January 15, 2019

Electronic submission via Illinois.gov file transfer portal

Mr. Chad Fornoff  
Executive Director  
Executive Ethics Commission  
401 S. Spring Street  
513 Wm. Stratton Building  
Springfield, IL 62706  

RE: 2018 Annual Report for Pace Suburban Bus pursuant to Section 1620.900 of the Illinois Administrative Code  

Dear Mr. Fornoff:  

Pursuant to 5 ILCS 430/5-10(b) of the Illinois State Ethics Act and Section 1620.900 of the Illinois Administrative Code, Pace, the Suburban Bus Division of the RTA ("Pace") submits this annual report to the Illinois Executive Ethics Commission ("EEC"). Pace must provide the following four pieces of information to the EEC: a copy of all materials used in ethics training of employees and officers during the previous year; the number of officers or employees completing initial and/or annual ethics training in the previous year; the identity of any officer or employee who failed to complete ethics training, the reason for not completing the training and the nature of any discipline or administrative action taken; and all ethics training materials to be used during the next calendar year (2019), if available.

Exhibit A is the 2018 Pace Employee Ethics Training Manual. Exhibit B is the 2018 Ethics Training Manual for Appointees to RTB's. Exhibit C is the Sexual Harassment Training for all Pace employees and appointees.

One thousand seven hundred and ninety-eight (1798) Pace directors and employees completed annual ethics training in 2018. Exhibit D is the list of sixty-three (63) employees who did not complete Ethics or Sexual Harassment Training. These employees were out of work, and all will complete Ethics and Sexual Harassment Training upon their return to work.
No Pace employee willfully failed to complete 2018 ethics training. Employees who have not completed the 2018 ethics training were out due to worker's compensation, disability, sick leave, maternity leave, or FMLA. Upon an employee's return from excused absence, the employee is required to complete annual ethics training within thirty (30) days of his or her return to work. Since Pace excused these long-term absences, Pace will not discipline or take administrative action (unless these employees fail to complete ethics training within thirty (30) days of their return to work). Exhibit D is the Pace 2018 Year-End Compliance Report.

The Executive Ethics Commission and the Office of the Executive Inspector General previously approved Pace's Sexual Harassment and Ethics Training Modules. Pace's 2019 Ethics Training is attached as Exhibit E. Pace's 2019 Sexual Harassment Training is attached as Exhibit F. Pace has not received Appointee Ethics Training Module from the OEIG.

As in previous years, Pace will utilize Metra's web-based training program for non-bargained for employees who have access to a Pace computer. Pace bus operators and other bargained for employees do not have access to computer workstations, so they complete paper ethics training during quarterly training. The training course, whether it be instructor-led or self-read, will take on average approximately 30-60 minutes to complete. Pace anticipates commencing this year's ethics training in September 2019.

If you have questions or comments concerning the contents of this letter, please do not hesitate to contact me. You can reach me at (847)228-2365 or via email at james.caronis@pacebus.com.

Sincerely,

James J. Caronis
Ethics Officer
Pace, Suburban Bus Division of the RTA

Attachments

cc:  Dirk DeLor, Director of External Compliance and Outreach, OEIG
     Susan Haling, Acting Executive Inspector General
     Richard Kwasneski, Chairman of the Board, Pace (without Exhibits)
     Rocky Donahue, Interim Executive Director, Pace (without Exhibits)
2018 Employee Ethics Training

For Employees of the

Pace, Suburban Bus Division of the RTA

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 Regional Transportation Authority. Not for use by other than employees, appointees, or officials of the Regional Transportation Authority without the express prior 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 847-228-2365.
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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 Regional Transportation Authority (RTA), the Suburban Bus Division (Pace), the Commuter Rail Division (Metra), and the Chicago Transit Authority (CTA). These entities are referred to collectively as the Regional Transit Boards. It is important for you to understand that in certain instances, the Ethics Act places obligations on you as an employee of Pace 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 Pace 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 Pace, 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 Pace in the most productive and efficient way possible and generally, only for the business purposes of the Pace. You must avoid placing your personal or financial interests in conflict with those of the Pace. Furthermore, if you have knowledge of unethical or unlawful conduct by employees or appointees of Pace or those who do business with it, you have an ethical obligation to notify the appropriate authorities, including your Ethics Officer, the Office of Executive Inspector General, or the Executive Ethics Commission.

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

By law, Pace has a designated Ethics Officer. This Ethics Officer:

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

The Ethics Officer for Pace is:

James J. Caronis  
Ethics Officer/Title VI Liaison  
550 W. Algonquin Road  
Arlington Heights, IL 60005  
847-228-2365

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, implementation, and enforcement of the State Officials and Employees Ethics Act. The commission consists of nine commissioners, appointed on a bipartisan basis, 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 commission also promulgates rules governing investigations of the Executive Inspectors General and holds 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 the four executive branch constitutional officers not under the OEIG’s jurisdiction, 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 Office of Executive Inspector General for the Agencies of the Illinois Governor, 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 Pace employees are to complete, at least annually, an ethics training program conducted by Pace.
- New employees must complete ethics training within 30 days of the commencement of their employment or appointment. This also applies to temporary or seasonal employees.
- Appointees to RTB’s must 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 set 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) Regional Transportation Authority (RTA), (ii) the Suburban Bus Division (Pace), (iii) the Commuter Rail Division (Metra) and (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, they perform an act in excess of their lawful authority
- 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 Pace employee who exceeds his lawful authority to obtain something of value for his personal benefit could be found to have committed official misconduct. If Pace has a program to distribute reduced-fare transit passes to eligible individuals, and a Pace manager diverts a block of the passes to certain individuals who were not on the authorized list, the employee could be found to have committed official misconduct.

Among other circumstances, official misconduct occurs when public employees ask for or accept property or personal advantage, 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.

**For Example:**

A Pace employee commits official misconduct if she deliberately holds up the payment of an invoice until the vendor provides her with free products.

