



Preventing Ethical Lapses in State Government
SIAAB Fall Conference
October 23, 2018

*"We hang the petty thieves
and
appoint the great ones
to public office."*

--Aesop

Word Association Game

1. State Government



TV
PG
L

Am I interrupting anything important?

TV
PG
L

Impossible, I work for the government.



GOVERNMENT EMPLOYEE

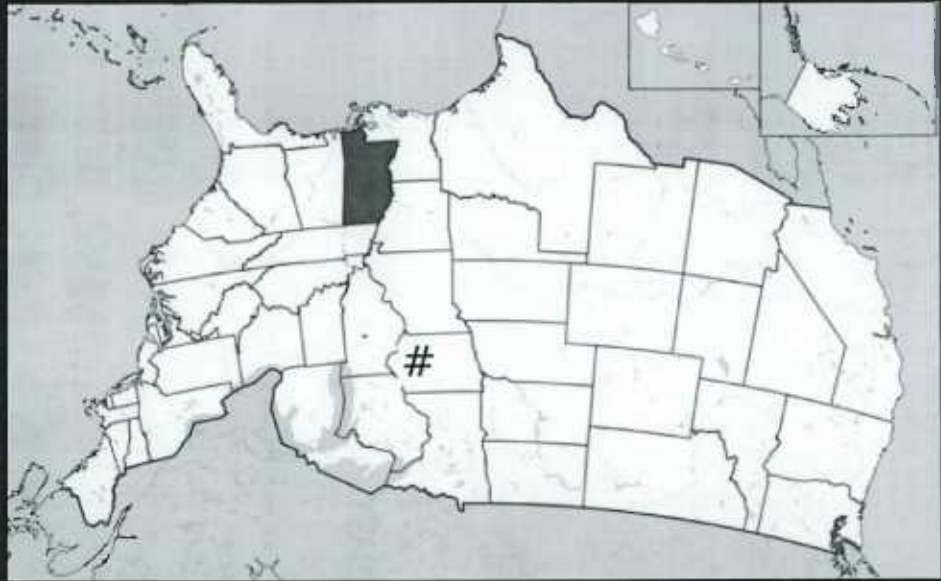
I ain't got nuthin' to do, so I'll just sit here
and scratch my ass like I did yesterday.



I say "state government"

you say "....."

"ETHICAL?"



