living with you, must abide by the gift ban and the 12 exceptions included within the law when determining whether or not you can accept a gift or privilege from a prohibited source. Even when a gift is permitted under the *Ethics Act*, you must be aware of the public perception that is created when a state employee or member of his or her immediate family

receives a gift from a prohibited source. In some cases, it may be prudent to decline the gift.

In order for you to be able to accept a gift, including outings and food, from a prohibited source, one of the following exceptions must be met (there are a few more listed in the *Ethics Act*, but the most frequently occurring exceptions are detailed below):

- The gift is valued at less than \$100 (you can accept up to \$100 in gifts, cumulatively, from a single prohibited source during the calendar year).
- The offering is made to the general public.
- You pay market value for the gift.
- The offering is all of the following: classified as one that has a close connection to your employment, predominately benefits the public, furthers your District's mission (such as textbooks), and is approved by the Ethics Officer.
- The gift is from a relative.
- The offering is provided on the basis of personal friendship, not in expectation of business.
- The gift is food and beverage not exceeding \$75 total value in a single calendar day.
- The gifts are between District employees, Universities or state agencies or departments.

If in doubt, call your Ethics Officer before accepting a gift. If you do accept a gift, maintain documentation of how you complied with the law in anticipation of potential questions in the future. It is important to note that there may be campus or departmental policies which place greater restrictions on the acceptance of gifts. In addition to the *Ethics Act*, you must also adhere to these policies.

Handling Gifts Received in Accordance with the Law:

If you receive a gift from a prohibited source, you can rectify the situation and not be in violation of the law if you immediately do any of the following:

- Return the gift to the giver.
- Donate the gift to a 501(c)3 charitable organization.
- Give an amount of equal value to a 501(c)3 charitable organization.

PERSONNEL POLICIES

The *Ethics Act* also requires the district to implement personnel policies related to work time requirements, documentation of time worked, documentation of reimbursement for travel for district business, compensation, and accumulation of benefits.

District policy and good business practice do not allow for the use of District resources, including both tangible and intangible goods, such as equipment and time, to be misappropriated for non-business purposes. In the following two sections, Conflicts of Interest (which include, among other things, second jobs outside the District) and Prohibited Political Activities will be discussed. Though these aspects are highlighted

with special distinction in this training program, it is important to remember that any improper use of District property, equipment, or time while working, violates District policy and procedure.

Additionally, as employees, it is important to be aware of and review institutional policies related to technology use, telephone use, procurement, hiring practices, and more, to better understand our role as stewards of the District and its resources. It is important to note that as employees, we are governed by a multitude of state, campus, and departmental policies, and it is our responsibility to become educated in these areas to allow us to make informed decisions in the best interest of the District.

STATEMENT OF ECONOMIC INTERESTS

The Statement of Economic Interests form is a disclosure required by the *Illinois Governmental Ethics Act* to be filed with the Office of the Secretary of State. A small percentage of employees are required to submit this form by May 1st annually. The District Office coordinates this process with the Secretary of State, providing the mailing addresses for all employees who are required to file. Those individuals required to file are notified early each spring via the address provided to the Secretary of State. The *Governmental Ethics Act* identifies certain categories of individuals who are required to file a Statement of Economic Interests form, including but not limited to: members of the Board of Education. Administrators, department heads; persons who have supervisory authority over, or direct responsibility for the formulation of contracts; persons who supervise 20 or more employees; and employees who have responsibility with respect to the procurement of goods and services.

The *State Officials and Employees Ethics Act* amended the *Governmental Ethics Act* to require that County review employee Statements prior to submitting them to the Secretary of State for filing. You may also refer to Section 4A-101 of the *Illinois Governmental Ethics Act* (5 ILCS 420).

CONFLICTS OF INTEREST

Actual or potential conflicts of interest exist when you have an opportunity to improperly advance your own interests or those of family members or friends above the interests of the State or District. These conflicts need to be disclosed, according to the respective District policy, and appropriately managed or avoided. Each potential or actual conflict scenario is unique and employees are advised to thoroughly review the related District policy and consult with designated experts, supervisors, or the Ethics Officer as necessary.

