



**2021 ETHICS TRAINING FOR EMPLOYEES OF
THE CHICAGO TRANSIT AUTHORITY**

and

**2021 HARASSMENT AND DISCRIMINATION
PREVENTION TRAINING FOR CTA EMPLOYEES**

Please read the ethics and harassment and discrimination
prevention pamphlets.

Sign the last page (the “Acknowledgment of Participation”
page) twice, once for each training section



2021 EMPLOYEE ETHICS TRAINING

Note: This training course has been developed in accordance with the requirements of the State Officials and Employees Ethics Act (5 ILCS 430/5-10). It has been developed for this purpose under the direction of the Board of Directors of the Chicago Transit Authority. Not for use by other than employees, appointees, or officials of the Chicago Transit Authority without the express consent of the Office of Executive Inspector General for the Agencies of the Illinois Governor.

If you need reasonable accommodations to read, review, and sign this ethics training pamphlet, please contact the Ethics Officer at 312-681-2924.

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Introduction/General Principles

The provisions of Articles 1, 5, 10, 20, 50, and 75 of the State Officials and Employees Ethics Act (5 ILCS 430, *et seq.*) apply to the Commuter Rail Division (Metra), the Regional Transportation Authority (RTA), the Suburban Bus Division (Pace), and the Chicago Transit Authority (CTA). These entities are referred to collectively as the Regional Transit Boards (“RTBs”). It is important for you to understand that in certain instances, the Ethics Act places obligations on you as an employee of the CTA, and it is your responsibility to comply with these requirements.

For purposes of the above-mentioned articles of the Ethics Act and these training materials, the terms “employees” and “state employees” include the employees of and appointees to the governing boards of the Regional Transit Boards.

As will be later explained in greater detail, if you have a question concerning an ethics issue related to your CTA employment, you may contact the Ethics Officer, who is responsible for providing guidance to you in the interpretation and implementation of the Ethics Act. If you have questions about these training materials, however, please address them in the first instance to your supervisor or manager. If further clarification is required, your supervisor or manager will contact the Ethics Officer for a response.

The Ethics Act and other ethics-related laws, rules, and policies, are intended to ensure that the functions of public entities, including the CTA, are conducted with fairness, honesty, and integrity. That is, in part, what it means to follow the principles of ethics.

Your conduct has an impact on the citizens you serve. Because you are a public employee, it is important that your actions be in the best interests of the public and consistent with applicable laws, rules, policies, and regulations.

Like other public employees and officials, you must use the resources of the CTA in the most productive and efficient way possible and, generally, only for the business purposes of the CTA. You must avoid placing your personal or financial interests in conflict with those of the CTA. Furthermore, if you have knowledge of unethical or unlawful conduct by employees or appointees of the CTA or those who do business with it, you have an ethical obligation to notify the appropriate authorities, including your Ethics Officer or the Office of Executive Inspector General.

It is your responsibility to become familiar with and obey the laws, rules, policies, and regulations that apply to you as an employee of the CTA. If you have a question about either the legality or ethics of a matter related to the CTA, you may discuss it with CTA’s Ethics Officer or you may seek private legal counsel.

Ethics Officer

By law, the CTA has a designated Ethics Officer. This Ethics Officer:

- Acts as a liaison between the CTA and the Executive Inspector General for the Agencies of the Illinois Governor and the Illinois Executive Ethics Commission.
- Provides guidance to CTA employees in the interpretation and implementation of the State Officials and Employees Ethics Act.

The Ethics Officer for the CTA is:

Stephen L. Wood
Deputy General Counsel/Ethics Officer
567 West Lake Street
6th Floor
Chicago, Illinois 60661
Swood@transitchicago.com

For your reference, you may find a current list of Ethics Officers for all entities under the jurisdiction of the Office of Executive Inspector General for the Agencies of the Illinois Governor via the internet at: <http://www.inspectorgeneral.illinois.gov>.

Executive Ethics Commission (EEC)

Established in 2004, the Executive Ethics Commission, in conjunction with the Executive Inspectors General and the Attorney General, is responsible for the oversight of, compliance with, implementation of, and enforcement of the State Officials and Employees Ethics Act. The commission consists of nine appointed commissioners, and it exercises jurisdiction over all officers and employees of state agencies under the six executive branch constitutional officers of the state, as well as the nine state public universities and the Regional Transit Boards (RTA, CTA, Metra, and Pace).

The EEC promulgates regulations governing Office of Executive Inspector General investigations, prepares public information materials to facilitate compliance with ethics laws, provides guidance to Ethics Officers, reviews reports of activity from Executive Inspectors General and reports of ex parte communications from Ethics Officers, oversees employee ethics training and conducts administrative hearings related to alleged violations of the Ethics Act. For additional information about the Executive Ethics Commission, visit its website at:

<http://www2.illinois.gov/eec>.

Office of Executive Inspector General (OEIG)

Established in 2003, the OEIG is an independent state agency. Its primary function is to investigate fraud, waste, abuse, and violations of the Ethics Act and other laws, rules, and policies in governmental entities. The OEIG investigates allegations of misconduct by the employees, appointees, and elected officials under its jurisdiction. The OEIG also has responsibility for investigating alleged violations by those doing business with entities under its jurisdiction.

The OEIG's jurisdiction includes:

- the governor;
- the lieutenant governor;
- the board members and employees of and vendors and others doing business with the Regional Transit Boards (*i.e.*, the RTA, the CTA, Metra, and Pace);
- the board members and employees of and vendors and others doing business with the state public universities; and
- all employees of and vendors and others doing business with state agencies and departments of the executive branch of state government, except for those agencies under the jurisdiction of other executive branch constitutional officers, specifically the attorney general, the comptroller, the treasurer, and the secretary of state (other inspectors general have jurisdiction over those four executive branch constitutional officers, and the state legislature).

To file a complaint with the OEIG, please use one of the following means:

- (1) Call 866.814.1113;
- (2) Fax 312.814.5479;
- (3) TTY 888.261.2734;
- (4) Log in to www.inspectorgeneral.illinois.gov and click on "complaints"; or
- (5) Mail your complaint to one of the OEIG offices:

OEIG
69 West Washington, Suite 3400
Chicago, Illinois 60602

OEIG
607 East Adams, 14th Floor
Springfield, Illinois 62701

For additional information about the OEIG or its investigative process and procedures, visit its website at: <http://www.inspectorgeneral.illinois.gov>

[Ethics Training \(Ethics Act, Section 5-10\)](#)

The State Officials and Employees Ethics Act (5 ILCS 430/5-10) requires:

- All CTA employees to complete, at least annually, an ethics training program conducted by the CTA.
- New employees to complete ethics training within 30 days of the commencement of their employment or appointment. This also applies to temporary or seasonal employees.
- Appointees to the RTBs to complete ethics training within 30 days of the commencement of their initial appointment **and** must complete annual ethics training thereafter once each calendar year.

This training program is intended to allow you to meet your obligation to comply with those requirements.

Each transit board must report to the OEIG and the Executive Ethics Commission those individuals who fail to complete this training as required by law.

Failure to complete ethics training and to submit a signed certification of completion of the training, in accordance with the training's instructions and the requirements of the Ethics Act, may constitute a violation of the Ethics Act. This exposes employees to disciplinary action by their employer and could result in possible administrative action by the Executive Ethics Commission, which may levy a fine of up to \$5,000. For the purposes of the annual ethics training, the Office of Executive Inspector General for the Agencies of the Illinois Governor sets the standards which determine the subject matter content, format, and frequency of training for employees and appointees.

[Ethics Act Definitions](#)

“Appointee” means a person appointed to a position in or with a state agency or a Regional Transit Board, regardless of whether the position is compensated.

“Annual” means once each calendar year.

“Board members of Regional Transit Boards” means any person appointed to serve on the governing board of a regional transit agency.

“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 material details of how the work is to be performed or (ii) any appointed or elected commissioner, trustee, director, or board member of a state board or a Regional Transit Board.

“Regional Transit Board” means (i) the Regional Transportation Authority (RTA), (ii) the Suburban Bus Division (Pace), (iii) the Commuter Rail Division (Metra), or (iv) the Chicago Transit Authority (CTA).

“State agency” includes all officers, boards, commissions, and agencies created by the Illinois 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 political 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, including a full-time, part-time, or contractual employee of a Regional Transit Board.

[Official Misconduct \(Criminal Code of 2012 \(720 ILCS 5/33\)\)](#)

Public officers or employees commit official misconduct when, in their official capacity, they:

- Intentionally or recklessly fail to perform any mandatory duty as required by law;
- Knowingly perform an act which they know they are forbidden by law to perform;
- With intent to obtain personal advantage for themselves or another, perform an act in excess of their lawful authority; or
- Solicit or knowingly accept for the performance of any act a fee or reward which they know is not authorized by law.

Public officers or employees convicted of violating any of these provisions forfeit their office or employment. In addition, they commit a Class 3 felony.

For Example:

A CTA employee may be committing official misconduct if he approves a CTA contract, which he knows he does not have the authority to approve. Also, as an example, a CTA employee may be committing official misconduct if he uses CTA property or equipment for unauthorized purposes, such as for his personal use or other non-business purpose.

Among other circumstances, official misconduct occurs when public employees ask for or accept property or personal benefits, such as, but not limited to, money or free services, in exchange for taking or not taking (or influencing someone else to take or not take) an official act.

If CTA employees or officials accept a bribe, they could face criminal charges and, if convicted, they could go to jail. It is also a criminal violation if CTA employees or officials fail to report a bribe to the local State's Attorney's Office.

Official Misconduct Lesson Review Question

Review Question # 1

Andrew is a CTA employee who manages a vehicle maintenance contract with OD Maintenance. Under the contract, OD provides repair services for CTA vehicles. OD has performed well, providing low cost and quality service, and OD's President, Bonnie, has become a close personal friend of Andrew's since working with the CTA. The OD contract is due to expire soon and must be competitively bid. Given OD's historical performance, both Andrew and Bonnie are sure that OD will win the renewal. Andrew does not have authority to extend the OD contract.

Andrew is involved in a fender-bender while driving his personal car, and the repair estimate is \$1200, an amount Andrew is unable to pay. Andrew mentions this to Bonnie, and tells her that if OD performs the work for free, he will extend OD's contract for three months and put off the competitive bidding process. Bonnie agrees, and also asks Andrew to assist Bonnie in putting together OD's bid for renewal. Andrew refuses to assist her in preparing the bid. Bonnie nonetheless performs the car repair. Andrew later gets the contract extended at the CTA. Does Andrew's conduct constitute official misconduct?

- A. No, because Andrew refused to assist Bonnie with OD's renewal bid.
- B. Yes, because Andrew accepted a personal benefit he was not entitled to accept in exchange for providing a contract renewal that he was not authorized to make.
- C. No, because OD's performance was excellent and it would have won the renewal bid in any event.

Select the best answer(s) then compare your response to the explanation below.¹

¹ The best response to Review Question # 1 is B. Andrew's extending OD's contract in exchange for a personal benefit of having his car repaired is official misconduct. Answer A is incorrect

Documentation of Time Worked (Ethics Act, Section 5-5)

As a CTA employee, you are required by the CTA and the Ethics Act to accurately document the time spent each day on official CTA business. Your documentation must be accurate and truthful.

For Example:

If you signed in for work at 8:30 a.m. even though you actually arrived at 9:00 a.m., you violated CTA policy because the time sheet was not accurate and truthful.

Conflicts of Interest

It is vital to the proper operation of governmental entities, like the CTA, for public employees to avoid not only actual conflicts of interest, but also those situations that may be perceived by others as a conflict of interest.

A conflict of interest occurs when the interests of employees are in conflict with the interests of their employer. This might occur, for example, when the decisions or recommendations employees make, relative to their work duties, either affect or are affected by their personal interests or those of a family member, friend, or associate.

For Example:

It is a conflict of interest for a CTA employee to manage a contract with a vendor that employs the employee's spouse.

Do What's Right!

Recommended Best Practice

In any instance where you believe you may have a conflict of interest with respect to your position, it is your responsibility to immediately disclose the conflict. Disclosure must be made in accordance with any applicable policies of the CTA. In the absence of a particular policy, disclosure should be made to your supervisor.

because Andrew's refusal to also commit official misconduct by assisting Bonnie in preparing a bid response does not cure the violation of extending the OD contract three months without authority to do so. Answer C is incorrect because Andrew's misconduct relates to his accepting a personal benefit from Bonnie, and the outcome of a future procurement with OD is irrelevant to that.