If Pace 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 of the law if Pace employees or officials fail to report a bribe to the local State’s Attorney’s Office.

**Personnel Policies (Ethics Act, Section 5-5)**

Pace employees are required to follow Pace’s personnel policies. Under the Ethics Act, these policies must include elements related to the following:

- Work time requirements
- Documentation of time worked/time sheets
- Documentation for reimbursement for travel on official state business
- Compensation
- Earning and accrual of state benefits for those eligible for benefits

As a Pace employee, you are expected to become familiar with and adhere to its personnel policies which are included in the Pace Employee Handbook.
Time Sheets (Ethics Act, Section 5-5)

As a Pace employee, you are required by Pace policy to submit time sheets accurately documenting the time spent each day on official Pace business. Time sheets 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 Pace Policy because the time sheet was not accurate and truthful.

Time Sheet Lesson Review Question

Review Question # 1

Don is a Pace manager in the main office and has a work schedule of 8:00 a.m. to 4:30 p.m., Monday through Friday. On Fridays, Don arrives at 8:20 a.m. because he has to drop his son off at school, but he still records his start time as 8:00 a.m. Are Don's actions proper?

A. Yes, because he is within 20 minutes of the properly recorded time.
B. Yes, because he accurately reported his time for four out of five days a week.
C. No, he violated Pace Policy on reporting his time accurately.

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

The best response to Review Question # 1 is C. Pace Internal Policies (See Pace Policy Fi-03 and the pertinent portion of your employee manual) require employees to provide accurate logs of the hours worked. Answer A is incorrect because Pace employees are required to report their time accurately, and Don did not. He should have reported his actual start time of 8:30. Answer B is incorrect because Don is incorrectly reporting his time one day a week. On Fridays, Don should be correctly reporting his arrival time as 8:30 a.m., and not 8:00 a.m.
Conflicts of Interest

It is vital to the proper operation of governmental entities, like Pace, 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. See also Pace’s Ethics Ordinance. 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 Pace employee to manage a contract with a vendor that employs the employee’s spouse.

**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 Pace policies. In the absence of a particular policy, disclosure should be made to your supervisor.

It is unethical for Pace employees and appointees to use information made available to them as 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 illegal for a Pace employee to provide confidential information about a competitive bidding process for a Pace 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

Jon works as a manager in the Communications Department where he manages a long-standing contract with a large consulting firm. Jon receives a call from his sister, who informs him she has just been hired by the consulting firm and will be handling international clients. Since she will not be working on the Pace account, he does not inform management of the potential conflict. Are Jon action's proper?

A. Yes, because his sister will not be working on the Pace account.

B. No, Jon must disclose his sister's relationship with the consulting firm to his manager.

C. Yes, because he never talks business with his sister.

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

⁴ The best response to Review Question #2 is B. Jon must report the potential conflict of his sister's employment with the consulting firm to his manager, regardless of whether his sister will be working on the Pace account or not. No Pace employee should participate in the selection, award, or administration of any contract if a conflict of interest (real or apparent) is involved, and a conflict of interest arises when a relative works for an entity for which the Pace employee manages the contract with the Pace.
Review Question #3

Robert is a Pace employee who works in the IT department. At dinner with his friend Sebastian, who works for a company that sells computer hardware and software, Robert states he is working a lot of extra hours trying to get documents completed so the Pace can purchase new hardware for a system it will be implementing. Robert states that he will not have to work the long hours after next week as the details of the hardware to be purchased will be issued in a Request for Proposals document next Friday. Were Robert’s actions proper?

A. Yes, because he did not give specific information about the equipment Pace would be purchasing.

B. Yes, because other people at Pace were aware that new computer equipment was going to be purchased.

C. No, because he provided confidential information regarding an upcoming procurement to Sebastian.

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

³ The best response to Review Question #3 is C. It violates Pace rules for an employee to provide anyone with information that is not available to the general public. Although Robert did not provide details of the new equipment that would be purchased, he did provide confidential information by telling his friend when the procurement would be issued. Also, even though other employees at Pace were aware of the upcoming procurement, individuals outside of Pace should not be provided with any information that is not available to the general public.
Prohibited Political Activities (Ethics Act, Section 5-15)

Pace 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 these activities by misappropriating state or Pace property or resources (such as Pace-provided telephones, cell phones, photocopiers, or computers) (See also Pace’s Ethics Policy):

- 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.

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

**For Example:**

It is unlawful for Pace employees, during their compensated time (other than vacation, personal, or compensatory time off), to participate in campaign rallies, political meetings, or political demonstrations.

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

**Required Practice**

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

Review Question # 4

Judith is a community liaison for the Pace. As Pace was driving from one community event to another while she was on-duty, she noticed a group of people having a rally for the re-election of a local Congressman. Judith knows the Congressman and used to work for his campaign manager, so she stops to say hello to both of them. While she was waiting to talk to the Congressman, Judith notices that the event is under-staffed and asks the campaign manager if she can help in any way. The campaign manager provides Judith with a re-election button and some campaign brochures to distribute. Has Judith violated the Ethics Act?

A. No, because she was just helping out the Congressman and the campaign manager because they were under-staffed and she used to work for the campaign manager.

B. Yes, because she actively participated in a campaign event while she was on compensated time for Pace.

C. No, because she did not talk to the Congressman.

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

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\(^4\) The best response to Review Question # 4 is B. Even though Judith knows the Congressman and campaign manager, it is an Ethics Act violation to participate in a political event while she was on compensated time. By wearing the button and distributing the brochures, she was actively participating in the event. Judith’s reasoning for participating is not relevant, nor is the fact that she did not talk with the Congressman.
Review Question # 5

Edith is a Pace employee working in the customer service area. Her brother is hosting a fundraiser for a friend who is running for an elected position in the county. Edith displays a stack of flyers for the fundraiser at her desk “in case anyone is interested.” She does not mention the flyers to anyone; however, there is a small sign next to the flyers that says “Please help support my brother’s friend.” Are Edith’s actions proper?