Examples of Potential Conflicts of Commitment and/or Interest:

- You have or your spouse has a District contract or a significant financial interest in a company doing business with the District.
- An opportunity for you to advance personally conflicts with the action that would be in the best interests of the District.
- You have a conflicting interest, such as a second position outside of the District that interferes with your ability to satisfy your District duties and responsibilities.
- You abuse your position and authority to divert District business to a private interest or for personal financial gain.

PROHIBITED POLITICAL ACTIVITY

The *Ethics Act* goes into significant detail, listing specific political activities that are prohibited. The basic definition of prohibited political activity includes any activities that are in support of a specific candidate, political party, or referendum while conducting District business, using District property, or acting as a representative of the District. Political activity is a complex topic in regard to education. As an employee, you should understand the restrictions.


Prohibited political activity includes, but is not limited to: soliciting campaign contributions or votes, assisting at the polls, circulating petitions, and hosting rallies for individuals who have announced their candidacy for political office. Though these activities are not allowable while conducting your work duties, they are permissible if you are outside of work and are not using District property or resources. You may be involved in these types of political activities during your typical work hours if you use appropriate benefit time to attend the function. Examples of prohibited activities range from things as simple as placing a campaign contribution jar on an office desk for a candidate's fund, to actively soliciting votes for a particular candidate, or even a specific political party, while on work time. Additionally, the *Ethics Act* also prohibits your supervisor from requiring you to perform prohibited political activities as part of your employment duties or as a condition of your employment.

Prohibited Offer or Promise: You cannot promise anything of value related to District business in consideration for a contribution to a political committee, political party or candidate for political office. If you are offered anything of value for your engaging in prohibited activity, such offer must be reported to the District Ethics Officer or the Office of Executive Inspector General for the Agencies of the Illinois Governor.

- **What is "anything of value related to District business"?**
Examples of this include job positions or appointments at the District, promotions, salary increases, the award of a contract, or other employment benefits.

Contributions on District Property: Political campaign contributions cannot be solicited, accepted, offered or made on state or District property.

*An inadvertent solicitation, acceptance, offer, or making of a contribution is **not** a violation if reasonable and timely action is taken to return the contribution to its source.*

	<p><i>Utilization or posting of this image would not be considered a prohibited political activity per the State Officials and Employees Ethics Act because it does not promote any one political party, candidate, or event.</i></p>
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WHISTLE BLOWER PROTECTION

The *Ethics Act*, as well as District policy, protects employees who, in good faith, report or threaten to report an act or omission they believe to be a violation of law, policy, or procedure.

Retaliatory Action

The District cannot retaliate or threaten retaliation against you for engaging in any of the following protected activities:

- Disclosing or threatening to disclose any practice or action you reasonably believe is in violation of the law.
- Providing information or testifying about any violation of the law, including but not limited to violations of the *Freedom of Information Act*, by any officer, member, District employee, state agency, or the District.
- Assisting or participating in a proceeding to enforce the *Ethics Act*.

Retaliatory action is defined as reprimand, discharge, suspension, demotion, denial of promotion or transfer, or change in the terms or conditions of employment of any State employee, which is taken in retaliation for involvement in protected activity. It is not a violation if the employer can demonstrate, by clear and convincing evidence, the same personnel action would have been taken even in the absence of the protected activity. Employees may bring a civil action to seek reinstatement and/or damages for illegal retaliation.

REVOLVING DOOR PROHIBITION

The revolving door prohibition applies to identified officers, board members, state employees, or immediate family members living with such persons who, within a period of one year immediately after termination of State employment or appointment, knowingly accept employment or receive compensation or fees for services from a person or entity if the State employee/appointee, during the year immediately preceding termination of State employment:

1. Participated substantially in awarding the vendor a contract for services or issuance of change orders with a cumulative value of \$25,000 or more.
2. Was involved with a regulatory or licensure decision that directly applied to the person or entity.

For individuals in positions identified as being subject to the revolving door prohibitions, there is a determination process through the Inspector General's Office that may allow the otherwise prohibited employment or compensation. If you have questions regarding the revolving door prohibition, you should see the Executive Inspector General's web site at: www.inspectorgeneral.illinois.gov.