Most corrupt state in the US

#3



Chicago Tribune

NBA
Championship
Final

CHICAGO: MOST CORRUPT CITY

**ILLINOIS: 3RD MOST CORRUPT STATE in
COUNTRY**

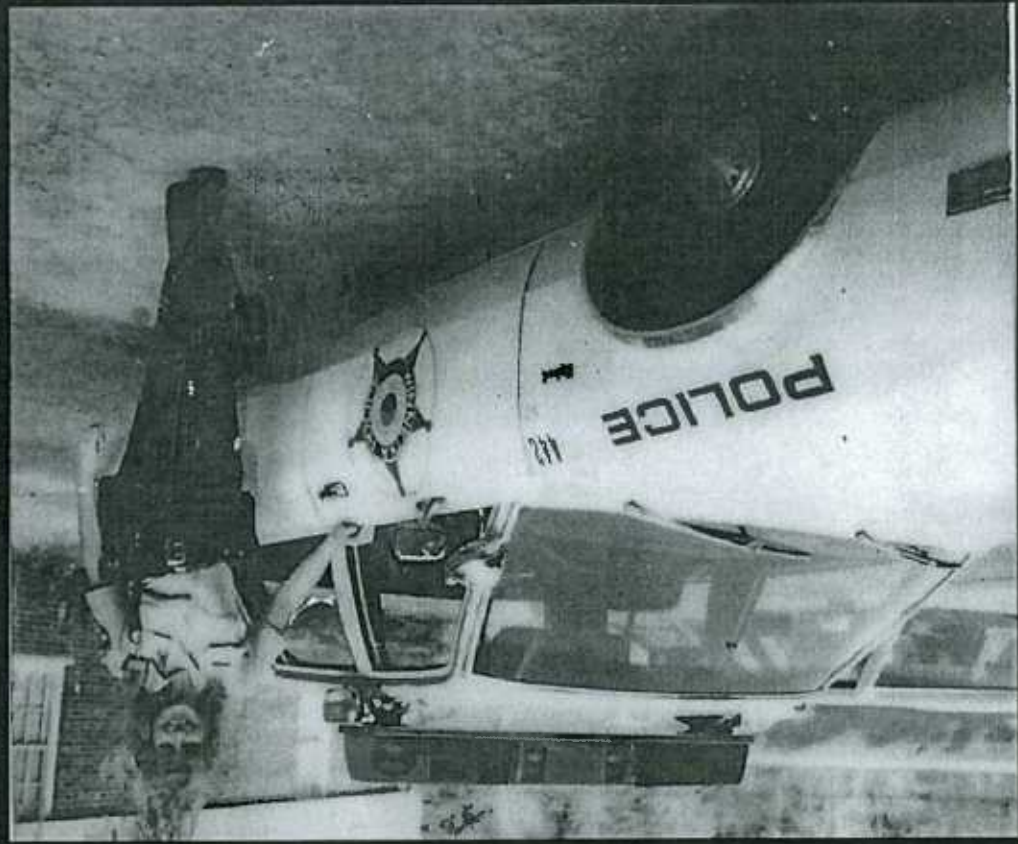
*-- from Anti-Corruption Report #10,
May 15, 2018
University of Illinois--Chicago*



" We will never bring disgrace on this our City by an act of dishonesty or cowardice. We will fight for the ideals and Sacred Things of the City both alone and with many.

We will revere and obey the City's laws, and will do our best to incite a like reverence and respect in those above us who are prone to annul them or set them at naught.

We will strive unceasingly to quicken the public's sense of civic duty. Thus, in all these ways, we will transmit this City not only, not less, but greater and more beautiful than it was transmitted to us."



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2018
Annual Report

105,560

Illinois actually at the
forefront of corruption reform
since 2003

2018

ILLINOIS State Government Employees

*Illinois actually at the
forefront of corruption reform
since 2003*

**5 ILCS 430/
State Officials and Employees Ethics Act**

- **Primary law that governs ethics in State government**
- **Enacted 2003**
- **Created an Executive Ethics Commission ("EEC") and five offices of Executive Inspector General ("EIG")**

Five Offices of Executive Inspector General

Office of the Governor --- Susan Haling

Attorney General --- Diane Saltoun

Secretary of State --- Nathan Maddox

Treasurer --- Raymond Watson

Comptroller --- Joanna Belle
Gunderson



Diane L. Saltoun

**Former Federal Prosecutor,
Northern District of Illinois**

Deputy Chief, General Crimes Division

Project Safe Neighborhoods Coordinator

***University of Chicago Law School
Faculty Member***

- **Components of Illinois Ethics Structure**
- **The Role of EIGs**
- **EIG Investigations**
- **Ethics Partnership**

Ethics Structure in Illinois State Gov't

- 1. EEC Commissioners**
 - **9 appointed on by-partisan basis by Constitutional Officers**
 - **only 5 from same political party**
 - **Senate confirmed for 4 yr. term**
 - **no specific qualifications**
- 2. EIGs**
- 3. Agency Ethics Officers**
- 4. State Auditors**

Executive Ethics Commission



Shawn Denney



Amalia Rioja



Walter P. Turner III



Maria Kuzas



James Schink



Chasity Boyce



Ryan Ruskin



Teresa Bartels



Andy Volpert

1. EEC Commissioners

2. EIGs

- appointed by Constitutional/confirmed by Senate
- specific qualifications
- 5 year term

3. Agency Ethics Officers

- Agency policy and procedure

4. State Internal Auditors

- Independent/objective consultants to improve efficiency/effectiveness of agency and manage risk