A. No, because Edith is distributing political materials during compensated time.
B. Yes, because she is not asking anyone to take or read the flyers.
C. Yes, because her brother’s friend is not running for a State-wide office.

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

5 The correct response to Review Question # 5 is A. By having the flyers available and in plain sight at her desk, Edith is distributing political materials for her brother’s friend while on Pace compensated time. It does not matter whether Edith actually asks fellow employees to take or read a flyer. Answer C is not correct because it does not matter whether the friend is running for a local, county or state-wide office. It is a violation of the Ethics Act to distribute political materials during compensated time.
Public Service Announcements; Other Promotional Material (Ethics Act, Section 5-20)

The Ethics Act prohibits any public service announcements or advertisements on behalf of any state administered program and that 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 Pace Property (Ethics Act, Section 5-35)

As an employee of Pace, you may not intentionally solicit, accept, offer, or make political campaign contributions on state or Pace property. Similar prohibitions also apply to public officials, state 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:

Pace 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 Pace property, unless that building has been leased by Pace to a private entity or person at the time of the solicitation. “Pace property” means any building or portion thereof that is owned or exclusively leased by the State or Pace and does not include any portion of a building that is rented or leased from Pace to a private entity.
Prohibited Offer or Promise (Ethics Act, Section 5-30)

A Pace employee, appointee, or official may not offer or promise anything of value related to state government or Pace 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 Pace) 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 Pace
- 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:

If a Pace manager is running for a political office, it would be unlawful for the manager to offer promotions to any Pace employees who supported her financially, and it would be unlawful for any Pace employee to accept such an offer. It is also unlawful for a Pace employee to offer an action by Pace, to offer someone a Pace job, or to offer the award of a contract in exchange for a political campaign contribution.

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

Generally, as a Pace employee, you must not ask for or accept anything of value (other than the compensation you may receive from Pace) in relation to your job. Asking for or accepting a gift may violate the Ethics Act and Pace 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.

Under the Ethics Act, Pace 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 Pace employee, Pace, or other employee directing the employee.
- Does business or seeks to do business with the employee, Pace, or other employee directing the employee.
- Conducts activities that are regulated by the employee, Pace, 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 Pace 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 Pace employee commits misconduct when, in an official capacity as a Pace employee, she solicits or knowingly accepts for the performance of any act, a fee or award which she knows is not authorized by law. In addition to violating the Illinois State Officials and Employees Ethics Act, the Pace Ethics Ordinance, and Pace 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 Pace’s Ethics Ordinance, 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 Pace business when the situation meets specific criteria and when such expenses have been approved in advance by Pace’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 Pace 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 Pace business.
  Illinois Executive Ethics Commission Rule 1620.700 also states that travel expenses of a meeting to discuss Pace 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 Pace 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 with a history of gift-giving with the employee.
• 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 Pace employees and employees of other governmental agencies or other Pace 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 Pace 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 Pace 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 Pace employee or while conducting Pace business may be referred to Pace’s Ethics Officer.

**Recommended Best Practice**
You should simply decline anything of value offered to you (other than the compensation you may receive from Pace) in relation to your job duties, unless it meets one of the exceptions to the Ethics Act’s gift ban, and is otherwise lawful. However, even if a gift meets one of the exceptions, an employee should never accept a gift if it is intended to influence the exercise of the employee’s official duties or if it raises the appearance of impropriety. If a gift is intended to influence a Pace employee’s decision, it is considered a bribe and is a class 2 felony. See 720 ILCS 5/33-1.

It is advisable that you discuss the matter with your Ethics Officer prior to accepting anything of value in connection with your job duties. If you have any questions, ask your Ethics Officer.

**Gift Ban Lesson Review Questions**

**Review Question # 6**

Alan is a Pace employee in the HR Department. Alan’s father owns a large consulting business that has done work under a recent contract with Pace. Alan had notified Pace’s Ethics Officer of the relationship. His father has a sudden medical issue and dies. As a result of his death, Alan is to receive a large pay-out from the consulting firm relating to his father’s ownership interest. Can Alan accept the payment?

A. No. Since Alan’s father’s firm recently performed work for Pace, the firm would be a prohibited source, and therefore, he could not accept the payment.

B. Yes. This payment would be considered an inheritance, which is specifically allowed under the Gift Ban.

C. No, Alan’s father did not have a history of gift-giving to Alan.

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

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6 The best response to Review Question # 6 is B. Although the consulting firm would be considered a prohibited source, there is a specific exemption for inheritances and other transfers at death. Answer C is not correct because the payment was an inheritance, which is an exception under the Gift Ban. Therefore, any history of gift-giving -- which could also be an exception to the gift ban -- is irrelevant.
Review Question # 7

Sarah is a Pace employee in the Finance Department. Pace has recently selected a contract that provides support for Pace’s desktop computers. Sarah contacts the support contractor’s helpline. When the contractor arrives, he is able to quickly start Sarah’s computer. She thanks him and says she wishes she could find someone who could get her personal laptop fixed since the screen does not work, and she cannot afford the $200 repair to fix the screen. The contractor offers to fix her laptop, which she accepts, and the value of the repair exceeds $100. A week later, the contractor returns Sarah’s personal laptop and the screen works. When Sarah asks what she owes him, the contractor says that she does not have to pay him because he only installed a new screen. Has Sarah violated the Gift Ban?

A. Yes. Sarah should not have accepted a gift from this prohibited source because the value of the gift exceeds $100 and there are no exceptions that would allow this gift.

B. No. The contractor offered to fix Sarah’s laptop, and she did not ask him to do it.

C. No. Sarah does not work in the IT Department, so the contractor does not report to her.

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

7 The best response to Review Question # 7 is A. Because the computer support company does business with Pace, it is a prohibited source. Therefore, Sarah cannot accept a gift with a value of more than $100 from the prohibited source unless an exception applies. The value of the new screen exceeds the $100 limit. There are no other exceptions to the Gift Ban that would apply to this situation. It is irrelevant that Sarah did not request the service, or that the contractor did not report through Sarah’s chain of command.
Revolving Door (Post-Pace Employment) Requirements
(Ethics Act, Section 5-45)

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

No former Pace 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 Pace 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-Pace 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 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; or

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.