If an employee is found to be in violation of the revolving door prohibitions, a fine of up to three times the total compensation that would have been obtained may be levied.

COOPERATING WITH INVESTIGATIONS

If you are asked by an individual from the Inspector General's Office to participate in an investigation, the law requires that you cooperate. In order to conduct their business in a confidential manner, the investigators may ask that you not share any details of your discussion. You are expected to respond to the questions of the investigator fully and factually, without inference or presumption.

Upon being contacted, you will have an opportunity, if you wish, to ask whether you are the subject of an investigation or a witness and whether you can have another person attend the meeting with you (e.g., union representative, personal attorney, friend, or co-worker). Though your Ethics Officer is unable to discuss the details of your interview, he or she can assist in regard to further explaining the law and the related process. You may also reference the Executive Ethics Commission's related brochure at: www.eec.illinois.gov/documents/EMPLOYEE_RIGHTS-BRO.pdf.

Additionally, your Ethics Officer is a resource to assist in the collection and delivery of documents requested by the Inspector General investigator to ensure compliance with state and federal privacy requirements such as *Health Insurance Portability and Accountability Act (HIPAA)* and *Family Educational Rights and Privacy Act (FERPA)*.

Failure to cooperate in an OEIG investigation is grounds for disciplinary action, up to and including dismissal.

REPORTING POSSIBLE OR ALLEGED MISCONDUCT

As a state employee, it is your ethical duty to report violations of laws, rules, or regulations by another State (including District) officer, employee or vendor relating to State/District business including prohibited offers or promises. To report a non-emergency violation of law, rule or regulation, you should contact the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) via its toll-free Hotline at 866-814-1113. For those who require it, the OEIG may also be contacted toll-free via a Telecommunications Device for the Disabled (TDD) at 888-261-2734.

In the event of an emergency situation requiring an immediate police response, you should contact the Illinois State Police or the county, municipal or campus police agency that can provide the fastest response (for example, by dialing 911). Examples of emergency situations include those that involve the illegal use or possession of a weapon, bodily injury or threat of bodily injury, or criminal sexual assault.

All spoken or written statements to the OEIG, whether in reporting an incident or participating in an investigation, must be truthful and believed to be factual by the communicating employee.

OFFICIAL MISCONDUCT

The *Illinois Criminal Code of 1961* (ILCS720/33-3) clearly indicates that any public officer or employee commits misconduct when, in their official capacity, they do any of the following:

- Intentionally or recklessly fail to perform a mandatory duty as required by law; or
- Knowingly perform an act the employee is forbidden by law to perform; or
- Perform an act in excess of their lawful authority with intent to obtain a personal advantage for themselves or another; or
- Solicit or knowingly accept for the performance of any act a fee or reward which the employee knows is unauthorized by law.

Any employee or public officer convicted of violating any provision of this section commits a Class 3 felony.

PENALTIES WITHIN THE LAW

There are several penalties for noncompliance within the *Ethics Act*, including misdemeanor criminal charges, personal fines, and discipline or discharge. It is important that you not only understand the requirements of the law, but that you comply with its various aspects. If you have any questions or concerns, you can always contact your Ethics Officer.

THANK YOU!

Thank you for completing your new hire ethics training as required by the *Ethics Act*. Please note ethics training is required annually, based on the calendar year.

If you have any questions or concerns, please contact the Ethics Officer.

North Boone CUSD 200

I certify that I have carefully read and reviewed the content of, and completed the

ETHICS TRAINING FOR EMPLOYEES:

Furthermore, I certify that I understand my failure to comply with the laws, rules, policies, and procedures referred to within this training course may result in disciplinary action up to and including termination of district employment, administrative fine, and possible criminal prosecution, depending on the nature of the violation.

Name: _____
(print: last name, first name, middle initial)

Signature: _____

Today's Date: _____

Date of Birth: _____
(mm/dd)

To be properly credited for participating in ethics training, please complete and return the signature page to Superintendent's Office.