It is unethical for CTA employees and appointees to use information made available to them as a result of their job duties and which is not generally known to the public to benefit themselves, their friends, their family, or associates.

For Example:

It would be unethical and unlawful for a CTA employee to provide confidential information about a competitive bidding process for a CTA contract to a friend or family member whose business is participating in that same bidding process.

Conflicts of Interest Lesson Review Questions

Review Question # 2

Cameron was recently hired by the CTA and her job responsibilities include supervising CTA's advertising agency. Cameron's husband, Donald, is an executive at that advertising agency. They have been married for ten years, but Cameron did not change her surname. No one at the CTA knows that she is related to Donald, and Cameron does not disclose to anyone at the CTA that she and Donald are spouses.

A billing dispute arises under the CTA contract, and Donald is assigned to represent the agency to negotiate a resolution with the CTA. Cameron and Donald meet at the CTA's offices during office hours, resulting in a resolution of the dispute, which Cameron is authorized to negotiate. Both Cameron and Donald objectively believe that the dispute is resolved fairly because of the trust and good communication skills that they have developed as a couple during their marriage. The CTA believed the settlement favored the CTA; the ad agency also concluded that the resolution was more favorable to the CTA than to the ad agency, but accepted the settlement.

Did Cameron's actions in negotiating with Donald without disclosing the existence of their relationship constitute a conflict of interest?

- A. Yes, because Cameron failed to disclose the existence of the relationship and she failed to refrain from interacting with her husband regarding the ad agency's contract.
- B. No, because all parties believed that the CTA benefited from the settlement negotiation so there was no actual harm done.
- C. No, resolving the billing dispute was within Cameron's authority as a manager and she did not need additional authority to settle the dispute with Donald's ad agency.

Select the best answer(s) then compare your response to the explanation below.²

Review Question # 3

Elise is a CTA employee who works in Engineering, and she is good friends with Franco, who owns an extermination company. Franco asks Elise if there are any opportunities to do business with the CTA. Elise knows that the CTA regularly publishes contracting opportunities on its public website, but she is uncertain how much information she can share with Franco about those opportunities. Elise consults her manager, Georgina, who recommends that Elise reach out to the CTA's Ethics Officer with her questions, "just to be on the safe side." Elise does not consult the Ethics Officer. Instead, she looks at the CTA's public website and sees that there are several extermination contract opportunities currently available.

Elise tells Franco how to access the CTA's public website page, but she provides no additional information or assistance to Franco. Franco submits a bid for one of the contracts, and his bid is selected. Elise is not involved in the contract award process. Did Elise's actions create a conflict of interest?

- A. Yes, Elise provided information about contracting opportunities and thereby attempted to influence the contract selection process to benefit her friend, Franco.
- B. Yes, Elise was advised to consult with the Ethics Officer and declined to do so, which is always a violation of the CTA Ethics Code.
- C. No, Elise provided only publicly-available information, and nothing more, which does not create a conflict of interest and does not constitute an attempt to influence a contracting decision.

Select the best answer(s) then compare your response to the explanation below.³

² The best response to Review Question #2 is A. A conflict of interest occurs when an employee's interests are, or could become, in conflict with those of her employer. Cameron should have disclosed the existence of her relationship with Donald and refrained from having any interaction with him regarding a CTA contract. Answer B is incorrect because conflicts of interest arise based on the existence of certain types of relationships, not on the perceived outcome of a negotiation. Answer C is incorrect because Cameron's authority to settle billing disputes is irrelevant to whether her relationship with Donald caused a conflict of interest.

³ The best response to Review Question #2 is C. Elise provided only publicly-available information to her friend, and that conduct does not constitute an effort to influence a

Prohibited Political Activities (Ethics Act, Section 5-15)

CTA employees may not participate in any of the following activities during compensated time other than vacation, personal, or compensatory time off. Additionally, employees may never engage in any of the following activities by misappropriating state or CTA property or resources (such as CTA-provided telephones, cell phones, photocopiers, or computers):

- Prepare for, organize, or participate in any political meeting, political rally, political demonstration, or other political event.
- Solicit contributions, including but not limited to purchasing, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- Solicit, plan the solicitation of, or prepare any document or report regarding anything of value intended as a campaign contribution.
- Plan, conduct, or participate 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.
- Survey or gather 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.
- Assist at the polls on Election Day on behalf of any political organization, candidate for elective office, or for or against any referendum question.
- Solicit votes on behalf of a candidate for elective office, political organization, or for or against any referendum question, or help in an effort to get voters to the polls or participate in a vote recount on behalf of a candidate or political organization.
- Initiate, prepare, circulate, review, or file a petition on behalf of a candidate for elective office or for or against any referendum question.

contracting decision. Answer A is incorrect because, even though Franco's bid was selected, Elise did not provide him with any assistance or any confidential (non-public) information. Answer B is incorrect because it is not a violation of the CTA Ethics Code to decline to consult with the Ethics Officer, even though Elise could have obtained useful advice on complying with the Ethics Code had she done so.

- Make a contribution on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- Prepare or review responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes.
- Distribute, prepare for distribution, or mail campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- Campaign for an elective office or for or against any referendum question.
- Serve as a delegate, alternate, or proxy to a political party convention.
- Manage or work on a campaign for elective office or for or against any referendum question.

For Example:

An employee may not solicit campaign contributions using a CTA email account. In addition, a CTA employee cannot solicit political campaign contributions using any email account during compensated hours. Further, a CTA employee cannot engage in political solicitation using CTA resources, including but not limited to a CTA-issued cell phone, a CTA computer, CTA-issued email address, or internet access provided by the CTA.

For Example:

It is unlawful for CTA employees to use CTA-provided telephones, at any time, to work on someone's campaign for elective office or to perform other prohibited political activities.

Lastly, a supervisor may not compel a CTA employee to perform prohibited political activities at any time.

Do What's Right!

Required Practice

CTA employees must not engage in prohibited political activities during compensated time (other than vacation, personal, or compensatory time off) or by misappropriating any CTA resource (such as phones, copiers, letterhead, fax machines, email accounts, etc.).

Review Question # 4

Henry is a supervisor working in Finance at the CTA. Henry's department has an internship program where college students work 15 hours per week on various projects and receive hourly pay based on timesheets that they submit weekly. Imani is an intern participating in that program.

Henry is involved in local politics in his community. One of the candidates Henry supports is having a large fundraiser, and Henry is soliciting donations. Over lunch, Henry overhears Imani express support for this candidate. Later that day at work, Henry asks Imani if she wants to help him solicit donations for the fundraiser, and Imani quickly agrees. Imani asks Henry if she is permitted to use CTA telephones and computers to perform this work, and he tells her that she can do so because the rules prohibiting such activity apply only to full-time employees, not interns like Imani. Did Henry commit any actions that violate the Ethics Act's ban on prohibited political activities?

- A. No, because Henry is correct that the Ethics Act does not apply to Imani, who is only an intern rather than a full-time employee, and therefore she is free to use CTA telephones and computers to engage in political activities.
- B. Yes, because Imani is a CTA intern, she must refrain from all political activity at all times until her internship is completed.
- C. Yes, because Henry should know that the prohibited political activities rules provide that no employee shall use any property or resources of CTA in connection with any prohibited political activity, and Imani is considered a CTA employee for purposes of the rules.

Select the best answer(s) then compare your response to the explanation below.⁴

⁴ The best response to Review Question #4 is C. The restrictions that pertain to certain political activities under the Ethics Act apply to all CTA employees, whether they are full-time or part-time. Answer A is incorrect because part-time employees are covered by the State Ethics Act and must not engage in prohibited political activity while on CTA compensated time or while using CTA resources. Answer B is incorrect because Imani is free to engage in political activity on her own time (i.e., while not on CTA compensated time), and when using her own resources (i.e., while refraining from using CTA offices, telephones, computers, etc.).

Public Service Announcements; Other Promotional Material (Ethics Act, Section 5-20)

The Ethics Act prohibits any public service announcements or advertisements that are on behalf of any state administered program and contain the proper name, image, or voice of any executive branch constitutional officer or member of the General Assembly from being broadcast or aired on radio or television, printed in a commercial newspaper or commercial magazine, or displayed on a billboard or electronic message board at any time.

Furthermore, the proper name or image of any executive branch constitutional officer or member of the General Assembly may not appear on any bumper stickers, commercial billboards, lapel pins or buttons, magnets, stickers, and other similar promotional items that are not in furtherance of the person's official state duties or governmental and public functions, if designed, paid for, prepared, or distributed using public dollars.

Political Contributions on State or CTA Property (Ethics Act, Section 5-35)

As an employee of the CTA, you may not intentionally solicit, accept, offer, or make political campaign contributions on state or CTA property. Similar prohibitions also apply to public officials, CTA employees, candidates for elective office, lobbyists (*i.e.*, persons required to be registered under the Lobbyist Registration Act), or any officers, employees, or agents of any political organization.

For Example:

CTA employees and other state employees, political officials, candidates, lobbyists, and representatives of any political organization, may not, at any time, ask for contributions to support a political candidate on CTA property, unless that building has been leased by the CTA to a private entity or person at the time of the solicitation. "CTA property" means any building or portion thereof that is owned or exclusively leased by the state or the CTA and *does not include* any portion of a building that is rented or leased from the CTA to a private entity.

Review Question # 5

Janet is a CTA manager working in Operations, and she has decided to run for alderwoman. Janet confines her political activity to nights and weekends when she is not working. Kevin, a CTA co-worker, supports Janet's campaign and often accompanies her when she canvasses in various neighborhoods. Kevin also confines his activities to non-compensated hours. While going door-to-door one weekend, a prospective voter asks Janet and Kevin what they do for a living, and they tell the voter that they work at the CTA. The prospective voter then engages them in a lengthy discussion about his efforts to have the local CTA L station renovated. The prospective voter tells Janet that he will vote for her if she agrees that once elected she will back an effort at the City Council to allocate funding to renovate the local L station. Janet agrees. Kevin is silent. Do either Janet or Kevin's actions involve prohibited political activities?

- A. Yes, Janet violated the Ethics Act by agreeing to support increased City Hall funding for an L station; Kevin did not violate the Act because he remained silent.
- B. Yes, both Janet and Kevin violated the Ethics Act by discussing funding for a CTA L station with a prospective voter because they are both CTA employees.
- C. No, because both Janet and Kevin limited their political activity to times when they were not on CTA compensated time, and they did not use CTA resources for political purposes, and as a political candidate Janet is permitted to speak on matters of public interest.

Select the best answer(s) then compare your response to the explanation below.⁵

⁵ The correct response to Review Question #5 is C. CTA employees are permitted to engage in political activity during non-compensated time. Likewise, CTA employees can engage in political activities using their own, but not the CTA's, resources. Here, Janet and Kevin engaged in political activity on non-compensated time and do not appear to have used any CTA resources. Answer A is incorrect because Janet is permitted to discuss and agree to take political positions as a candidate so long as she engages in those activities during her own time and does not use CTA resources. The political activity was permitted, so Kevin's silence is irrelevant. Answer B is incorrect because CTA employees are permitted to engage in political activities while on non-compensated time using their own, not the CTA's, resources.

Prohibited Offer or Promise (Ethics Act, Section 5-30)

A CTA employee, appointee, or official may not offer or promise **anything of value** related to state government or the CTA 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.

If another state (or CTA) employee or official asks or directs you to make a prohibited offer or promise, you have a duty to report it to your Ethics Officer or the OEIG.

In the context of a prohibited offer or promise related to a political contribution, **anything of value** includes, but is not limited to:

- Positions in state government or the CTA
- Promotions
- Salary increases
- Other employment benefits, including, but not limited to, 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
- Board or commission appointments
- Favorable treatment in any official or regulatory matter
- The award of any public contract
- Action or inaction on any legislative or regulatory matter

For Example:

For instance, a CTA Board member is running for Mayor and has made promises of CTA job offers to his campaign volunteers. It is unlawful for a CTA employee or appointee to offer an action by the CTA or to offer someone a CTA job, or to offer the award of a contract, in exchange for a political campaign contribution.