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

A limited number of Pace 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 Pace contract or contracts with a cumulative value of $25,000 or more involving the officer, employee, or Pace.

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 Pace 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 procurement, 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 Pace and for one year after leaving Pace employment.

Within 10 calendar days after receiving such notification, the Executive Inspector General must make a determination 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-Pace employment opportunity.
There are a limited number of exceptions to the above-listed restrictions. All Pace 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 Pace, you may discuss the matter with Pace’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 Pace officer or employee 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.
Revolving Door Lesson Review Question

Review Question # 8

Chet is an Analyst in the Pace’s Accounts Payable Department. In this position, he approves the invoices of one of Pace’s vendors (“Vendor A”). Chet is on the C-list because he has the authority, by the nature of his duties, to participate personally and substantially in decisions involving contracts with a cumulative value of $25,000 or more. Chet is not personally or substantially involved in the award of the contract or any change order to the contract with Vendor A. During a discussion with Vendor A regarding an invoice, Vendor A’s representative makes a job offer to Chet to join her firm as an Account Specialist. Chet accepts the offer without notifying the OEIG of the job. Is Chet in violation of the Ethics Act’s revolving door provision by taking this job?

A. No. Chet was not personally and substantially involved in the award of the contract to Vendor A, so Chet did not have to follow the Revolving Door provisions.
B. No. Chet’s new employer is required to notify the OEIG, not Chet.
C. Yes. Chet violated the Revolving Door provisions of the Act because he is on the C-List and he did not follow the notification requirements of the Revolving Door provisions.

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

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8 The best response to Review Question # 8 is C. Even though Chet was not involved in the award of the contract to this vendor, he is on Pace’s “C-List” and, therefore, the Revolving Door provisions apply and Chet should have notified the OEIG prior to accepting this job offer. Because he did not, he violated the Revolving Door provisions of the Ethics Act and is subject to administrative penalties. Answer A is not correct because his notification requirements are the result of his being on the C-List, and not whether he was personally and substantially involved with Vendor A. Answer B is not correct because Chet is on the C-List and he personally is required to notify the OEIG prior to accepting the position.
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, 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 attorney's 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 Office of Executive Inspector General for the Agencies of the Illinois Governor ("OEIG") via its toll-free Hotline at 866-814-1113. Questions and/or 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 Illinois State Police or other police agency that can provide the fastest response (for example, by dialing "911").
Rights and Responsibilities During Investigations (Ethics Act, Section 20-70 and EEC Rules, 2 Ill. Admin. Code Section 1620.300)

Pace employees who become involved in an investigation conducted by the OEIG have both rights and responsibilities. As a Pace 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.

In particular, the Executive Inspector General may request that any Pace employee truthfully answer questions concerning any matter related to the investigation. If so requested, 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 Pace control must be made in writing by an executive inspector general. If the recipient of such a request believes that the release of the subject matter of the request might violate existing rights under state or federal law, the recipient has the right to seek a determination from the Executive Ethics Commission relative to such rights or protections.

It is Pace’s policy that any Pace employee receiving any requests for production or viewing of documents or physical objects under Pace control must forward such requests to Pace’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 Pace employee, you have various additional rights during investigations, including, but not limited to, those resulting from EEC rules (2 Ill. Adm. Code Section 1620.300), which specify:

- If investigators reasonably believe 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 OEIG investigators will present the interviewee with an OEIG 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 or likely to face discipline or adverse action.

The OEIG will not infringe upon a Pace 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 EEC’s website: http://www2.illinois.gov/eec.

**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, 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 RTA, Metra, CTA, and Pace whom:

- 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, 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 Pace’s Ethics Officer.
Truthful Oral and Written Statements

It is vital to the integrity of Pace that all oral and written statements made by you, in your official capacity as a Pace 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 Pace business is unethical and may violate Pace policies. Violation of Pace policies may subject a Pace 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 this 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 criminal prosecution.

Pace Policies

It is important that Pace employees adhere to those applicable laws, rules, policies, or regulations that are applicable to Pace. These policies are generally in the Pace’s Employee Handbook and Ethics Ordinance, and include, for example:

- Ethics Ordinance;
- Conflicts of Interest;
- Post-Pace Employment Restrictions;
- Secondary Employment Restrictions;
- Confidentiality of Information;
- Acceptance of Gifts;
- Information Technology Acceptable Use;
- Whistleblower Methods and Protections;
- Rules of Personal Conduct; and
- Employment of Relatives (Nepotism).
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 Pace 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 Pace 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 Pace 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**

Pace employees who have questions or concerns about a work-related ethics issue may contact Pace's Ethics Officer. 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 Pace Employees

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

1. **Situation:** Joan is responsible for representing Pace in negotiations to lease space for Pace offices from three different parties. During negotiations, Joan agrees to have Pace pay a slightly increased monthly charge if the building includes a parking space for her own personal use. This arrangement was not disclosed in the final lease in order to avoid questions.

**Ethical Assessment:** Negotiating a higher lease payment in order to provide an employee with a benefit to which she is not entitled is Official Misconduct.

2. **Situation:** Sammy works for the Pace. Because he works in the IT Department, his hours fluctuate each day. It is too difficult for him to remember his time each day so he just enters the same arrival and departure times for each day. He believes that as long as he shows he worked at least 37.5 hours per week, he has complied with the Pace’s time sheet policy.

**Ethical Assessment:** Pace policy requires all employees to accurately report their time. Estimating one’s time does not comply with this policy.

3. **Situation:** Thomas was recently hired to manage the claims process at Pace. After a few weeks, he determines that it is taking too long to transfer documents from one location to another. His brother owns a company that could transfer the files quicker and at a lower cost. Thomas recommends to his manager at Pace that it award a $95,000 contract to his brother’s firm. Thomas did not tell anyone that his brother owned the firm.

