

A GUIDE TO ETHICS FOR CITY EMPLOYEES AND ELECTED OFFICIALS



BOARD OF ETHICS

RAHM EMANUEL, MAYOR
WILLIAM F. CONLON, CHAIR

The City's Governmental Ethics Ordinance covers the conduct of all City employees and officials. It addresses conflicts of interest, working outside jobs, accepting gifts, business travel, employing relatives, political activity, and other topics. It restricts what you can do in and after your City service.

In recent years, Mayor Emanuel introduced important changes to the ethics law, and the City Council adopted them. It is important to understand the restrictions generally, so that you can spot "ethics issues" and obtain advice where appropriate.

This guide outlines the key restrictions. It is not intended to be all-inclusive, provides summary information only, and is not a substitute for a Board advisory opinion.

If you have questions about whether an action you are considering complies with the City's ethics laws and standards, please request a confidential advisory opinion from the Board of Ethics. The Board is an important resource for you. Please use it.

ADVISORY OPINIONS

Any City employee or official or other person subject to the Ordinance may request a **confidential** Board advisory opinion. The Board can render binding opinions *only* as to *future*

conduct. If someone discloses a *past* violation that the Board concludes is not minor, the person may self-report it to the City's Inspector General, or the Board shall.

ASPIRATIONAL CODE OF CONDUCT

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

FIDUCIARY DUTY

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

USE OF CITY PROPERTY

☞ You **may not use** or permit the use of **City-owned property for any unauthorized purpose**, including prohibited political activity.

GIFTS

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

- ☞ any gift, item or service given **anonymously**;
- ☞ any gift, item or service (even lunch) if it is understood that the purpose is **to influence your official actions or decisions**;
- ☞ any cash or gift cards in any amount;
- ☞ any other non-cash, non-gift card gift or combination of gifts **worth more than \$50 from a single source in a calendar year**;
- ☞ **any gift from another City employee or official over whom you are an official superior** (there are exceptions, such as items worth less than \$10, and gifts given for infrequent life occasions, like weddings);
- ☞ **anything of value in return for your advice or assistance on matters concerning City business**, unless that advice or assistance is wholly unrelated to your City responsibilities.

There are some **exceptions**:

- ▶ anything for which you pay fair market value;

▶ anything offered to the public on the same terms, like sales promotions;

▶ gifts from your relatives or personal friends, unless you have reason to believe the gifts were offered to you because of your City position;

▶ gifts accepted on the City's behalf (these must be reported to the Board and Comptroller);

▶ reasonable hosting expenses related to official City business, if offered by the sponsor or host, and you report them to the Board within 10 days of acceptance;

▶ materials or travel expenses related to a public or governmental educational purpose, if the Board approves it, and you report it to the Board within 10 days of your return; or

▶ gifts offered to you (or your spouse or domestic partner) in the course your, (or his or her) outside business, employment or community activity.



HONORARIA

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

But, you may accept:

☞ **honoraria** for speaking engagements that are **not related to your City job**; or

☞ **reasonable travel expenses to the location of your speech**, even if it is related to your City job. These can include air, ground transport, lodging and food; but you must receive advance clearance from your department head (or alderman) and from the Board of Ethics, and must report your travel in writing to the Board of Ethics within 10 days of your return.

REPRESENTING OR "LOBBYING" FOR NON-CITY PERSONS

☞ You **may not represent or derive any compensation from representing** any person (like a non-profit, a company, or a friend) **before a City agency in a formal or informal meeting or transaction**. This does not prevent you from performing your official City duties.

☞ You may not derive any income or compensation from representing any person in any judicial or quasi-judicial proceeding if the City is a party and the person's interest is adverse to the City's.

☞ A City elected official may not contact any other City official or employee regarding any matter involving a person or organization with whom the elected official has a business relationship that creates a financial interest, or from whom or which the official has derived or expects to derive compensation or income.

POST-EMPLOYMENT or "REVOLVING DOOR" RESTRICTIONS

☞ **For one year after you leave City service**, you may **not** a new employer or client on a transaction involving the City if, while in City service, you were personally and substantially involved in the transaction's subject matter.

☞ **For two years after leaving City service**, non-clerical Mayoral staff members and department heads **may not lobby** any City department, employee or official, and Executive branch Shakman-exempt employees may not lobby their former department; **for one year after leaving City service**, aldermen **may not lobby** any City department, employee, or official.

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

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

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

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

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

CONFLICTS OF INTEREST/ IMPROPER INFLUENCE

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

STRICTER DEPARTMENTAL RULES ALLOWED

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

MANDATORY ETHICS TRAINING

Lobbyists, full-time employees, aldermen, City Council “contract employees” and appointed officials must complete an annual ethics training program designed by the Board. Aldermen, City Council employees and all Senior Executive City employees must also attend face-to-face ethics training every four years. Persons who do not complete required training are subject to a \$250 fine, and their violations will be made public.

STATEMENTS OF FINANCIAL INTERESTS

Elected officials, certain appointed officials, and City employees with managerial responsibilities must file a Statement of Financial Interests annually with the Board of Ethics. Filings can be done on-line. All filed Statements are open for public inspection under the Freedom of Information Act. The Board keeps them on file for seven years after filing. Statements filed in 2009 and after are available on the City's website. Persons who fail to file their Statements

as required are subject to a \$250 fine. Their violations will be made public.

COMPLAINTS AND INVESTIGATIONS

The Board accepts and refers for investigation complaints alleging ethics ordinance violations by City employees, officials or others subject to the law. After an ethics investigation is completed by the City's Inspector General, the Board may dismiss the matter, or conclude there is probable cause to believe the law was violated, and then settle the matter, or hold an evidentiary hearing to determine whether the Ordinance was actually violated. Complaints, investigations, determinations and recommendations are confidential until a final determination or settlement agreement is reached.

PENALTIES FOR VIOLATIONS

The Board has the sole authority to determine whether violations of the Ordinance have occurred, and can impose or recommend penalties, including employment sanctions, removal from office, censure, fines or invalidation of contracts. Summaries of included cases can be made public, according to the law.



FOR MORE INFORMATION

Please visit our website:
www.cityofchicago.org/Ethics

For confidential advice or guidance, contact:

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