Review Question # 6

The state legislature is holding hearings on whether to increase funding to mass transit agencies in Illinois in the wake of the Covid-19 pandemic. During work hours, Lucas is instructed by his supervisor, Mia, to travel to Springfield to testify before a legislative panel regarding the funding. Lucas does so, and submits a timesheet showing that he worked in Springfield that day. Did either Mia or Lucas engage in prohibited political activities?

- A. Yes, both Mia and Lucas engaged in prohibited political activity during compensated time.
- B. No, because testifying before a legislative committee is not a prohibited political activity, and it is permissible for a CTA employee like Lucas to engage in such activity during compensated time.
- C. Yes, but only Mia engaged in prohibited political activity when, during compensated time, she directed Lucas to testify for the CTA; Lucas is excused because he was only following his supervisor's orders.

Select the best answer(s) then compare your response to the explanation below.⁶

Ban on Gifts from Prohibited Sources (Ethics Act, Article 10)

Generally, as a CTA employee, you must not ask for or accept anything of value (other than the compensation you may receive from the CTA) in relation to your job. Asking for or accepting a gift may violate the Ethics Act and CTA policies. Furthermore, anything of value, if offered to you **in exchange for an official act**, may be considered a bribe.

Gifts that are prohibited under the Ethics Act include a variety of things, some of which you might not ordinarily think of as gifts. Gifts are defined by the Ethics Act to include, among other things, tickets to sporting events, hospitality, specially discounted merchandise or services, entertainment, loans, reimbursement of travel expenses, gratuities, cash, food, drink, and honoraria for speaking engagements.

⁶ The best answer is B. Testifying before a legislative committee is not a prohibited political activity, and Lucas may testify as a CTA representative on compensated time. Answer A is not correct because providing testimony before a legislative committee is not one of the types of political activities identified in the Ethics Act. Answer C is not correct for the same reason, but had the conduct been considered prohibited, Lucas would not be excused for following his supervisor's order as he has an independent obligation not to engage in prohibited political activity even when directed to do so.

Under the Ethics Act, CTA employees may not intentionally solicit or accept gifts from certain individuals or entities that are defined by law as a “prohibited source” or in violation of any federal or state statute, rule, or regulation, unless under the specific circumstances, the gift qualifies for a specific exemption to the ban. It is also unlawful for employees’ spouses or immediate family members living with them to solicit or accept a gift from a prohibited source.

A **prohibited source** includes a person or entity that:

- Seeks official action from a CTA employee, the CTA, or other employee directing the employee.
- Does business or seeks to do business with the employee, the CTA, or other employee directing the employee.
- Conducts activities that are regulated by the employee, the CTA, or other employee directing the employee.
- Has an interest that may be substantially affected by the performance or non-performance of the official duties of the CTA employee.
- Is a registered lobbyist under the Lobbyist Registration Act.
- Is an agent of, a spouse of, or an immediate family member who is living with, a prohibited source.

*****Reminder:** A CTA employee commits official misconduct when, in an official capacity as a CTA employee, he or she solicits or knowingly accepts for the performance of any act, a fee or award which he or she knows is not authorized by law. In addition to violating the Illinois State Officials and Employees Ethics Act, the CTA’s Ethics Code, and CTA policies, an employee who is convicted of this misconduct forfeits his/her employment and commits a Class 3 felony. See 720 ILCS 5/33-3(c).

Under the Ethics Act, and the CTA’s Ethics Code, there are a limited number of specific circumstances under which you may lawfully accept certain items of value from a prohibited source, such as the reimbursement of travel expenses for a meeting to discuss CTA business when the situation meets specific criteria and when such expenses have been approved in advance by the CTA’s Ethics Officer.

The list of exceptions is limited to:

- Opportunities, benefits, and services available to the general public on the same conditions.
- Anything for which a CTA employee pays market value.
- A lawful contribution under the Election Code or the Ethics Act or activities associated with a fundraising event in support of a political organization or candidate.
- Educational materials and missions.

Illinois Executive Ethics Commission Rule 1620.700 states that educational materials and missions are those that have a close connection to the recipient’s

employment or the mission of the agency; predominately benefit the public and not the employee; and are approved by the employee's Ethics Officer in advance of the mission or receipt of the materials. If advance approval is not practicable, the missions and materials must be reported to the Ethics Officer as soon as practicable and must contain a detailed explanation of why approval could not be obtained in advance.

- Travel expenses for a meeting to discuss CTA business.
Illinois Executive Ethics Commission Rule 1620.700 also states that travel expenses for a meeting to discuss CTA business are those that have a close connection to the recipient's employment; predominately benefit the public and not the employee; are for travel in a style and manner in character with the conduct of CTA business; and are approved by the employee's Ethics Officer in advance of the travel, if practicable. If advance approval is not practicable, the travel must be reported to the Ethics Officer as soon as practicable and shall contain a detailed explanation of why approval could not be obtained in advance.
- A gift from a relative.
- Anything provided on the basis of personal friendship, unless the employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the employee and not because of the personal friendship.
- Food or refreshments that do not exceed \$75 per person per calendar day.
- Food, refreshments, lodging, and transportation related to outside business or employment activities, if the benefits are customarily provided to others in similar circumstances and are not offered because of the recipient's official position.
- Intra-governmental or inter-governmental gifts (*e.g.*, gifts between CTA employees and employees of other governmental agencies or other CTA employees).
- Bequests, inheritances, and other transfers at death.
- Any item or items from any one prohibited source during any calendar year that has a cumulative total value of less than \$100.

Under the Ethics Act, if CTA employees receive a gift from a prohibited source, they may correct the situation and not violate the law if they promptly do any of the following:

- Return the gift to the giver.
- Give the gift to an appropriate charity that is exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1986.
- Give an amount of equal value to an appropriate charity that is exempt from income tax under section 501(c)(3) of the Internal Revenue Code of 1986.

Any gift that is intended to improperly influence your official conduct as a CTA employee must not be accepted. Such a gift may constitute a bribe under state or federal law. Questions you may have related to gifts solicited or received in your capacity as a CTA employee or while conducting CTA business may be referred to the CTA's Ethics Officer.

Do What's Right!

Recommended Best Practice

You should simply decline anything of value offered to you (other than the compensation you may receive from the CTA) in relation to your job duties, unless it meets one of the exceptions to the Ethics Act's gift ban and is allowable under the CTA's policies.

It is advisable that prior to accepting anything of value in connection with your job duties, you discuss the matter with your Ethics Officer. Exceptions to the suggestion that you discuss the acceptance of a gift with your Ethics Officer should be limited to situations where you are fully confident that your acceptance of a gift does not violate any law, rule, policy, or regulation and does not create the perception of wrongdoing.

Gift Ban Lesson Review Questions

Review Question # 7

Natalie, a CTA employee, has a professional relationship with a CTA vendor, whose president is Owen. Owen knows that Natalie is a fan of fancy chocolates, so when the winter holidays arrive, Owen sends Natalie a box of high-end chocolates as a gift. Owen sends the box of chocolates to Natalie's home address because he does not want Natalie's co-workers to think that he is trying to influence her behavior regarding his contract with the CTA. Natalie learns that the value of the gift is approximately \$190. Natalie decides that she will accept the gift under the exception to the gift ban that permits a CTA employee to accept an item or items from one prohibited source that does not exceed \$100 in a calendar year. To fall within the calendar year exception, Jessica consumes one-half of the chocolates before the end of the year, and the other half in January. Did Natalie's actions violate the Ethics Act?

- A. Yes. The value of the gift exceeded the \$100 limit established under the gift ban exception, and the dates on which the chocolate was consumed are irrelevant.
- B. No, because Natalie only consumed approximately \$95 worth of chocolate before the end of the calendar year, and the exception allows employees to accept an item or items valued at less than \$100 in a calendar year.
- C. No, because Owen did not intend that his holiday gift to Natalie would influence her behavior regarding his contract with the CTA.

Select the best answer(s) then compare your response to the explanation below.⁷

⁷ The best response to Review Question #6 is A. The gift ban's exception for an item or items valued at under \$100 in a calendar year cannot be applied piecemeal – the value of the gift was \$190 on the date it was given and received, regardless of the dates the chocolates were consumed, and that amount exceeds the \$100 exception. For that reason, Answer B is

Revolving Door (Post-CTA Employment) Restrictions (Ethics Act, Section 5-45)

The Ethics Act contains requirements that may, under certain circumstances, affect whether you, as a CTA employee (or one of your family members) may lawfully accept employment, compensation, or fees from another person or entity after you terminate your CTA employment.

No former CTA officer or employee, or spouse or immediate family member living with such person, shall, within a period of one year immediately after termination of employment, knowingly accept employment or receive compensation or fees for services from a person or entity if:

- The officer, member, or employee, during the year immediately preceding termination of employment, participated personally and substantially in the award of CTA contracts, or the issuance of contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary.

Post-CTA Employment Requirements and Procedures that Apply to Employees or Appointees Who Participate in Contract Decisions:

Depending on your position and its responsibilities, you may be required to seek a determination from the OEIG, for one year after you leave CTA employment, regarding whether you may lawfully accept an offer of employment or compensation from certain persons or entities (before its acceptance). Persons subject to these requirements are often called “C-List” employees in reference to subsection (c) of Section 5-45 of the Ethics Act.

Individuals on the “C-List,” are generally:

- Employees who may have the authority, by the nature of their duties, to participate personally and substantially in decisions involving contracts with a cumulative value of \$25,000 or more.

If you are in a position that is subject to these notification requirements (*i.e.*, if your position is on the “C-List”), you should be provided written notification that the requirements apply to your position. Notification should be provided to you upon your hire, promotion, or transfer into a relevant position. In addition, you should be notified at the time your duties are changed in such a way as to qualify your position for the requirements. Employees who are not on the “C-List” are not required to seek a determination but are nonetheless able to seek one if they so choose.

incorrect. Answer C is incorrect because the gift ban applies regardless of the prohibited source’s intent to influence a CTA employee’s behavior.

Additional Employment Restrictions and Procedures that are Independent of an Employee's Duties:

A limited number of CTA officers, employees, or appointees, in certain positions, are strictly prohibited from knowingly accepting employment or receiving compensation or fees for services from certain individuals or entities during a period of one year after the termination of their official positions. These restrictions apply **regardless of whether the officers, employees, or appointees were involved in contract decisions**. Persons affected by these restrictions are commonly referred to as being on the "H-List," in reference to subsection (h) of Section 5-45 of the Ethics Act, which contains these employment restrictions.

These "H-List" restrictions apply to employment or compensation offers from a person or entity or its parent or subsidiary, that during the year immediately preceding termination of the officer, employee, or appointee's official position, was a party to a contract or contracts with a cumulative value of \$25,000 or more involving the officer, employee, or the CTA.

These more absolute restrictions apply to:

- **members of a commission or board created by the Illinois Constitution;**
- **the head of a department, commission, board, division, bureau, authority, or other administrative unit within the government of the state;**
- **chief procurement officers, state purchasing officers, and their designees whose duties are directly related to state procurement; and**
- **chiefs of staff, deputy chiefs of staff, associate chiefs of staff, assistant chiefs of staff, and deputy governors.**

To reiterate, the employment restrictions on these "H-List" positions apply regardless of whether the officer, employee, or appointee participated personally and substantially in the award of the contract or contracts or the making of the regulatory or licensing decision in question.

Note: All employees are prohibited from accepting employment with an entity with respect to which they were personally and substantially involved in a procurement with a cumulative value of \$25,000 or more, even if the employee is not formally on the C-List. In addition, all employees, other than H-Listers, may seek a determination if they have concerns.

Those on the C-List are required to notify the OEIG and seek a determination prior to accepting a job offer while employed by the CTA and for one year after leaving CTA employment.

Within 10 calendar days after receiving such notification, the Executive Inspector General must decide as to whether the employee is restricted from accepting such employment. An Executive Inspector General's determination may be appealed to the Executive Ethics Commission by the affected employee or the Attorney General no later than 10 calendar days after the date of

determination. The Executive Ethics Commission must decide whether to uphold the OEIG's determination within 10 calendar days or the employee is deemed eligible for the non-CTA employment opportunity.