State Auditors



Inspectors General

- | | |
|----------------------------------|---|
| • Independent/objective | Independent/objective |
| • Process Focused | People Focused |
| • Proactive (audit plan) | Reactive (complaints) |
| • Preventative (manage risk) | Preventative (training/RD) |
| • Internal Focus (existing data) | External/Internal Focus (investigation, new data, subpoena) |
| • Internal Reporting | Internal/External Report |
| • Process/policy change | Discipline (some policy) |

OEIG for the Attorney General

Primary Functions (6) :

1. Ethics Guidance
2. Ethics Training (at least annual)
3. Employee Hiring Review
4. Revolving Door
5. Investigate Complaints
6. Reporting Requirements

Preventive Measures

1. Ethics Advice



2. Annual Ethics Training



Employee Hiring Review



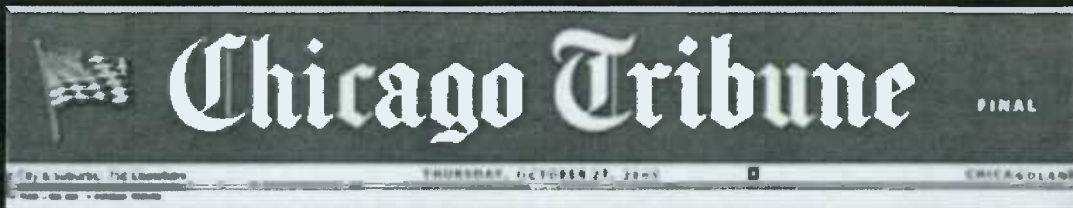
- Ensure compliance with Rutan and other laws
- Fair process in hiring
- Increases employee confidence
- Transparency in government

Revolving Door

The law limits the work situations state employees can accept in private sector for up to one year after leaving State employment.



The law also addresses procurement issues, such as documenting communications about RFPs.



- Director of HFS resigned in 2010 and took a job a week later with a law firm that had represented HFS in a matter where Director was instrumental.
 - \$100,000 fine
- Senior employee at State agency contracted with transportation company to do significant work for the agency. When he wanted to go work for transportation company, his RD was denied. He thought he could get around RD by sub-contracting his same services to an intermediary company.
 - Possible \$500,000 fine

Investigations



1. Receive Complaint
2. Jurisdiction
3. Investigation
4. Reports (Founded and Unfounded)
5. At request of subject, written notification investigation is closed



Ethical Misconduct

1. Employee Time & Attendance
2. Prohibited Political Activity
3. Gift Ban Act Violations
- ★ 4. Sexual Harassment
5. Violations of Policy/Procedure

Time and Attendance

The Ethics Act requires each state employee to document "the time spent each day on official State business to the nearest quarter hour." 5 ILCS 430/5.

Human Resource Information System "HRIS"

By signing in/out, I affirm that I have spent the actual time shown on the HRIS system conducting official State business for the Office of the Attorney General pursuant to Section 5-5(c) of the State Officials and Employees Ethics Act (5 ILCS 430/5-5).

The screenshot shows the HRIS Time & Attendance interface. At the top, it says "Time & Attendance". Below that, the date "7/21/2015" and time "9:45:25 AM" are displayed. A smaller text below the time says "You last signed in at: 7/21/2015 7:08:59 AM". There is a checkbox labeled "Check if taking benefit time in conjunction with lunch". Below the checkbox are two buttons: "Sign out" and "Sign out and request a time change". To the right of the buttons is a "HRIS Menu" button. At the bottom, there is a small disclaimer: "By signing in/out, I affirm that I have spent the actual time shown on the HRIS system conducting official State business for the Office of the Attorney General pursuant to Section 5-5(c) of the State Officials and Employees Ethics Act (5 ILCS 430/5-5)." There is also a "Sign out" button on the left side of the interface.

From the 2015 published IG cases...

A State employee sent a Snapchat photo of himself sitting at Wrigley Field with the caption "I am playing hooky SHHH." He was signed into HRIS when he sent the photo.