**Ethical Assessment:** Recommending that Pace engage in a contract with a company that employs a family member is a conflict of interest. Pace policies state that all employees should avoid any actual or perceived conflicts of interest. Thomas’s conduct presents an actual conflict.

4. **Situation:** Betty owns a company and is bidding on a contract to provide printing services to Pace. She believes she will get the contract because her brother-in-law, John, works at Pace. She did not tell him she was bidding on the contract. After the bid was submitted, she tells John that she has submitted the bid and wants him to put in a good word for her so she gets the contract. Although John is not involved in the procurement, he recognizes that this is not proper. However, he believes no one will know since he and Betty have different last names. He decides to not inform his manager. Are John’s actions improper?

**Ethical Assessment:** Yes. Pace’s policies state that employees should avoid any real or potential conflict of interest. Although he is not involved in the procurement, if John’s
sister-in-law bids on a contract with Pace, that creates the appearance of a conflict. If this occurs, John should immediately inform his manager.

5. **Situation:** Matt is a Pace employee in the finance area. He creates and runs websites as a hobby. He agrees to create a website for the campaign of a local mayor on a volunteer basis. On the first day the website is active, Matt wants to see how many “hits” the mayor’s website is getting throughout the work day. While on Pace compensated time, Matt accesses the mayor’s campaign website from his personal computer on an hourly basis to download the hourly statistics and put them into a report so he can inform the campaign manager of the amount of activity. Are Matt’s actions proper?

**Ethical Assessment:** No. Matt’s actions constitute political activity during compensated time, which is prohibited. Matt should access the website on non-compensated time if he wants to collect the data.

6. **Situation:** Scott is a Pace employee and is running for a local alderman position. In order to kick-off his campaign, he rents a room on the ground floor of a building owned by Pace. He pays a fair and reasonable price to rent the room for an after-hours kick-off event. There are no signs or indications that the building is owned by Pace. In fact, Scott posts signs throughout the room specifically stating that Pace has not endorsed his campaign and takes no position relative to it. Campaign donation boxes are located on tables throughout the room. Can Scott collect donations during this event?

**Ethical Assessment:** Yes. Although the event is held in a room in a Pace-owned building, Scott has rented the space from Pace and it is therefore not considered to be “state property.” Further, Scott has clearly communicated that Pace has not endorsed his campaign. Therefore, Scott can collect the donations.

7. **Situation:** Robyn is a Pace employee who has extensive experience with a special financing method that was recently recognized in a professional magazine. A2Z Financial Consulting sponsors an annual dinner and asks Robyn to be the main speaker. Robyn knows A2Z Financial Consulting is a prohibited source, so she pays her own travel expenses to the event. After the presentation, the A2Z Executive in charge of the dinner provides her with $200 gift card as an “honorarium” for her presentation. Can Robyn accept the gift card?

**Ethical Assessment:** Robyn should decline the gift card. Since A2Z Financial consulting is a prohibited source, she cannot accept anything of value unless it meets one of the listed exceptions. The speaking event was primarily for the benefit of Robyn rather than the agency, and the amount exceeds the $100 annual limited that is provided in the exceptions. Therefore, she should not accept the gift card.

8. **Situation:** William is a senior executive at Pace. He decides to host an after-hours fundraiser for his political party in advance of the upcoming primaries. He notifies his staff that if they attend his fund-raiser and contribute to his fund, he will “remember” them at performance appraisal time.
**Ethical Assessment:** If a Pace official asks or directs a Pace employee to contribute to a political organization or political action committee, with the promise of a future benefit relating to the employee’s employment, the employee should inform his or her supervisor.

**9. Situation:** As part of a procurement of copy machines, Pace hosts a pre-bid meeting for individuals and firms. The goal of this meeting is to provide information on Pace’s needs relative to this contract. At the end of the meeting, one of the potential bidders introduces himself to the Pace staff. He also provides each of them with an ornate pen so that “they will remember his name.” Can the Pace employees accept the pens?

**Ethical Assessment:** Pace employees cannot accept anything of value from a prohibited source. Because a prohibited source includes an entity that seeks to do business with Pace, the potential bidder qualifies as such. While there is an exception if a prohibited source provides a gift which has a cumulative value of less than $100 in a calendar year, Pace employees should not accept the pens because it appears that the bidder here is trying to improperly influence Pace employees.

**10. Situation:** Karen is a senior member of the Finance Department. She decides to retire after 38 years with Pace. When asked about her plans in retirement, Karen states that she has been asked to Chair her local school Board. John, one of Karen’s co-workers, tells Karen that he thinks she has to seek a determination from the OEIG before she can accept the Chair position. Is John correct?

**Ethical Assessment:** No. The Revolving Door provisions have a specific exemption for individuals who accept positions with certain entities, which includes local school boards. Karen may accept the position without seeking a determination with the OEIG. However, Karen can voluntarily seek a determination from the OEIG if she so wishes.

**11. Situation:** An OEIG Investigator has asked to meet with Henry, a Pace employee, at the OEIG’s office. Henry advises his manager of the requested date and time. After he returns from the meeting, his manager asked how the meeting went and if he had the answers and information the OEIG was interested in obtaining. Henry said that he intentionally withheld some of the information from the investigators because he did not want to make his department look bad. Are Henry’s actions proper?

**Ethical Assessment:** No. As a Pace employee, Henry has an obligation to fully cooperate in the OEIG investigation. Henry was required to participate in the OEIG interview, tell the truth, and not intentionally withhold information. Henry’s conduct is grounds for disciplinary action, including dismissal and a monetary fine.
Acknowledgement of Participation in:

2018 Ethics Training for Employees of Pace

I certify that I have carefully read and reviewed the content of, and completed, the 2018 Ethics Training for Employees of Pace. 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 Pace employment/appointment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.