There are a limited number of exceptions to the above-listed restrictions. All CTA officers and employees (regardless of whether they are on the "C-List" or "H-List") and their spouses and immediate family members living with them are permitted to accept employment and compensation or fees for services from:

- (1) The U.S. government;
- (2) The State of Illinois;
- (3) An Illinois municipality, such as a city, a village, or an incorporated town;
- (4) An Illinois unit of local government, such as a county, a township, or a special district; and
- (5) An Illinois school district.

If you find yourself in a situation where you are offered employment or compensation by an individual or business that conducted official business with you or the CTA, you may discuss the matter with the CTA's Ethics Officer or private legal counsel to ensure that you comply with the law.

The Executive Ethics Commission has the authority to issue a fine to a CTA officer or employee who accepts compensation or employment in violation of these provisions in an amount of up to three times the total annual compensation that would have been obtained in violation of the Ethics Act's revolving door employment provisions. In addition, employees who fail to notify the OEIG of a prospective job offer and seek a determination may face a fine of up to \$5,000.

Summary of Post-CTA employment restrictions

ALL CTA EMPLOYEES	H LIST EMPLOYEES	C LIST EMPLOYEES
<p>For one year after leaving CTA employment, no CTA employee may accept post-CTA employment with any entity with regard to which, in the year prior to leaving state employment, he or she participated personally and substantially in the award of contracts with a cumulative value of \$25,000 or more to that entity or its parent or subsidiary, or in a regulatory or licensing decision that directly applied to that entity, or its parent or subsidiary.</p>	<p>In addition to the prohibition that applies to all CTA employees, certain high-level employees, including, among others, constitutional officers, members of the constitutionally created boards, certain appointees, heads of state agencies, chief procurement officers, and chiefs of staff, called "H-List" employees, are subject to the following prohibition:</p> <p>For one year after leaving CTA employment, an H-List employee may not accept post-CTA employment with any entity that was a party to state contracts with a cumulative value of \$25,000 or more involving the CTA, or that was subject to a regulatory or licensing decision involving CTA, irrespective of whether the employee personally participated in the contract award or regulatory/licensing decision.</p>	<p>The Ethics Act requires the identification of a subset of CTA employees, called "C-List" employees, who are required to seek a determination from OEIG before accepting post-CTA employment with a non-state employer. Generally, CTA employees are placed on the C-List when, by the nature of their duties, they may have the authority to participate personally and substantially in the award of CTA contracts with a value of \$25,000 or more, or who are personally and substantially involved in regulatory or licensing decisions.</p>

Revolving Door Lesson Review Question

Review Question # 8

Paula is a former CTA employee whose duties included participating in the award of CTA contracts. Quinn is a former CTA employee whose duties did not include participating in the award of CTA contracts. Paula was notified that she was on the CTA's "C-List," while Quinn was not listed on the CTA's "C-List," and he had no involvement in awarding contracts or change orders. Paula left the CTA more than two years ago, but Quinn left the CTA eighteen months ago. Paula and Quinn have both been offered jobs with a large privately-owned construction company.

What actions, if any, must Paula and Quinn take under the Ethics Act before accepting the new employment offers?

- A. Quinn can accept the position right away, but Paula must notify the OEIG before she can accept the offer.
- B. None, both Paula and Quinn have been gone from their CTA positions for more than one year, and Quinn did not have obligation to notify the OEIG under the C-List in any event.

- C. Neither one can accept their job offers before notifying the OEIG of the existence of the offers, regardless of how much time has passed since they left the CTA.

Select the best answer(s) then compare your response to the explanation below.⁸

Whistleblower Protection (740 ILCS 174/1, *et seq.*)

Under the Whistleblower Act, it is generally unlawful for any employer to retaliate or threaten retaliation for an employee's disclosure of, or threat to disclose information to a government or law enforcement agency if the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation.

If an employer retaliates against an employee in violation of the Whistleblower Act, the employee may bring a civil action against the employer that may result in:

- Reinstatement of employment and seniority rights;
- Back pay, with interest; and
- Compensation for any damages including litigation cost, expert witness fees, and reasonable attorneys' fees.

Reporting Violations of Law, Rule, Regulation, or Policy

If you witness misconduct or have evidence of it, you should report it to the proper authorities.

To report a **non-emergency violation** of law, rule, or regulation, you should contact the OEIG via its **toll-free Hotline at 866-814-1113**. Reports of alleged violations may also be submitted to the OEIG via the Internet at: <http://www.inspectorgeneral.illinois.gov>. For those who require it, the OEIG may also be contacted toll-free via a telecommunications device for the deaf (TDD) at 888-261-2734.

Alleged violations may be reported to the OEIG anonymously.

In the event of an emergency situation, such as those involving the illegal possession or use of a weapon, you should contact the local police agency that can provide the fastest response (for example, by dialing "911")

⁸ The best response to Review Question #8 is B. Former C-List employees must, for one calendar year after leaving CTA employment, notify the OEIG and seek a determination before accepting a non-state government job offer. Because both employees had left their CTA jobs more than twelve months ago, they no longer had any notification obligation. Moreover, Quinn was never subject to C-List notification duties in any event. Answer A is incorrect because Paula's one-year obligation to provide notification had expired. Answer C is incorrect because even if they both had notification obligations, which they both did not, those obligations had expired after one year.

Rights and Responsibilities During Investigations (Ethics Act, Section 20-70 and EEC Rules, 2 Ill. Admin. Code Section 1620.300)

CTA employees who become involved in an investigation conducted by the OEIG have both rights and responsibilities. As a CTA employee, you have an obligation to cooperate in such investigations. You must participate in interviews as requested, tell the truth, and not withhold information. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements, and is grounds for disciplinary action, including dismissal.

In the course of an investigation, investigators may request information from any person when the information is deemed necessary for the investigation. The Executive Inspector General may issue subpoenas to compel the attendance of witnesses and the production of documents and other items for inspection and copying.

The OEIG may compel any CTA employee to truthfully answer questions concerning any matter related to the investigation. If the OEIG has compelled the interview, no statement or other evidence therefrom may be used against the employee in any subsequent criminal prosecution, unless the employee consents.

Requests for production or viewing of documents or physical objects under CTA control must be made in writing by the OEIG. If the recipient of such a request believes that the release of requested document or objects might violate existing rights under state or federal law, the recipient has the right to seek a determination from the EEC relative to such rights or protections.

It is the CTA's policy that any CTA employee receiving any requests for production or viewing of documents or physical objects under CTA control must forward such requests to the CTA's Ethics Officer. Notifying the Ethics Officer does not satisfy the requirement of responding to any requests for production or viewing of documents or physical objects.

As a CTA employee, you have various additional rights during investigations, including, but not limited to, those resulting from the Ethics Act and EEC rules (2 Ill. Adm. Code Section 1620.300), which specify:

- If investigators reasonably believe that an employee who is the subject of the investigative interview will likely face discipline, the investigators must notify the employee whether the underlying investigation is criminal or administrative in nature.
- If the underlying investigation is administrative in nature, the interviewee shall be presented a form that outlines the interviewee's rights during the interview, including the right to presence of a union representative or coworker uninvolved in the investigation.
- If the underlying investigation is **criminal** in nature, the interviewee shall be presented a form that outlines the interviewee's rights during the interview, including the right to

the presence of **an attorney**, union representative, or coworker uninvolved in the investigation.

It is the policy of the OEIG that its investigators will present the interviewee with a form outlining the interviewee's rights unless OEIG investigators reasonably believe at the time of an interview that there are no circumstances under which an interviewee will be subject to or likely to face discipline or adverse action.

The OEIG will not infringe upon a CTA employee's right to seek advice from their Ethics Officer on the interpretation and implementation of the Ethics Act, or to seek advice from private legal counsel.

The full text of the rules governing OEIG investigations may be found at the OEIG's website: <http://www.inspectorgeneral.illinois.gov>

[Disclosure of Economic Interests \(Illinois Governmental Ethics Act, 5 ILCS Section 420\)](#)

Various public employees and officials, including employees and Board members of the RTA, Metra, the CTA, and Pace, are among those individuals required to file annual statements of economic interests, which are intended to disclose publicly certain of their financial interests.

Generally, the requirement to file statements of economic interests applies to compensated employees of the RTA, Metra, the CTA, and Pace who:

- Are, or function as, the head of a department, division, bureau, authority, or other administrative unit or who exercise similar authority.
- Have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance, or execution of contracts entered into by their employer in the amount of \$1,000 or more.
- Have authority for the issuance or promulgation of rules and regulations within areas under the authority of their employer.
- Have authority for the approval of licenses and permits by their employer.
- Adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration, or decision of any judicial or administrative proceeding within the authority of their employer.
- Have supervisory responsibility for 20 or more employees of their employer.

The requirement to file statements of economic interests also applies to those who:

- Are appointed to a board or commission of a unit of local government, such as the RTA, the CTA, Metra, or Pace, and who have authority to authorize the expenditure of public funds.

It is the responsibility of the Chief Administrative Officer of each transit board to annually certify to the appropriate county clerk the names and addresses of those individuals who are required to file a statement. If you are subject to the requirement to file a statement of economic interests on or before May 1 annually, the appropriate county clerk will notify you of the need to file a statement. This notification typically includes a web address for filing the statement.

The information required for disclosure via a statement of economic interests includes, for example, but is not limited to:

- The name and means of ownership that an individual may have in any entity doing business with a unit of local government, in which the ownership interest is in excess of \$5,000 (including, for example, real estate or stock, but not including a time deposit in a bank nor any debt instrument).
- The name and address of any professional organization in which the individual is an officer, director, associate, partner, or proprietor from which the individual derived income in excess of \$1,200 during the preceding calendar year.
- The identity (*e.g.*, the address or legal description) of any capital asset such as real estate from which a capital gain of \$5,000 or more was realized during the preceding year.
- The name of any entity doing business with a unit of local government from which income in excess of \$1,200 was derived by the member during the preceding calendar year.

If you have a question about a statement of economic interests, you may seek the advice of the CTA's Ethics Officer.

Truthful Oral and Written Statements

It is vital to the integrity of the CTA that all oral and written statements made by you, in your official capacity as a CTA employee, be made in what you believe to be an honest and truthful manner. This requirement applies to all means of communications and applies to documents, including, but not limited to:

- Time sheets.
- Employment or appointment applications.
- Statements of economic interests.
- Letters, emails, and reports.

Falsification of official documents or untruthful statements made in the conduct of CTA business is unethical and may violate CTA policies. Violation of CTA policies may subject a CTA employee to administrative action.

Further, pursuant to 5 ILCS 430/20-70, it is the duty of every officer and employee under the jurisdiction of an Executive Inspector General, including any inspector general serving in any

state agency under the jurisdiction of that Executive Inspector General, to cooperate with the Executive Inspector General and the Attorney General in any investigation undertaken pursuant to the Ethics Act. Failure to cooperate includes, but is not limited to, intentional omissions and knowingly providing false statements. Failure to cooperate with an investigation of the Executive Inspector General or the Attorney General is grounds for disciplinary action, including dismissal. Failure to abide by these provisions of the Ethics Act may also result in fines issued by the Executive Ethics Commission or possible criminal prosecution.

CTA Policies

It is important that CTA employees adhere to those applicable laws, rules, policies, or regulations that are unique to the CTA. These policies may be found in CTA's Ethics Code and AP Manual, which are available online on the CTA's intranet.

These policies contain, for example:

- Restrictions concerning the solicitation or acceptance of gifts;
- Prohibitions on certain political activities;
- Rules governing purchasing procedures;
- Special time reporting or other personnel-related rules;
- Hiring practices; and
- A code of conduct.

It is important that the business of the CTA is always conducted in accordance with all applicable laws, rules, policies, and regulations. Many laws and rules, including portions of the Ethics Act, are applicable to CTA employees even in instances where an employee is a part-time or contractual employee.

It is also important that you familiarize yourself with all the laws, rules, and policies which apply to you, and that you abide by them. If necessary, you may ask your Ethics Officer or private legal counsel for guidance concerning those laws and rules that apply to you.

Penalties

Penalties for violations of ethics-related laws, rules, and policies by CTA employees are dependent upon the specific circumstances. Penalties may include administrative action up to and including termination of employment. In addition, the Executive Ethics Commission may levy administrative fines for certain violations of the Ethics Act. Criminal acts, such as bribery or official misconduct, may result in criminal prosecution.

