



FILED
INDEX DEPARTMENT
SEP 21 2018
IN THE OFFICE OF
SECRETARY OF STATE

EXECUTIVE DEPARTMENT

SPRINGFIELD, ILLINOIS

EXECUTIVE ORDER

2018-12

**EXECUTIVE ORDER TO ELIMINATE NEPOTISM IN STATE GOVERNMENT
HIRING**

WHEREAS, State employees are entrusted with protecting the public from violence and natural disasters, ensuring the people of Illinois have safe roads and adequate public transportation, providing social services, and other significant duties touching the lives of the people of Illinois; and

WHEREAS, the State of Illinois Code of Personal Conduct requires all State officials and employees to conduct themselves in an ethical, honest, and impartial manner and to never abuse their public service for private gain; and

WHEREAS, according to a recent statewide public opinion poll, Illinois citizens rank number one in distrust of their State government; and

WHEREAS, public trust historically has been diminished by a belief that the work of State government is done by the backroom dealings of a few focused on personal gain, while the people of Illinois are left wondering who has their interest in mind; and

WHEREAS, nepotism, which is the practice of promoting or hiring based on family relationship, has no place in government, let alone in Illinois, and

WHEREAS, nepotism can open the door for corruption, favoritism, and conflicts of interest; and

WHEREAS, federal law already prohibits executive agency heads from the practice of nepotism in the appointment, promotion, or recommendation of a relative to any agency or department under their control; and

WHEREAS, more than half of states—including Indiana, Missouri, Iowa, Kentucky, and Michigan—have anti-nepotism laws; Illinois lags behind; and

WHEREAS, good ethics is good economics, and statistics show that countries with lower levels of political trust have more regulation and suffer more economic decline; and

WHEREAS, with the problem of outmigration growing in Illinois, it is imperative to strengthen the ethical practices of State government to ensure residents of Illinois trust that the State is promoting their interests; and

WHEREAS, eliminating the unethical practice of nepotism will help recapture the trust of the people of Illinois, and increase integrity, accountability, and efficiency;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 8 of Article V and Section 2 of Article XIII of the Constitution of the State of Illinois, do hereby order as follows:

I. DEFINITIONS

As used in this Executive Order:

“Chief Compliance Office” means the Chief Compliance Office within the Office of the Governor created by Executive Order 2018-02.

“Commission” means the Executive Ethics Commission.

“CMS” means the Department of Central Management Services.

“Governmental Body” means the Executive, Legislative, or Judicial bodies of government, meaning any body created by created or authorized by Articles IV, V, and VI of the Illinois Constitution or under any body created by those Articles.

“Labor Organization” has the meaning defined in Section 3(i) of the Public Labor Relations Act, 5 ILCS 315/3.

“State Agency” means any agency under the jurisdiction of the Governor.

“State Agency Head” means any officer, employee, or other individual who receives merit compensation and is exempt from the Personnel Code and from collective bargaining agreements. State Agency Head includes appointments made by the Governor.

“Relative” means, with respect to State Agency Heads, employees, and officials, an individual who is related to the State Agency Head, employee, or official as father, mother, son, daughter, grandfather, grandmother, grandson, granddaughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, step-grandson, step-granddaughter, half-brother, or half-sister.

II. PROHIBITION ON NEPOTISM IN STATE GOVERNMENT HIRING

1. A State Agency Head may not appoint, hire, promote, advance, or advocate for the appointment, hiring, employment, promotion, or advancement, in or to a position in any Governmental Body, any individual who is a Relative of the State Agency Head.
2. An individual may not be appointed, hired, promoted, or advanced in or to a civilian position in any Governmental Body, if such appointment, employment, promotion, or advancement has been advocated by a State Agency Head who is a Relative of the individual.
3. An individual may not be placed in a Relative’s direct line of supervision, may not evaluate a Relative’s job performance and may not recommend a salary increase for a Relative. This section applies to all State employees and officials. No State Agency employee or official may participate in an action relating to the discipline of a Relative, including dismissal of a Relative, or conduct an investigation into alleged misconduct, malfeasance, or violation of any law by a Relative. An individual may not serve on a State Agency interview panel for any Relative.
4. State Agency employees and officials shall disclose to their supervisor and Ethics Officer any anticipated or active participation by the employee or official in any matter affecting a partnership, association, corporation, or other business entity if they, together with a Relative or Relatives, are entitled to receive more than fifteen (15) percent, in the aggregate, of the total distributable income of the partnership, association, corporation, or other business entity.
5. All State Agency Heads required to file a supplemental statement of economic interest pursuant to Executive Order 2015-09 shall, in conjunction with such filing each year, also disclose the following information: the names and positions of all Relatives employed by or serving as an elected officer or member of any Governmental Body. The Commission shall prepare forms or amend existing forms to be used to report the information described in this subsection and shall provide those forms or amended forms to each individual required to report such information on or before April 1 of each year. Such

statement shall be filed by each individual with the Commission on or before May 1 of each year. The Commission shall ensure that all statements filed pursuant to this subsection are made readily available for public inspection. Each State Agency Head required to submit a statement pursuant to this subsection shall notify the Commission, in writing and without delay, of any material change in circumstances that might result in a change to his or her disclosures filed pursuant to this Section.

6. All State Agency Heads who are not required to file a supplemental statement of economic interest shall disclose to their Ethics Officer the names and positions of all Relatives employed by or serving as an elected officer or member of any Governmental Body, upon becoming a State Agency Head and on an ongoing basis within 30 days of change in a Relative's job status that would require reporting. Ethics Officers shall maintain a list with this information which shall be subject to the Freedom of Information Act.
7. Within 30 days of the effective date of this Executive Order, CMS is directed to amend the State Officials and Employees Code of Personal Conduct to define nepotism as a violation of State ethics. Within 30 days of the effective date of this Executive Order, all State agencies shall amend their employment policies or handbooks to define nepotism, in at least as stringent terms as this Executive Order, as a violation of State Agency policy and file these policies or handbooks with the Chief Compliance Office and with the Executive Ethics Commission.
8. All State Agencies, when negotiating with any Labor Organization, shall make every reasonable effort to secure a collective bargaining agreement that meets or exceeds the objectives of this Executive Order.
9. CMS may prescribe regulations authorizing the temporary employment, in the event of emergencies resulting from natural disasters or similar unforeseen events or circumstances, of individuals whose employment would otherwise be prohibited by this section.

This Executive Order does not apply to individuals serving in a volunteer capacity or who exclusively provide emergency, medical, firefighting, police services, or any charitable service to the State.

III. SAVINGS CLAUSE

This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute, or collective bargaining agreement. This Executive Order is intended only to improve the internal management of the Executive Branch of the State of Illinois and does not create any right to administrative or judicial review, or any other rights or benefits, substantive or procedural, enforceable at law or in equity by a party against the State of Illinois, its agencies or instrumentalities, its officers or employees, or any other person. Nothing in this Executive Order shall be construed to impair the State's compliance with or undertaking efforts to comply with the Court's directives in *Shakman*. This Executive Order does not prohibit the continuation of a job assignment that began prior to the effective date of this Executive Order.

IV. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any other prior Executive Order.

V. SEVERABILITY CLAUSE

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

VI. EFFECTIVE DATE

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This Executive Order shall take effect thirty (30) days after filing with the Secretary of State.



Bruce Rauner, Governor

Issued by Governor: September 21, 2018
Filed with Secretary of State: September 21, 2018

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