________________________
Signature

________________________
Printed Name
(first, middle initial, last)

________________________
Employee ID Number

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

________________________
Date

________________________
Name of Employer

(To be properly credited for participating in ethics training, please submit this form as directed by your employer.)
Exhibit B
2018 Sexual Harassment Training

For Pace 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 Suburban Bus Division of the Regional Transportation Authority. Not for use by other than employees, appointees, or officials of the Suburban Bus Division of the Regional Transportation Authority without the express prior 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 sexual harassment training pamphlet, please contact the Ethics Officer at 847-228-2365.
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Introduction/General Principles

Effective January 1, 2018, all state agencies, including the Regional Transit Boards, must establish a sexual harassment policy. The policy must include at a minimum: (i) a prohibition on sexual harassment; (ii) details on how an individual can report an allegation of sexual harassment, including options for making a confidential report to a supervisor, ethics officer, Inspector General, or the Department of Human Rights; (iii) a prohibition on retaliation for reporting sexual harassment allegations, 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 and the consequences for knowingly making a false report. 5 ILCS 430/5-5(c). See also Pace Policy HR-21

Pace maintains a working environment for all Pace employees to be free from sexual harassment. Pace has zero tolerance for sexual harassment. Please see Pace Harassment Policy Statement, section 1.3 of the Pace Employee Handbook for non-bargained for employees. See also Pace EEO Policy Statement and Pace Harassment Free Workplace Policy. Employees who believe they have been subjected to sexual harassment should report it immediately to their supervisor or Department or Division Manager, or Pace’s EEO Officer, Pace’s Ethics Officer or to Human Resources, or through the alternative reporting channels set forth below, such as the Office of Executive Inspector General or Illinois Department of Human Rights.

Employees should not allow an inappropriate situation to continue by not reporting it, regardless of who is creating that situation. No employee at Pace is exempt from reporting misconduct in violation of this policy. In response to every complaint, Pace investigates promptly and thoroughly. Pace assures its employees that there is no retaliation against any employee filing a harassment complaint, or against any employee who cooperates with a Pace investigation, and there are policies and laws that prohibit retaliation. If allegations of improper harassment are substantiated, Pace commits to taking the appropriate action, including disciplinary measures up to and including discharge.
What is Sexual Harassment?

Sexual harassment is defined as 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 an employee is assigned to perform his or her duties and does not require an employment relationship. See 5 ILCS 430/5-65(b).

Types of 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, including 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 if they include sexual content
- Pressure for dates
- Sexual teasing, jokes, remarks, or questions
- Referring to an adult as a “girl,” “hunk,” “doll,” or other diminutive term
- Whistling at someone
- Sexual comments, sexual innuendos, or sexual 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
- 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, 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

Quid Pro Quo Sexual Harassment

Quid pro quo sexual harassment occurs when (1) job benefits, including employment, promotion, salary increases, shift or work assignments, performance expectations and other conditions of employment, are made contingent on the provision of sexual favors, usually to an employer, supervisor, or agent of the employer who has the authority to make decisions about employment actions, or (2) the rejection of a sexual advance or request for sexual favors results in tangible employment detriment, or a loss of benefit of the kind described above.
Review Question # 1

John has an interview with Pace manager, Jane. At the interview, Jane tells John that she finds him very attractive. She also tells him that he is not the most qualified candidate, but that if he goes on a date with her and spends the night at her home, she will make sure that he receives a job offer from Pace. Is this sexual harassment?

A. No, Jane’s conduct is not sexual harassment because John is not a Pace employee.

B. Yes, this is an example of *quid pro quo* sexual harassment.

C. No, because a woman cannot sexually harass a man.

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

¹ The best response to Review Question # 1 is B. *Quid pro quo* sexual harassment involves conduct for which demands or favors are a condition to a term of the individual’s employment. Here, Jane is offering employment in return for a night together. Answer A is incorrect because sexual harassment can occur at the interview stage. Answer C is incorrect because sexual harassment can occur between anyone regardless of sex.
Review Question # 2

Steve supervises Missy. Steve advises Missy by email that she is due for a promotion. He also advises that if she completes a time sensitive project early, he will make sure to recommend the promotion to Human Resources. Is this sexual harassment?

A. Yes, because Steve offered Missy a promotion in exchange for completing a task.
B. No, because sexual harassment cannot occur via email.
C. No, because Steve did not offer a promotion in exchange for something sexual in nature.

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

² The best response to Review Question # 2 is C. Quid pro quo sexual harassment, as its name suggests, exchanges employment or advancement in return for sexual favors. Answer A is incorrect because Steve’s request does not make the promotion contingent on sexual favors. Answer B is incorrect because sexual harassment can occur in person, via email or telephone, or via other electronic means.
Review Question # 3

Roger is Martin’s supervisor. Martin asks for permission to attend an out of town conference. Roger tells Martin that he will approve attendance if Roger can attend as well, and if they share a hotel room where Roger would receive sexual favors from Martin. Martin tells Roger that he is not interested in a relationship. Is this sexual harassment?

A. No, because men cannot sexually harass other men.
B. Yes, this is an example of quid pro quo sexual harassment.
C. No, because Martin is not interested in Roger.

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

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3 The best response to Review Question # 3 is B. Here, Roger is offering a benefit (the opportunity to attend a seminar) in exchange for sexual favors. This is *quid pro quo* sexual harassment. Answer A is incorrect because sexual harassment can occur between people of the same sex. Answer C is incorrect because it is irrelevant whether Martin is interested in Roger’s advances. Regardless of interest, Roger’s proposition constitutes sexual harassment.
Review Question # 4

For purposes of this question, please assume Pace allows for incidental internet use. Bruce is Donna’s supervisor. Donna missed several deadlines for outstanding projects, but has not been late to work and always looks busy at her desk. Bruce examines Donna’s internet log and determines that Donna spent excessive time on eBay selling merchandise for profit. Bruce counsels Donna, and advises her that she violated several policies, including the Ethics Act and Pace’s internal policies that forbid the use of state owned property (i.e. Pace’s computer and internet service) for personal gain and performing non-Pace work during compensated time. Bruce tells Donna that he will put her on a performance improvement plan, monitor her work for a month, and if her work performance improves, he will not move to terminate her. Is this sexual harassment?