Ethics Questions or Concerns

CTA employees who have questions or concerns about a work-related ethics issue may contact the CTA's Ethics Officer at 312-681-2924. Under the Ethics Act, Ethics Officers, among their other duties, serve to provide guidance to employees in the interpretation and implementation of the Ethics Act, which guidance employees may in good faith rely upon. If you have questions about these training materials, however, please address them in the first instance to your supervisor or manager. If further clarification is required, your supervisor or manager will contact the Ethics Officer for a response.

Examples of the Ethical Obligations of CTA Employees

The following are examples of actions or situations concerning the various ethical obligations of CTA employees and appointees:

1. **Situation:** A CTA employee asked her supervisor if she could use her work computer after hours to send emails supporting a political campaign, but that she would remotely access her personal "gmail" account rather than use her work email account.

Ethical Assessment: The law prohibits CTA employees from misappropriating the CTA's resources to perform prohibited political activity, and the CTA's computer is a CTA resource that may not be used for prohibited political purposes.

2. **Situation:** A CTA employee in the Law Department regularly uses his CTA-issued computer to communicate and conduct business during business hours in connection with his secondary employment.

Ethical Assessment: CTA AP 2002 prohibits employees from using CTA-owned computers for commercial purposes other than CTA business.

3. **Situation:** A CTA manager encourages his subordinate to hire his niece into an entry level (non-union) job in his department. There are many layers of supervisors between the manager and the niece, so the niece does not report directly to her uncle, the manager.

Ethical Assessment: The CTA's Ethics Code, section 2.14, prohibits a CTA employee from advocating for hire or hiring a relative in a department in which the employee serves.

4. **Situation:** A CTA employee uses her CTA-issued smartphone after hours to forward campaign emails to friends, inviting them to attend a fundraiser in support of a candidate for elective office.

Ethical Assessment: The CTA's Ethics Ordinance and the Ethics Act prohibit CTA employees from using CTA resources (here, a CTA smartphone) for political purposes, even if that use occurs after hours on non-compensated time.

5. **Situation:** A CTA employee filed a confidential complaint claiming that her supervisor engaged in sexually suggestive and harassing behavior. The manager knows that his behavior was improper, and he was disciplined. He later learned which employee filed the complaint. Thereafter, the manager retaliated against the employee by changing her work assignments, disciplining her for minor rule infractions, and ostracizing her from group meetings and activities.

Ethical Assessment: CTA employees may not retaliate against others who complain that they are or have engaged in sexual harassment or discrimination. Retaliation for such conduct is itself a violation and is punishable by discipline up to and including discharge.

6. **Situation:** A CTA employee has been having problems with her desktop computer freezing frequently. The Help Desk is assisting her in resolving the issues, but in the meantime, in order to avoid computer problems, the employee has been using her manager's sign-in name and password.

Ethical Assessment: It is a misuse of CTA resources and a violation of AP 2002 to share user login ID's and passwords. Additionally, the sharing of login ID's and passwords can put employees at risk, as each action taken under their login ID is ultimately tied to the employee assigned to that login ID.

7. **Situation:** A CTA employee is working remotely from home during the Covid-19 pandemic. While he regularly submits weekly time sheets, he does not record his start and end times, but simply writes "7.5 hours" for his work days. Do the employee's time sheets comply with the Ethics Act and CTA policy?

Ethical Assessment: No. The Ethics Act requires each agency to adopt and implement personnel policies relating to work time requirements, and documentation of time worked, among other things. AP 127 requires CTA employees to submit accurate time sheets that include, among other things, when they start their work day, when they end their work day, and the total amount of time they take for lunch. Working remotely does not alter these requirements.

8. **Situation:** A new CTA employee completes ethics training during new employee orientation. Two months later, she is informed that she must complete annual ethics training, which involves the same topics covered in her new employee orientation training. She believes that she already has complied with the requirement for "annual ethics training" when she was hired, and does not complete the annual ethics training.

Ethical Assessment: All CTA employees must complete ethics training within 30 days of being hired and also on an annual basis. If a new employee is hired before annual ethics training is provided to the entire Authority, then the new employee must complete both new employee ethics training and annual ethics training in the same calendar year. Failure to complete annual ethics training would violate the Ethics Act and subject the

employee to an administrative fine of up to \$5,000. The employee may also face internal discipline.

9. Situation: A CTA employee receives a call from an investigator from the OEIG requesting an interview regarding a pending investigation. The employee is scheduled to undergo a medical procedure that will result in a lengthy medical leave for recuperation. The employee ignores the investigator's phone calls and subsequent letters, assuming that the investigator will not want to proceed with the interview under those circumstances.

Ethical Assessment: CTA employees who become involved in an investigation conducted by the OEIG have both rights and responsibilities. The employee has an obligation to cooperate with the investigation and must participate in interviews as requested, tell the truth, and not withhold information. The employee should contact the OEIG investigator and explain her situation, but she should not ignore the investigator's efforts to reach her.

10. Situation: A CTA manager learns that one of his employees filed a complaint about him with Human Resources alleging that the manager was sexually harassing her. The manager speaks with the complaining employee and tells her that if she does not withdraw the complaint, he will find a way to have her terminated.

Ethical Assessment: State law prohibits employers from taking retaliatory action against an employee who discloses or threatens to disclose information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation. Threatening to discharge an employee if they do not withdraw a harassment complaint against them is considered retaliatory and violates the Whistleblower Act and CTA's Ethics Ordinance.



2021 Harassment and Discrimination Prevention Training for CTA Employees

Note: This training course has been developed in accordance with the requirements of the State Officials and Employees Ethics Act (5 ILCS 430/5-10.5). It has been developed for this purpose under the direction of the Board of Directors of the Chicago Transit Authority. Not for use by other than employees, appointees, or officials of the Chicago Transit Authority without the express consent of the Office of Executive Inspector General for the Agencies of the Illinois Governor.

If you need reasonable assistance to read, review and sign this harassment and discrimination prevention training, please contact the Ethics Officer at (312) 681-2924.

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Introduction/General Principles

Beginning in 2020, all state agencies, including the Regional Transit Boards, established a harassment and discrimination prevention training program. The training includes at a minimum: (i) definition and description of sexual harassment, unlawful discrimination, and harassment, including examples of each; (ii) details on how an individual can report an allegation of sexual harassment, unlawful discrimination, and harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights; (iii) the definition and description of retaliation for reporting sexual harassment, unlawful discrimination, or harassment allegations utilizing examples, including the availability of whistleblower protections under the State Officials and Employees Ethics Act (“the Ethics Act”), the Whistleblower Act, and the Illinois Human Rights Act; and (iv) the consequences of a violation of the prohibition on sexual harassment, unlawful discrimination, and harassment and the consequences for knowingly making a false report. 5 ILCS 430/5-10.5(a-5). Proof of completion must be submitted to the applicable ethics officer.

All CTA employees are subject to the Ethics Act, which is intended to ensure that government operations are conducted with fairness, honesty, and integrity. The Ethics Act requires that: **“All persons have a right to work in an environment free from sexual harassment. All persons subject to this Act are prohibited from sexually harassing any person, regardless of any employment relationship or lack thereof.”** 5 ILCS 430/5-65(a) (emphasis added).

The CTA maintains a working environment for all CTA employees to be free from sexual harassment. The CTA has *zero* tolerance for sexual harassment. Please see AP 1605 “Sexual Harassment and Related Retaliation Complaints.” Employees who believe they have been subjected to or witness sexual harassment should report it immediately to their supervisor, the CTA’s EEO Officer, the CTA’s Ethics Officer, or to Human Resources, or through the alternative reporting channels set forth below, such as the Office of Executive Inspector General (OEIG) or Illinois Department of Human Rights (IDHR).

The Ethics Act requires that all CTA employees be aware that they are also prohibited from engaging in harassment or discrimination as defined by the Illinois Human Rights Act. Specifically, they should know that the Illinois Human Rights Act forbids discrimination and harassment on the basis of someone’s actual or perceived membership in one or more of the following protected classes:

- Age
- Citizenship Status
- Disability
- Military Status
- Order of Protection Status
- Race
- Sex
- Unfavorable Discharge from Military Service
- Ancestry
- Color
- Marital Status
- National Origin
- Pregnancy
- Religion
- Sexual Orientation

The Illinois Human Rights Act also prohibits other discriminatory acts in employment, including:

- prohibiting employees from speaking their native language, when unrelated to work duties;
- certain immigration-related practices;
- imposing conditions that would require an employee to violate a sincerely-held religious practice;
- failure to offer employees reasonable accommodations related to pregnancy or childbirth; and
- discrimination based on age in training and apprenticeship programs.

775 ILCS 5/2-102.

Similarly, the CTA has zero tolerance and expressly prohibits unlawful discrimination and harassment. See AP 1601 “Discrimination, Harassment, Bullying, and Retaliation Complaints.”

Employees should not allow an inappropriate situation to continue by not reporting it, regardless of who is creating that situation. No employee at the CTA is exempt from reporting misconduct in violation of this policy. For example, even if you are not directly involved, but witness inappropriate conduct, you should report it.

The CTA acknowledges that coming forward regarding sexual harassment, discrimination, or harassment allegations can seem overwhelming. That is why the CTA has a process in place to handle these allegations. In response to every complaint, CTA investigates promptly and thoroughly. The CTA assures its employees that there is no retaliation against any employee filing a harassment, discrimination, or sexual harassment complaint, or against any employee who cooperates with a CTA investigation, and there are policies and laws that prohibit retaliation. If allegations of improper harassment are substantiated, the CTA commits to taking the appropriate action, including disciplinary measures up to and including termination.

What is Sexual Harassment?

Sexual harassment means *any unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature* when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

For purposes of this definition, the phrase “working environment” is not limited to a physical location where an employee is assigned to perform his or her duties and does not require an employment relationship. See 5 ILCS 430/5-65(b).

CTA May be Responsible for Actions of Nonmanagerial or Nonsupervisory Employees. The Illinois Human Rights Act states that an agency will be responsible for the sexually harassing or harassing behavior of a nonemployee, nonmanagerial employee, or nonsupervisory employee, if the agency becomes aware of the conduct and fails to take reasonable corrective actions. See 775 ILCS 5/2-102(A), (A-10), (D), and (D-5). This means that if a nonmanagerial or nonsupervisory CTA employee sexually harasses or harasses a CTA employee, the employee of a CTA vendor, or a contract worker, the CTA may be responsible if it becomes aware of the harassing conduct and fails to take reasonable corrective measures.

Types of Sexual Harassment

Quid Pro Quo Sexual Harassment

Types of sexual harassment include *quid pro quo* (Latin for “this for that” or “something for something”) and hostile work environment. Sexual advances and requests for sexual favors are not the only types of conduct that can be sexual harassment. Other conduct of a sexual nature can be part of a *quid pro quo* sexual harassment or contribute to a hostile work environment. This conduct includes unwelcome physical acts, verbal conduct, or visuals, such as:

- Actual or attempted rape or sexual assault
- Pressure for sexual favors
- Deliberate touching, leaning over, or cornering
- Sexual looks or gestures
- Letters, telephone calls, personal e-mails, texts, or other materials of a sexual nature
- Pressure for dates
- Sexual teasing, jokes, remarks, or questions
- Referring to an adult as a “girl,” “hunk,” “doll,” “babe,” or “honey,” or other diminutive term
- Whistling at someone
- Sexual comments, innuendos, or stories
- Turning work discussions to sexual topics
- Asking about sexual fantasies, preferences, or history
- Sexual comments about a person’s clothing, anatomy, or looks
- Kissing sounds, howling, and smacking lips
- Talking about, telling lies, or spreading rumors about a person’s personal sex life
- Neck and/or shoulder massage
- Touching an employee’s clothing, hair, or body
- Hanging around a person uninvited
- Hugging or kissing
- Patting, stroking, or pinching
- Touching or rubbing oneself sexually in the presence of another person

- Standing close to or brushing up against a person
- Looking a person up and down
- Sexually suggestive posters, cartoons, websites, or magazines displayed in the workplace or shown to someone
- Playing sexually suggestive or graphic videos or music
- Making sexual gestures with hands or through body movements

Sexual harassment can involve activities online or through electronic media, even when off-site or “off the clock.” Examples of behaviors that can constitute unwelcome sexual conduct through email, cell phone or text, internet or intranet posting, online comments, blog posts, social media (such as Facebook, Twitter, LinkedIn, Instagram, YouTube, and Snapchat), or other electronic media include:

- Requests/demands for sex
- Sexually graphic or inappropriate pictures
- Sexually graphic or inappropriate videos
- Sexually offensive language or comments
- Unwanted flirting
- Unwanted requests for dates
- Cyber stalking

Review Question # 1

Robert is a manager and is interviewing candidates for a supervisory position in his department. He interviews Stephanie, who is highly qualified. Robert is attracted to Stephanie, and tells her during the interview that he will offer her the job, but only if she agrees to go out on dates with him at least once per week. Robert tells Stephanie that the purpose of the dates is both to talk about work “away from the distractions at the office,” and also to “get to know each other on an intimate level.” Stephanie is not interested in getting to know Robert on an intimate level, but she accepts the job offer anyway because she really needs the money. Is this sexual harassment?