Prohibited Political Activity

What is Political Activity?

The Ethics Act defines Political Activity as any activity that supports or is connected to:



- a campaign for elective office or
- a political organization

The Ethics Act prohibits State officials and employees from conducting political activities during WORK TIME, on STATE PROPERTY, or while using STATE RESOURCES.

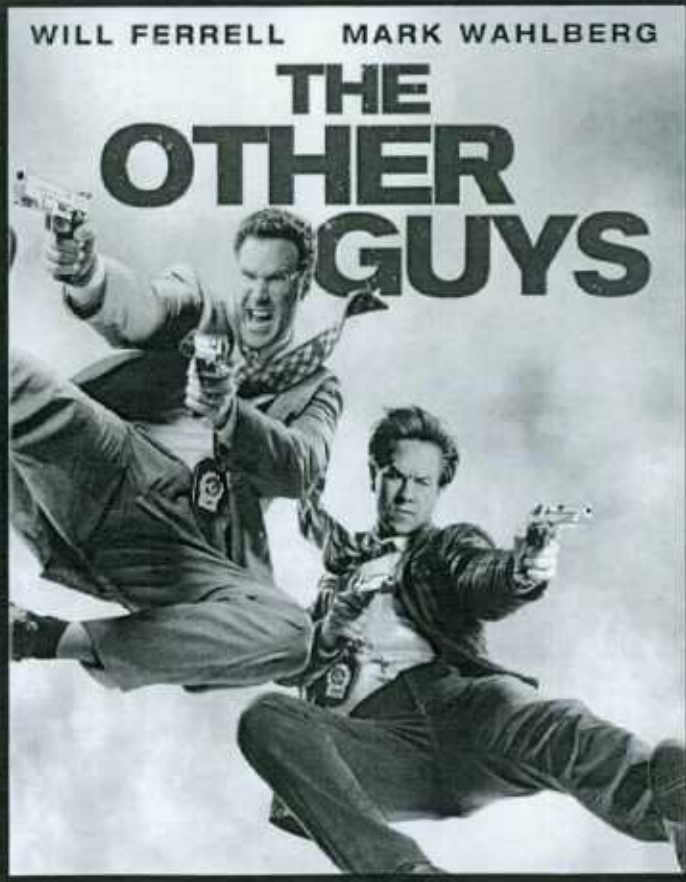


In addition to prohibiting political activity, State Law also prohibits offering or accepting political contributions on State property/time.

- State agency General Counsel disciplined for using a **State fax machine** to fax candidature papers on behalf of a political candidate and using a **State phone to telephone** the **Board of Elections** to make sure they received the documents. Considered "activity in furtherance of an effort to influence the... election of [an] individual" to political office.
- State employee used State email to invite friends and co-workers to political fundraiser. Published in Tribune. Employee terminated.

It is illegal for a **State employee or candidate** for the **Executive** branch or **Legislative** branch to offer anything of value related to **State government** in exchange for a political contribution.





Gift Ban Act



A gift is anything of value solicited or received by a State employee



- Ethics Act prohibits gifts from "prohibited source."
- Gift Ban applies to employees' spouses and immediate family members, too.
- Purpose is to ensure employees act in the best interest of the public, AND to avoid the appearance of impropriety.

The Bottom Line

When deciding whether you can accept a gift, ask yourself a few key questions:

- Is the gift offered by someone who currently does or wants to do business with the State Agency (prohibited source)?
- Does Agency have any influence over the individual or business offering the gift?
- If I accept the gift, will I give the appearance of improper behavior or suggest that my official duties may be influenced by the gift?
- Was the gift given to me for something I am already paid to do?

Sexual Harassment



- Sexual Harassment now covered under the Ethics Act and employees can report to EIG
- Sexual Harassment defined w/ examples
- Reporting
- Requirements for supervisors who learn of sexual harassment (inform & document, contact EEO Officer)

Conclusion

- System Requires Partnerships
 - employees
 - administration
 - auditors
- Confidence/Relationships
- Guidance/Training