A. Yes, because to keep her job, Donna must perform something for Bruce.
B. Yes, because Bruce is male and Donna is female.
C. No, because Bruce’s performance improvement plan does not require Donna to do anything sexual in nature.

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

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⁴ The best response to Review Question # 4 is C. As Donna’s supervisor, Bruce may discipline his subordinate for rule violations and/or poor performance. A is incorrect. For quid pro quo sexual harassment to occur in this fact pattern, the harasser must imply that something sexual in nature is required in exchange for the employee keeping her job. B is incorrect because the sex of the harasser is irrelevant.
Hostile Work Environment

A hostile work environment may occur when (1) sexually inappropriate words, behavior, gestures, or materials are available for others to see or someone is reasonably offended by them, and (2) that environment is sufficiently severe, pervasive, or persistent to interfere with or limit the ability of an individual to participate in or benefit from working at Pace.

There are many types of behaviors that can be harassing. Examples include using derogatory terms, insults, telling derogatory jokes, taunting, and intimidating actions. Pace prohibits harassing behavior by any person while engaged in Pace business.

While a person engaging in harassing behavior 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. Sometimes the harasser is harassing a person who has power over them. The harasser can even be a person who is not a Pace employee, such as a person delivering supplies to Pace or refilling vending machines, or even a Pace rider. Regardless of the source, Pace does not tolerate harassment.

To determine whether a hostile environment exists, Pace examines the context, nature, scope, frequency, duration, and location of incidents, as well as the identity, number, and relationships of the persons involved. Pace 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, persistent, or pervasive to have created a hostile work or learning environment.

Entities other than Pace can also receive allegations. 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 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, persistent, or pervasive as to constitute a hostile work environment under the law. However, such behavior may violate Pace policy and in those cases, Pace acts to stop the offending behavior to promote a respectful environment. When Pace 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.
Review Question # 5

Rachel and Patricia are having lunch in the breakroom. Anthony, one of their coworkers, walks through the lunchroom. Rachel comments that she likes Anthony’s rear end and pinches his backside. This happens daily. Anthony is embarrassed by the situation. Does he have any recourse?

A. No, because Rachel and Patricia are peers and not his boss.
B. Yes, he can file a complaint, but only with Pace because that is where he works.
C. Yes, he can file a complaint with the EEO Officer, his ethics officer, IDHR, EEOC, or OEIG. Also, if he is comfortable, he can tell Rachel and Patricia to stop their conduct.

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

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⁵ The best answer is C. Answer A is incorrect because, if he so chooses, Anthony can tell Rachel not to touch him inappropriately and/or report their inappropriate conduct regardless of their job positions. Answer B is incorrect because Anthony can also report the incident to the EEO Officer under Pace policies, as well as other entities. Answer C is correct because any employee has the option to file a claim with EEO Officer, Ethics Officer, IDHR, EEOC, and/or OEIG. He can also tell his coworkers to stop the offending behavior.
Review Question # 6

Alanna and Zelda are Pace employees who often work together. Chris works the same shift. During a slow period, Alanna and Zelda played a game called “Sleep with, Marry, Avoid”, where they picked 3 coworkers and had to choose 1 to sleep with, another to marry, and another to avoid based on compatibility. Chris was offended because Alanna and Zelda explained in graphic details who they would choose and why. They also included Chris and his roommates as potential mates in the game. Chris asked Alanna and Zelda to stop. Alanna and Zelda stopped playing this game. Was this a hostile work environment?

A. No, Chris was just upset because they both chose to “Avoid” him.
B. Yes, because both women wanted to “sleep with” David.
C. No, because Alanna and Shirley stopped after Chris asked.

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

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6 The best response to Review Question # 6 is C. To be a hostile work environment, the sexually inappropriate words, behavior, gestures or materials must be available for others to see or someone is reasonably offended by them and must be sufficiently severe, pervasive, or persistent to interfere with or limit someone’s ability to participate in or benefit from working at Pace. Here, Chris was reasonably offended, and asked his coworkers to stop. They stopped immediately. Chris may still report this conduct to his supervisor, Ethics Officer, EEO Officer, IDHR, EEOC, or OEIG. A and B are both incorrect. The game and answers may have been offensive, but because Alanna and Zelda stopped playing after Chris asked, the behavior did not continue over time, and therefore did not create a hostile work environment.
Review Question # 7

Tina and Cheryl work next to each other. Tina snaps her gum when she chews, talks on the telephone loudly, belches loudly, and leans over Cheryl’s cubicle to socialize, making it difficult for Cheryl to complete her work. Cheryl asks Tina to be more respectful, but Tina’s offensive behavior continues. Does Tina’s behavior create a hostile work environment?

A. No, although her behavior is offensive, it is not sexual in nature.

B. Yes, because Cheryl is reasonably offended.

C. Yes, Cheryl cannot complete her work due to Tina’s behavior.

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

7 The best response to Review Question # 7 is A. To be a hostile work environment, the sexually inappropriate words, behavior, gestures or materials must be available for others to see or someone is reasonably offended by them and must be sufficiently severe, pervasive, or persistent to interfere with or limit someone’s ability to participate in or benefit from working at Pace. Here, Tina’s behavior is offensive, persistent, and it prevents Cheryl from completing her work. However, the offensive activity does not involve sexually inappropriate behavior. Although this disrespectful behavior may require manager or HR intervention, the behavior is not actionable as creating a hostile work environment for sexual harassment purposes. Although B and C are true statements, they do not answer the question.
Pace Policies and Procedures for Reporting Sexual Harassment

There are many ways an employee can address sexual harassment.