- Yes, this is an example of *quid pro quo* sexual harassment.
- No, because Stephanie agreed to go on the dates in order to get the job, so it was basically her fault.
- No, because Robert dates had a dual purpose, one of which was to discuss work issues.

Select the best answer(s) then compare your response to the explanation below.¹

¹ The best response to Review Question # 1 is A. *Quid pro quo* sexual harassment occurs when submission to unwelcome sexual advances, requests for sexual favors, or conduct of a sexual

Review Question # 2

Thomas and Ursula are co-workers in the same department. Ursula has a crush on Thomas, and she spends a lot of time with him during breaks and lunch. Eventually, Ursula confides to Thomas that she finds him attractive. Ursula asks Thomas if he would be interested in going out on a romantic date with her. Thomas tells Ursula that he is flattered, but that he is gay, and is not interested in having a romantic relationship with Ursula. Ursula accepts Thomas' explanation and does not pursue a romantic relationship with Thomas. After being rejected by Thomas, however, Ursula's feelings are hurt and she no longer spends time with him during breaks and lunch. Thomas is upset that Ursula is no longer as friendly with him as she was before. Did Ursula engage in *quid pro quo* sexual harassment by asking Thomas out on a date when they worked in the same department?

- A. Yes, Ursula sexually harassed him by asking him out on a date when they were co-workers in the same department.
- B. No, a straight woman cannot sexually harass a gay man.
- C. No, because Ursula has not affected the terms and conditions of Thomas' employment.

Select the best answer(s) then compare your response to the explanation below.²

nature is made, either explicitly or implicitly, a term or condition of employment; or when submission to or rejection of unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature is used as the basis for employment decisions. Here, Robert told Stephanie he would hire her only if she agreed to go on intimate dates with him. Answer B is incorrect because Stephanie's response to Robert does not change the fact that he would not hire her unless she accepted his unwelcome sexual advances of going out on dates with him. Answer C is incorrect because even though there is a work aspect involved, that does not change the fact that Robert would not hire Stephanie unless she agreed to spend time with him to get to know him on an intimate level.

² The best response to Review Question # 2 is C. Here, Ursula is a co-worker, not a supervisor, and she has not conditioned any terms or conditions of Thomas' employment on his willingness to date her. There is no evidence that Ursula did anything more than ask Thomas out on one date when they were co-workers, and there is no evidence of any *quid pro quo* sexual harassment. Answer A is incorrect because Thomas and Ursula were co-workers when she asked him out, and Ursula did not (and likely did not have the power to) condition any terms of Thomas' employment on his agreement to date her. Answer B is incorrect. Had Ursula been Thomas' supervisor, and had she conditioned any terms and conditions of his employment on his agreement to date her, the conduct might still have constituted *quid pro quo* sexual

Hostile Work Environment Sexual Harassment

Hostile work environment occurs when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. To be a hostile work environment, the sexually inappropriate conduct must be severe *or* pervasive.

There are many types of behaviors that can create a hostile work environment. Examples include using derogatory terms or jokes, insults, taunting, and intimidating actions. The CTA prohibits these types of behaviors by any person while engaged in CTA business.

While a person engaging in behavior that creates a hostile work environment often has some form of power or authority over the person being harassed, that is not always the case. The harasser can be a peer of the person being harassed. The harasser can even be a person who is not a CTA employee, such as a person delivering supplies to the CTA or refilling vending machines, or even a CTA passenger. Regardless of the source, the CTA does not tolerate harassment.

To determine whether a hostile work environment exists, the CTA examines the context, nature, scope, frequency, duration, and location of incidents, as well as the identity, number of persons, and relationships of the persons involved. The CTA also determines whether the person at whom the conduct was directed found it harassing and whether a "reasonable person" would find the conduct harassing. Factors such as these assist in determining whether the conduct at issue is harassing and whether it is sufficiently severe or pervasive to have created a hostile work environment.

Just because conduct does not rise to the level of a legal definition of "hostile work environment" does not mean it is acceptable behavior. In some cases, a single incident may be so severe as to create a hostile work environment. Such incidents may include injury to persons or property or conduct threatening injury to persons or property. In other instances, the behavior at issue is harassing, but not sufficiently severe or pervasive as to constitute a hostile work environment under the law. However, such behavior may violate CTA policy and, in those cases, the CTA acts to stop the offending behavior to promote a respectful environment. When the CTA determines that a hostile environment exists, it takes steps reasonably calculated to stop the harassment and ensure it does not happen again. **If you believe the conduct is inappropriate, make a complaint so that the conduct can be addressed.**

harassment. A straight person could engage in *quid pro quo* sexual harassment if they condition terms of employment on acceptance of unwanted sexual conduct, whether the target of the conduct is gay or straight.

Review Question # 3

Wayne is polite and professional with all coworkers and has never made a sexually explicit comment or statement at work. However, Wayne's desk is in a high-traffic area of the office, and every day during the authorized lunch period, Wayne views sexually suggestive YouTube videos with scantily clad individuals. In order to avoid disturbing his coworkers, he puts on headphones so that they cannot hear any of the music or dialogue involved in the videos. Coworkers nonetheless reported the conduct to Violet, Wayne's supervisor, and explained that they felt uncomfortable walking past Wayne's desk for fear of seeing offensive images on his computer screen. They told Violet that they avoid the area as much as possible, and avoid talking with fellow employees whose desks are near Wayne's desk. The employees who work near Wayne's desk reported that they often tried to find reasons to be away from their desks during Wayne's lunch period, which impacts their work performance. Is Wayne creating a hostile work environment?

- A. No, because Wayne is being considerate of his coworkers by wearing headphones and if they find the images offensive, they should be able to avert their gaze when they walk past his desk.
- B. Yes, because Wayne's conduct has the effect of substantially interfering with his coworkers' work performance and has created an offensive working environment.
- C. No, because Wayne is polite and professional with his coworkers and never made sexually explicit comments or statements at work.

Select the best answer(s) then compare your response to the explanation below.³

³ Answer B is the best response. Hostile work environment sexual harassment occurs when such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment. Here, Wayne's coworkers routinely avoid other employees near Wayne's desk because they do not want to be exposed to the content Wayne is viewing. Wayne's conduct is offensive to at least some employees and it has the effect of substantially interfering with their work performance because they are not comfortable being in their work area during certain times. Even though Wayne did not intend to create this hostile work environment and used headphones, his conduct had the effect of substantially interfering with his coworkers' work performance. Answer A is incorrect because Ben's conduct is offensive even if he is wearing headphones. His coworkers would still be exposed to offensive images. Answer C is incorrect because Ben's conduct creates a hostile work environment even if he is otherwise polite and considerate in other contexts.

Review Question # 4

Xavier and Yvette are coworkers. Xavier, Yvette, and other coworkers go out for drinks after work, and while out, Xavier inappropriately touches Yvette on several occasions. Yvette leaves the gathering after repeatedly telling Xavier to “stop” and that she is “not interested. Xavier is angry and embarrassed by Yvette’s behavior, which was witnessed by the coworkers. He creates a fake Facebook page in Yvette’s name and purports to reveal intimate but false details about Yvette’s sexual activities, suggesting that Yvette has many sexual partners. Later, Xavier tells Yvette’s coworkers to look at the Facebook page, although he does not admit that he is the author of the false entries. The coworkers begin asking Yvette questions about some of the disclosures, and Yvette becomes aware of the Facebook page. Yvette is highly embarrassed. Yvette believes that Xavier is the source of the material, and she tells him to remove the page. Xavier denies any involvement. Xavier continues to add false content over several weeks. Yvette has a difficult time working in the office environment due to the rumors created by the false content and her coworkers’ response to those rumors. Eventually, Xavier decides to delete the false Facebook page, thinking that Yvette “has learned her lesson.” He admits to Yvette that he was the source of the false rumors but that he has taken down the fake Facebook page and asks for her forgiveness. Has Xavier created a hostile work environment?

- A. Yes, Xavier’s creation of a fake Facebook page that spread false sexual rumors about Yvette created a hostile work environment.
- B. No, because Xavier took down the fake Facebook page and asked for forgiveness, so any harm was ultimately removed.
- C. No, because Yvette did not know that Xavier was the creator of the fake Facebook page until after the harm was done.

Select the best answer(s) then compare your response to the explanation below.⁴

⁴ The best response to Review Question # 4 is A. A hostile work environment occurs when conduct of a sexual nature has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. Here, Xavier created a fake Facebook page that purported to reveal intimate details about Yvette’s private life. Xavier’s actions were unwanted, sexual in nature, and created an intimidating work environment. Answer B is incorrect because Xavier’s actions created harm before he removed the fake Facebook page. Answer C is incorrect because Xavier’s conduct in disseminating false information about Yvette created harm, regardless of whether Xavier admitted his involvement to Yvette or not.

Review Question # 5

Zack is employed by a CTA vendor. He visits a CTA worksite several times a week. Annette works at the CTA and interacts with Zack as part of her job duties. Zack always flirts with Annette by complimenting her body and asking for dates. Annette always declined Zack's requests and told Zack that she is not interested. Zack's conduct has been going on for over a month, and it has caused Annette to miss an important call because Zack was in the workplace at the time of the call and Annette was trying to avoid him. Annette complains to her supervisor about Zack's conduct, but nothing has been done to stop it. Annette suspects that her supervisor does not want to rock the boat and endanger the good working relationship the CTA has with Zack's employer. Can the CTA be held legally responsible for Zack's actions?

- A. No, because Zack is employed by a vendor, not the CTA, and therefore the CTA is not responsible for Zack's independent actions regarding a CTA employee.
- B. No, because Annette cannot put the CTA's relationship with a vendor in jeopardy over a personality conflict with Zack, the vendor's employee.
- C. Yes, because Zack is the employee of a CTA vendor and this relationship is covered under the Illinois Human Rights Act.

Select the best answer(s) then compare your response to the explanation below.⁵

⁵ The best response to Review Question # 5 is C. The Illinois Human Rights Act says that an employer is responsible for the harassment by nonemployees if the employer is aware of the conduct and fails to take reasonable corrective measures. Here, Zack repeatedly pressured Annette into dating him, despite her refusals, which is a type of sexual harassment that contributes to a hostile work environment. Annette complained to her supervisor at the CTA, but the CTA did nothing to stop the harassment. Answer A is incorrect because the CTA knew of Zack's behavior and did nothing to correct it. Answer B is incorrect because the Illinois Human Rights Act protects employees from harassment by nonemployees, such as employees of vendors and contractors.

What is Discrimination and Harassment?

Under the Illinois Human Rights Act, "unlawful discrimination" is discrimination against a person because of his or her actual or perceived: race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, or unfavorable discharge from military service. 775 ILCS 5/1-03(Q). *Unlawful Discrimination* occurs when an employer takes actions regarding hiring or employment because of a candidate's or employee's membership(s) in those groups or their protected categories.

Each of the categories listed above has a legal meaning. Below are the legal definitions as they directly appear in the Human Rights Act for your reference.⁶

Marital Status. The legal status of being married, single, separated, divorced, or widowed. <i>Id.</i> at §1-103(J).	Sex. The status of being male or female. <i>Id.</i> at §1-103(O).	National Origin. The place in which a person or one of his or her ancestors was born. <i>Id.</i> at §1-103(K).
Order of Protection Status. A person's status as being a person protected under an order of protection issued pursuant to certain statutes, or an order of protection issued by a court of another state. <i>Id.</i> at §1-103(K-5).	Age. The chronological age of a person who is at least 40 years old. In the case of training and apprenticeship programs, age means a person who is 18 but not yet 40 years old. <i>Id.</i> at §1-103(A).	Pregnancy. Pregnancy, childbirth, or medical or common conditions related to pregnancy or childbirth. <i>Id.</i> at §1-103(L-5).
Religion. All aspects of religious observance and practice, as well as belief, unless an employer demonstrates that he or she is unable to reasonably accommodate an employee's or prospective employee's religious observance or practice without undue hardship on the conduct of the employer's business. <i>Id.</i> at §2-101(F).	Unfavorable Military Discharge. Discharges from the Armed Forces of the U.S, their Reserve components, or any National Guard or Naval Militia which are classified as RE-3 or the equivalent, but does not include those characterized as RE-4 or "Dishonorable." <i>Id.</i> at §1-103(P).	Sexual Orientation. The actual or perceived heterosexuality, homosexuality, bisexuality, or gender-related identity, whether or not traditionally associated with the person's designated sex at birth. <i>Id.</i> at §1-103(O-1).
Military Status. A person's status on active duty in or status as a veteran of the armed forces of the U.S., status as a current member or veteran of any reserve component of the armed forces of the U.S., or status as a current member or veteran of the Illinois Army National Guard or Illinois Air National Guard. <i>Id.</i> at §1-103(J-1).	Disability. A determinable physical or mental characteristic of a person, including one that necessitates the person's use of a guide, hearing or support dog, the history of such characteristic, or the perception of such characteristic by the person complained against, which may result from disease, injury, congenital condition of birth or functional disorder and which characteristic is unrelated to the person's ability to perform the duties of a particular job or position. <i>Id.</i> at §1-103(I).	Citizenship Status. The status of being: (1) a born U.S. citizen; (2) a naturalized U.S. citizen; (3) a U.S. national; or (4) a person born outside the U.S. and not a U.S. citizen who is not an unauthorized alien and who is protected from discrimination under a federal law. <i>Id.</i> at §2-101(K).

⁶ Ancestry, race, and color are not defined by the Human Rights Act; however, the U.S. Equal Employment Opportunity Commission (EEOC) has issued guidance on the definition of color and race. The EEOC guidance states that "color" is "commonly understood [to mean] pigmentation, complexion, or skin shade or skin tone." Race includes physical characteristics associated with race, "such as a person's color, hair, facial features, height and weight," race-linked illnesses, and cultural characteristics related to race or ethnicity. *EEOC Compliance Manual*, Doc. No. 915.003, at 15 (2006). *Black's Law Dictionary* defines ancestry as "a line of descent; collectively, a person's forebears; lineage." *Black's Law Dictionary* (11th ed. 2019).

Unlawful Discrimination is a Civil Rights Violation

It is a civil rights violation for “any employer to refuse to hire, to segregate, to engage in harassment . . . or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment on the basis of unlawful discrimination or citizenship status.” 775 ILCS 5/2-102(A). Employment agencies and labor organizations are also prohibited from certain conduct on the basis of unlawful discrimination or citizenship status. *Id.* at §5/2-102(B) and (C).

Other Civil Rights Violations Involving Unlawful Discrimination

The Illinois Human Rights Act also outlines other forms of discrimination that are civil rights violations, including provisions related to language, immigration-related practices, religious discrimination, reasonable accommodations for pregnancy, and training and apprenticeship programs. This section outlines information about those protections.

Language. Language refers to a person's native tongue, such as Polish, Spanish, or Chinese, but does not include slang, jargon, profanity, or vulgarity. *Id.* at §2-102(A-5). It is a civil rights violation “for an employer to impose a restriction that has the effect of prohibiting a language from being spoken by an employee in communications that are unrelated to the employee's duties.” *Id.*

Immigration-related practices. It is a civil rights violation for an employer to use more or different documents than are required under certain federal laws or to refuse to honor documents that on their face appear to be genuine. If the employer is participating in the E-Verify program, it cannot take adverse employment actions without following the procedures under that program. *Id.* at §2-102(G).

Religious discrimination. It is a civil rights violation “for any employer to impose upon a person as a condition of obtaining or retaining employment, including opportunities for promotion, advancement, or transfer, any terms or conditions that would require such person to violate or forgo a sincerely held practice of his or her religion including, but not limited to, the wearing of any attire, clothing, or facial hair in accordance with the requirements of his or her religion,” unless the employer cannot reasonably accommodate the prospective employee or employee without undue hardship on the employer’s business. *Id.* at §2-102(E-5). An employer is also permitted to enact a dress code or grooming policy in order to maintain workplace safety or food sanitation. *Id.* Further, it is a civil rights violation for a public employer, consistent with operational needs, to refuse to permit a public employee, who takes time off work to practice religion, from performing his or her work during the employee’s non-scheduled hours in order to compensate for work time lost for such religious reasons. *Id.* at §2-102(E).

Reasonable accommodation for pregnancy. The Human Rights Act outlines reasonable accommodations that are afforded to individuals related to pregnancy or childbirth. It is a civil

rights violation for an employer not to make a reasonable accommodation for any medical or common condition of a job applicant or employee related to pregnancy or childbirth, unless the employer can demonstrate that it would impose an undue hardship on the ordinary operation of the business. *Id.* at §2-102(J). It is also unlawful for an employer to require a job applicant or employee to accept an accommodation when that individual did not request one. *Id.* An employer may not require an employee to take leave, if another reasonable accommodation can be provided. *Id.* An employer shall reinstate the employee to her original job or equivalent position upon her signifying her intent to return or when the need for the reasonable accommodation ends, unless the employer demonstrates that the accommodation would impose an undue hardship on the ordinary operation of the business. *Id.* Further, an employer may not deny employment opportunities or benefits or take adverse action because an individual needs a reasonable accommodation. *Id.*

Training and apprenticeship programs. It is a civil rights violation “for any employer, employment agency or labor organization to discriminate against a person on the basis of age in the selection, referral for or conduct of apprenticeship or training programs.” *Id.* at §2-102(F).

Examples of unlawful discrimination:

- Refusing to hire someone because of his or her race.
- Refusal to promote someone because of his or her sex

In addition, conduct may amount to unlawful discrimination if, based on a person’s actual or perceived membership in one or more of the protected classes outlined above, an employer takes action involving:

- recruitment;
- hiring;
- promotion;
- demotion;
- renewal of employment;
- selection for training or apprenticeship;
- discharge;
- discipline;
- tenure of terms;
- privileges; and/or
- other conditions of employment.

Unlawful discrimination occurs when an employer takes a discriminatory employment action because of an applicant’s or employee’s actual or perceived membership in one of the protected classes above. However, it does not prevent an employer from taking employment

action for another reason unrelated to an applicant's or employee's membership in a protected class.

What Is Harassment?

“Harassment” means: “any unwelcome conduct on the basis of an individual's actual or perceived race, color, religion, national origin, ancestry, age, sex, marital status, order of protection status, disability, military status, sexual orientation, pregnancy, unfavorable discharge from military service, or citizenship status that has the purpose or effect of substantially interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. For purposes of this definition, the phrase "working environment" is not limited to a physical location an employee is assigned to perform his or her duties.” 775 ILCS 5/2-101(E-1).

Example of harassment:

- Offensive or degrading remarks about a person's religion.

Additional examples of conduct that could amount to harassment if based on a person's actual or perceived membership in one or more protected classes include:

- offensive jokes;
- slurs;
- epithets or name calling;
- physical assault(s);
- threats;
- intimidation, ridicule, or mockery;
- insults or put-downs;
- offensive objects or pictures;
- deliberate touching, leaning over, or cornering;
- offensive looks or gestures; and/or
- letters, telephone calls, personal e-mails, texts, or other materials of an offensive nature.

Review Question # 6

Caroline's employer recently reorganized one of its offices and eliminated certain positions. Caroline, who is a white female, filled one of the positions that was eliminated and thus was laid off. Twelve months later, the employer posted for a position very similar to the one that Caroline had earlier held. Caroline applied for this position, but the employer selected Brad, a current employee who held a similar position in a different department and was seeking a lateral move within the company. Brad is a white male. Both candidates know how to perform all of the job functions of the position. However, Brad had very positive reviews from his current supervisor and was never tardy or missed deadlines, while Caroline's former supervisor did not give her positive reviews and reported that she was often tardy and had failed to meet one or two deadlines in her work. Was Caroline discriminated against on the basis of her sex?

- A. Yes, when the employer selected a white male instead of a white female, both of whom had held similar positions, the employer engaged in sex discrimination by preferring the male over the female candidate.
- B. No, because Brad was the most qualified for the position.
- C. Yes, Caroline's former supervisor's remarks should have been ignored because they were minor faults that did not rise to the level of serious infractions.

Select the best answer(s) then compare your response to the explanation below.⁷

⁷ The best response to Review Question # 6 is B. The employer did not engage in sex discrimination when it hired the most qualified candidate for the position, and here the facts showed that Brad was better qualified than Caroline based on their prior work records. Caroline was not eliminated because of her sex, but because her prior work record showed tardiness and failure to meet work deadlines. Therefore answers A and C are incorrect.

Review Question # 7

Devon is a full-time employee but also is a member of the Illinois Army National Guard. As part of his National Guard duties, he attends training for two weeks during the summer and one weekend each month. At his full-time job, Devon often leaves work early, takes longer lunch breaks than allowed, and engages in lengthy personal telephone calls during the workday. In addition, Devon often fails to complete assignments on time. Devon's supervisor, Eva, places Devon on "probation" and requires Devon to check in with her when arriving, taking his lunch break, and leaving at the end of the day. Devon believes that these actions are unlawful discrimination based on his membership in the Illinois National Guard because no one else in his department is a member of the Illinois National Guard, and no one else in his department is on a similar "probation." Is Devon being subjected to illegal discrimination based on his membership in the Illinois National Guard?

- A. No, because Devon's supervisor did not place him on "probation" due to his membership in the Illinois National Guard, but rather based on his poor work performance.
- B. Yes, military status is a protected class and he is being treated differently than others who do not have protected military status.
- C. No, because an employer is permitted to discriminate against service in the Illinois National Guard where, like here, the service requires lengthy training commitments during the summer and on weekends.

Select the best answer(s) then compare your response to the explanation below.⁸

⁸ The best response to Review Question # 7 is A. Unlawful discrimination occurs when an employer takes discriminatory employment action because of an employee's membership in one of the protected classes. However, it does not prevent an employer from taking employment action for another reason unrelated to the employee's membership in a protected class. Devon's job performance caused him to be placed on "probation," not his membership in the Illinois National Guard. Answer B is incorrect because military status is a protected class, but Devon's treatment was not based on that status. Answer C is incorrect because an employer is not permitted to discriminate on the basis of membership in the military, which is a protected class, regardless of its training requirements.

Review Question # 8

Faye told her supervisor, George, that she is pregnant and due to give birth in about seven months. The following week, Faye asked George for time off to attend a doctor's appointment. Three weeks later, Faye had a second doctor's appointment and requested time off work again. George was worried about Faye's health and did not want her to experience any difficulties in balancing her work hours and having a safe pregnancy. George met with Faye and told her that he had decided to make her position part-time because of Faye's "condition." George said this would be good for Faye because now she could focus on her doctor's appointments and her health and not have to worry about working so many hours, which could be putting undue stress on her pregnancy. George stated that he would divide up Faye's work and ask other employees in the department to "pitch in" and that they would be short-handed but that they would "make do" until Faye returned from maternity leave. Faye is very upset by this because she wanted to continue working full-time, and she never told George that she wanted fewer hours. Is Faye being discriminated against on the basis of her pregnancy?

- A. No, as her manager, George is entitled to unilaterally alter his subordinates' work schedules in order to meet the needs of his department.
- B. No, because George's actions were motivated by his concern for Faye's health and the health of her unborn child, and he did not intend to discriminate against her in any way.
- C. Yes, George's conduct in unilaterally changing Faye's work hours constituted unlawful discrimination on the basis of pregnancy.