Sometimes an employee can resolve sexual harassment 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 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 Pace’s HR Manager and EEO Officer, Marion Roglich, at 847-228-2310 (or via email at marion.roglich@pacebus.com) or CFO, Dominick Cuomo at 847-228-4244 (or via email at dominick.cuomo@pacebus.com). A Pace employee may also report sexual harassment to Pace’s Ethics Officer, James Caronis at 847-228-2365 (or via email at james.caronis@pacebus.com). In all cases, the individual who receives the complaint must forward it immediately to Pace’s EEO Officer.

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

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

Other Ways to Report Sexual Harassment

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

https://www.illinois.gov/dhr/FilingaCharge/Pages/default.aspx
Finally, 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](http://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 # 8

Dina works in an office with Bret, Clyde and Barry. Bret posts pictures of bikini models in his office. The group often has meetings in Bret’s office. Bret, Clyde, and Barry compare the bikini models to Dina, and repeatedly ask her to model bikinis for them. Dina asks them to knock it off, but their behavior continues. Dina then reports the behavior to the manager, Art. After this, Bret replaces the bikini models with nude models. The men ask Dina to model nude. Dina is offended by the behavior and feels threatened by her coworkers. She addresses the issue with her manager again, who tells her that she should not let the harmless “locker room talk” offend her. Does Dina have additional recourse?

A. Yes, she can file a formal Complaint with the EEO officer, Ethics Officer, IDHR, OEIG or EEOC.

B. No, she can file a claim only with the IDHR.

C. No, the men did not create a hostile work environment.

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

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8 Answer A is correct. There are many ways to file a complaint for sexual harassment. An employee may file an internal complaint with the EEO Department, and an employee may also file a complaint with external agencies, such as the Illinois Department of Human Rights, or the Office of Executive Inspector General. Therefore, answer B is incorrect. Answer C is incorrect. Here, Dina was reasonably offended by her coworkers’ behavior and asked them to stop. They did not do so, and she informed her manager of the behavior. The manager took no corrective action despite the complaint. The offensive behavior makes it very difficult for Dina to do her job. Her manager did not address her concerns, so she may proceed further by filing a formal internal complaint or a formal external complaint.
Consequences for Violating the Prohibition on Sexual Harassment

State employees who engage in sexual harassment, who make false reports of sexual harassment, or who obstruct, interfere with, or fail to cooperate with investigations into alleged sexual harassment are subject to significant penalties, including fines, 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 Pace; 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. See 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 and may be prosecuted. See 5 ILCS 430/50-5(d). Similarly, an employee who knowingly makes a false complaint violates Pace’s EEO Policy and Pace’s Sexual Harassment Policy, and is subject to discipline, up to and including termination.
Review Question # 9

Jane applies for a job in Jake’s department. Although Jane is qualified for the position, Jake instead hires Crystal, who is also qualified for the position. Jane is upset and files a sexual harassment claim with her EEO Officer, alleging that Jake passed her over because she refused to date him. Jane knows her claim is not true, as Jake neither asked her on a date or nor committed any other type of sexual harassment. The agency EEO officer investigates Jane’s claims and makes no finding against Jake. Did Jane’s filing of a false report violate Pace policies?

A. No, because Jake suffered no consequences after the false report.

B. Yes, she violated Pace EEO Policy and Sexual Harassment Ordinance, which prohibit filing a fraudulent sexual harassment claim.

C. No, because she did not report the claim to her Ethics Officer.

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

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⁹ B is correct. Pace’s Sexual Harassment Policy HR-21 prohibits the filing of fraudulent sexual harassment claims (In addition, filing a fraudulent sexual harassment claim violates the Ethics Act). Filing a fraudulent claim may subject Jane to discipline, up to and including termination of employment. Answer A is incorrect. Even though Jake did not engage in any wrongdoing, Jane’s actions violated Pace policies. Answer C is incorrect, because it is irrelevant to whom Jane filed the fraudulent report.
Information About Retaliation

Retaliation against individuals who report sexual harassment or who participate in investigations and other proceedings is strictly prohibited by the Ethics Act, the Human Rights Act, and the 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 Pace 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 430/15-5 et seq., a Pace employee cannot take retaliatory action against a Pace employee who (1) reports allegations of sexual harassment, (2) provides information or testifies in connection with an investigation, hearing, or other inquiry, 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 “has opposed that which he or she reasonably and in good faith believes to be unlawful... sexual harassment in employment.” 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 # 10

Dan and Susan are co-workers, and they are both supervised by a manager named Chloe. Chloe repeatedly asked Dan out on dates, and Dan declined each time. Chloe also inappropriately touched Dan and made sexual overtures to him. This made Dan feel uncomfortable, and he reported Chloe’s conduct to the EEO Office. Dan also told Susan about Chloe’s conduct.

After Dan filed a complaint with the EEO Office about Chloe’s conduct, the EEO Unit interviewed Susan about Dan’s allegations. Chloe learned about Susan’s participation in the EEO investigation, and within a few weeks, Chloe reassigned Susan to a new work location very far from her home. Around that same time, Chloe suspended Susan for several days for conduct that other employees engaged in but were not disciplined for. Does Susan have a retaliation claim?

A. No, because Dan was sexually harassed by Chloe, not Susan.

B. Yes, because Susan participated in an EEO investigation, and it appears that she was retaliated against due to that participation.

C. No, because Susan did not lose her job.

Footnote:
The best response to this question is Answer B. Susan cannot be retaliated against for participating in an investigation, and it appears that Chloe’s conduct in transferring and suspending Susan was retaliatory. Answer A is incorrect because it is immaterial that the underlying EEO complaint related to Dan and not Susan. Answer B is incorrect because one can be retaliated against without losing one’s job.
Acknowledgement of Participation in:

2018 Sexual Harassment Training for Employees of Pace

I certify that I have carefully read and reviewed the content of, and completed, the 2018 Sexual Harassment Training for Employees of Pace. 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 Pace employment/appointment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.

________________________________________
Signature

________________________________________
Printed Name
(first, middle initial, last)

________________________________________
Employee ID Number

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

________________________________________
Date

________________________________________
Name of Employer

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