Select the best answer(s) then compare your response to the explanation below.⁹

⁹ The best response to Review Question # 8 is C. The Illinois Human Rights Act protects individuals from discrimination on the basis of pregnancy. In this case, George changed the terms and conditions of Faye's employment based on her pregnancy. Answer A is incorrect because George was changing Faye's work schedule due to her pregnancy, not in order to meet the needs of his department. In fact, the department appears to have been ill-served by Faye's change to part-time employment because Faye's fellow employees had fill in for her and "make do" until she returned to full-time work. Answer B is incorrect because George's motivation was based on Faye's status as a pregnant woman.

How to Report Sexual Harassment, Harassment, Discrimination, and/or Retaliation

There are many ways an employee can address sexual harassment, harassment, or discrimination.

Sometimes an employee can resolve sexual harassment, harassment, or discrimination on his/her own. An individual who finds a person's behavior or language to be offensive should ask that person to stop. If the conduct continues or the employee is uncomfortable confronting the individual directly, the employee should report the incident or behavior to his/her supervisor.

Where the person being harassed cannot report the incident to his/her direct supervisor (the employee may be uncomfortable discussing with the supervisor, or the supervisor may even be the harasser), the employee may report the incident to CTA's EEO Officer at 312.681.3788. Complaints may also be reported to CTA's Ethics Officer, Stephen L. Wood, at 312.681.2924 or Swood@transitchicago.com.

Complaints remain confidential and the CTA makes a reasonable attempt to honor requests for confidentiality consistent with legal requirements. The CTA promptly and thoroughly investigates allegations of sexual harassment, harassment, and discrimination and provides the employee with a final resolution of the complaint, consistent with the employee's confidentiality request. Every employee must cooperate with a CTA investigation, if requested.

The intentional filing of a false harassment claim is a violation of CTA's EEO Policy and CTA's Sexual Harassment Policy. An employee who files a false sexual harassment, harassment, or discrimination claim is subject to disciplinary action, up to and including termination.

Other Ways to Report Sexual Harassment, Harassment, or Discrimination

Employees who believe they are victims of sexual harassment, harassment, or discrimination have specific rights under the Illinois Human Rights Act. An employee has the right to file a charge with the Illinois Department of Human Rights. Usually, the IDHR will investigate the charge and may hold a fact-finding conference to gather more information necessary for completing the investigation. The IDHR is located at the James R. Thompson Center, 100 W. Randolph St., 10th Floor, Chicago, IL 60601, and its phone number is 312-814-6200. Employees may file a charge in writing. Further information on this process is located on the IDHR website:

<https://www.illinois.gov/dhr/FilingCharge/Pages/default.aspx>

At any time employees may file a complaint with the Office of Executive Inspector General of the State of Illinois. To file a complaint with the OEIG, please use one of the following means:

- (1) Call 866.814.1113;
- (2) Fax 312.814.5479;
- (3) TTY 888.261.2734;
- (4) Log in to www.inspectorgeneral.illinois.gov and click on “complaints”; or
- (5) Mail your complaint to one of the OEIG offices:

Office of Executive Inspector General
Attn: Complaints Division
69 West Washington, Suite 3400
Chicago, Illinois 60602

Office of Executive Inspector General
Attn: Complaints Division
607 East Adams, 14th Floor
Springfield, Illinois 62701

Review Question # 9

Isabel and Hal share an office workspace. Hal likes to listen to music during office hours, but Isabel thinks the music is too loud, and she politely asks Hal to turn the music down. Hal turns the music down whenever Isabel asks, but as soon as Isabel leaves the work area, he turns it back up and leaves it at the higher volume until Isabel specifically asks him, again, to turn the music down. Isabel has complained to their supervisor about the music, and about Hal’s passive-aggressive conduct in turning down the music only if Isabel specifically asks him to do so. Isabel told the supervisor that the music interferes with her concentration and her work productivity, and that Hal’s conduct in requiring Isabel to repeatedly ask him to turn the music down is highly aggravating. Does Hal’s conduct constitute hostile work environment sexual harassment?

- A. Yes, playing loud music in a shared workspace constitutes the type of harassment that violates the Illinois Human Rights Act.
- B. No, while playing the radio may be offensive to Isabel, and Hal’s conduct toward her may be petty, this conduct would not be considered sexual harassment because there is no sexual component involved in Hal’s conduct.
- C. Yes, because Hal is male, and Isabel is female, and Hal’s behavior is extremely inconsiderate toward her, and that is sufficient to constitute sexual harassment.

Select the best answer(s) then compare your response to the explanation below.¹⁰

¹⁰ Answer B is correct. The Illinois Human Rights Act does not protect employees from being subject to loud music in a shared workspace. There is no sexual component to Hal’s conduct as it relates to Isabel, so it does not constitute sexual harassment. Although these actions do not violate the Illinois Human Rights Act, the actions may violate other CTA policies, and Isabel’s supervisor should address the issue. Answer A is incorrect due to the lack of a sexual

Consequences for Violating the Prohibition on Sexual Harassment, Harassment, and Discrimination

CTA employees who engage in sexual harassment, harassment, or discrimination, who make false reports of sexual harassment, harassment, or discrimination, or who obstruct, interfere with, or fail to cooperate with investigations into alleged sexual harassment, harassment, or discrimination are subject to significant penalties, including fines, with discipline up to and including termination, and even criminal charges.

Sexual Harassment in Violation of the Ethics Act

Any person who violates the prohibition on sexual harassment that is found in the Ethics Act:

- May be fined up to \$5,000 per offense by the Executive Ethics Commission;
- Is subject to discipline and/or termination by the CTA; and
- May also have fines or penalties imposed by a State or federal agency or court (such as if a charge was filed with the IDHR or in court, and the IDHR or a court determined that improper harassment occurred). See 5 ILCS 430/50-5(g)

Consequences for Knowingly Making a False Report of Sexual Harassment

The Executive Ethics Commission (“EEC”) may levy a fine of up to \$5,000 against any person who intentionally makes a false, frivolous, or bad faith allegation. 5 ILCS 430/50-5(e). Further, any person who intentionally makes a false report alleging sexual harassment to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a misdemeanor. 5 ILCS 430/50-5(d). Similarly, an employee who knowingly makes a false complaint violates CTA’s EEO Policy and CTA’s Sexual Harassment Policy, and is subject to discipline, up to and including termination.

component in the conduct. Answer C is incorrect because not all inconsiderate behavior is a violation of the Illinois Human Rights Act.

Review Question # 10

Kyle is supervised by Joanne, and he has observed that department morale has plummeted since Joanne was promoted. Kyle has heard rumors that Joanne has dated subordinates in the department, and that many employees were opposed to Joanne being offered the supervisor position. Kyle does not know if the rumors about Joanne are true or not, but Kyle is worried about department morale, and he thinks he would make a better supervisor than Joanne. Kyle decides to file a claim with his EEO Officer, stating that he has personal knowledge that Joanne has had improper intimate relationships with subordinates in the department. Kyle hopes that Joanne will be fired or demoted so that he can apply for her old position and improve department morale. Kyle honestly believes that he will turn the department around if Joanne is replaced. Did Kyle's filing of a false report against Joanne violate CTA policies?

- A. Yes, Kyle violated CTA's Sexual Harassment Policy and EEO Policy, both of which prohibit filing a false harassment claim.
- B. No, because Kyle's goals were to improve the functioning of the department and he honestly believed that he would make a better supervisor than Joanne.
- C. No, because Joanne was a poor supervisor and she was responsible for her department's poor morale.

Select the best answer(s) then compare your response to the explanation below.¹¹

¹¹ Answer A is correct, because Kyle falsely stated that he had personal knowledge about Joanne's conduct. CTA's Sexual Harassment Policy and EEO Policy prohibit the filing of fraudulent sexual harassment claims. Filing a fraudulent claim may subject Jake to discipline, up to and including termination of employment. Answer B is incorrect because Kyle's honest belief in his own abilities does not excuse the fact that he filed a false report. Answer C is incorrect because filing a false report with the EEO Officer violates CTA's policies regardless of whether Joanne was performing her job duties adequately.

Information About Retaliation

Retaliation against individuals who report sexual harassment, harassment, and/or discrimination or who participate in investigations and other proceedings is strictly prohibited by the Ethics Act, the Illinois Human Rights Act, and the Illinois Whistleblower Act.

Retaliatory action means reprimand, discharge, suspension, demotions, denial of promotion or transfer, or change in the terms or conditions of employment of any CTA employee that occurs in retaliation for an employee's involvement in these protected activities. These are examples of retaliatory conduct.

Under the Ethics Act, 5 ILCS 430/15-10, a CTA employee cannot take retaliatory action against a CTA employee who (1) reports allegations of sexual harassment, harassment, or discrimination, that the employee reasonably believes is a violation of law, rule, or regulation (2) provides information or testifies in connection with an investigation, hearing, or other inquiry into any violation of law, rule, or regulation or (3) participates in a proceeding to enforce the Ethics Act. If retaliatory action occurs, the OEIG can investigate this matter and recommend discipline. An employee can also bring a lawsuit pursuant to the Ethics Act. Anyone who intentionally violates this prohibition on retaliation is guilty of a misdemeanor and is subject to discipline or discharge. 5 ILCS 430/50-5(a), (f).

Under the Illinois Human Rights Act, it is a civil rights violation to retaliate against someone who opposes that which they reasonably and in good faith believe to be unlawful discrimination or sexual harassment. 775 ILCS 5/6-101(A).

Under the Illinois Whistleblower Act, 740 ILCS 174 et seq., "[a]n employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a State or federal law, rule, or regulation." 740 ILCS 174/15(b).

Remedies available in a civil lawsuit if retaliation occurs may include:

- Reinstatement of employment;
- Two times back pay;
- Interest on back pay;
- Reinstatement of fringe benefits and seniority rights; and
- Payment of reasonable costs and attorneys' fees.

Review Question # 11

Maya is Levi's supervisor. Maya has spoken with Levi repeatedly about his absenteeism and spending work time away from his department talking with friends in other areas of the building. Levi has missed work deadlines, phone calls, and team meetings due to these absences. Maya has warned Levi that his work performance must change or he will be terminated. Levi is contacted by an EEO investigator about a complaint Naomi, another employee, filed against Maya. Maya is aware of the complaint, and she is aware that Levi is involved in the investigation. Levi believes that Maya is now prohibited from terminating him because he is involved in an EEO investigation involving Maya. Levi therefore continues to have unexplained absences, and he is away from the department many times for extended periods. He continues to miss deadlines and meetings. Maya informs Levi that his employment is terminated because he has not improved his conduct despite having several chances to do so. Did Maya improperly retaliate against Levi?

- A. Yes, because Naomi's complaint against Maya might be proven to be misconduct, and Levi is cooperating in that investigation.
- B. Yes, because Maya must refrain from disciplining any employee during the time there is a complaint pending against her in the EEO Department.
- C. No, because Maya (as a supervisor) has a right to discipline her staff for poor work performance.

Select the best answer(s) then compare your response to the explanation below.¹²

¹² The best response to this question is Answer C. Levi cannot be retaliated against for cooperating with an EEO investigation, but here Maya terminated him based on his work performance, not based on his involvement in an EEO investigation. In fact, before Levi participated in the EEO investigation, Maya warned Levi that if he did not improve his work performance he would be terminated. Answer A is incorrect because the fact that Levi is participating in the investigation is not the reason he was terminated. If Maya retaliated against Levi for his involvement with an EEO investigation, it would not matter if Naomi's complaint against Maya was proven or not. But here, she terminated him for poor work performance, not because of his involvement in the EEO investigation. Answer B is incorrect because, as a supervisor, Maya has the right to discipline an employee for misconduct and poor work performance even if there is a pending EEO investigation involving the supervisor.

Acknowledgement of Participation



Printed Name
(first, middle initial, last)

Employee ID Number

Month and Day of Birth
(for example, July 15)

Today's Date

CTA

Employer

2021 Ethics Training for Employees of the CTA

I certify that I have carefully read and reviewed the content of, and completed, the 2021 Ethics Training for Employees of the CTA. Furthermore, I certify that I understand that 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 CTA employment/appointment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.

Employee Signature

2021 Harassment and Discrimination Prevention Training for Employees of the CTA

I certify that I have carefully read and reviewed the content of, and completed, the 2021 Harassment and Discrimination Prevention Training for Employees of the CTA. Furthermore, I certify that I understand that 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 CTA employment/appointment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.

Employee Signature

(To be properly credited for participating in these trainings, please submit this form as directed by your employer.)