Exhibit C
Note: This training course has been developed in accordance with the requirements of the State Officials and Employees Ethics Act (5 ILCS 430/6-10). It has been developed for this purpose under the direction of the Office of Executive Inspector General for the Agencies of the Illinois Governor ("the OEIG"). Not for use by other than State of Illinois employees, appointees or officials without the express prior consent of the OEIG.
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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 the Ethics Act places obligations on you as a member to a governing board of a Regional Transit Board 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 members 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 appointment to a Regional Transit Board, you may contact its ethics officer, who is responsible for providing guidance to you in the interpretation and implementation of the Ethics Act.

The Ethics Act and other ethics-related laws, rules, and policies are intended to ensure that the functions of public entities, including the Regional Transit Boards, are conducted with fairness, honesty, and integrity. These qualities are part of what it means to follow the principles of ethics.

It is your responsibility to become familiar with and obey the laws, rules, policies, and regulations that apply to you as an member to a board of a Regional Transit Board, including, but not limited to, the Regional Transportation Authority Act (RTA Act) (70 ILCS 3615). If you have a question about either the legality or ethics of a matter related to the board, you may discuss it with the board’s ethics officer or you may seek private legal counsel.

Ethics Officers

Each Regional Transit Board is required to designate an ethics officer. This ethics officer:

- acts as a liaison between the board and the OEIG and the EEC; and
- provides guidance to board employees and members in the interpretation and implementation of the Ethics Act.

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 at its web site: http://www.inspectorgeneral.illinois.gov.

Executive Ethics Commission
(www2.illinois.gov/eec)

The Executive Ethics Commission (EEC), in conjunction with the executive inspectors general and the attorney general, is responsible for the oversight of, compliance, implementation, and enforcement of the Ethics Act. The commission consists of nine commissioners, appointed on a
bipartisan basis, and it exercises jurisdiction over all officers, members, and employees of state agencies under the six executive branch constitutional officers of the state, as well as the nine state public universities. It also has jurisdiction over the four Regional Transit Boards, i.e., the RTA, the CTA, Metra, and Pace.

The commission promulgates rules governing investigations of the executive inspectors general, prepares public information materials to facilitate compliance with ethics laws, provides guidance to ethics officers, reviews reports of activity from executive inspectors general and reports of ex parte communications from ethics officers, oversees employee ethics training, and conducts administrative hearings related to alleged violations of the Ethics Act. For additional information about the Executive Ethics Commission, visit its website at: http://www2.illinois.gov/eec.

**Office of Executive Inspector General**
(www.inspectorgeneral.illinois.gov)

Established in 2003, the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) is an independent state agency. Its primary function is to investigate fraud, abuse, and violations of laws, rules, and policies in governmental entities. The OEIG investigates allegations of misconduct by the employees, members, 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  OEIG 607 East Adams, 14th Floor
Chicago, Illinois 60602  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)

“In recent years, she was required to take annual ethics training that covered issues related to prohibited political activities. She should have known better.” (EEC decision #11-EEC-005)

– These are words from an Executive Ethics Commission decision. They are in explanation of the commission’s decision to levy a $4,000 fine against the former executive director of the Illinois Board of Higher Education, for violating the Ethics Act. They reinforce the importance of learning about and complying with the law.

The State Officials and Employees Ethics Act (5 ILCS 430/5-10) requires transit board employees and members to complete, at least annually, an ethics training program developed in consultation with the OEIG and the EEC. It also requires that new employees and appointees complete ethics training within 30 days of the commencement of their employment or appointment. This training program is intended to allow you to meet your obligation to comply with those requirements.

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

Failure to complete training when directed to do so exposes appointees to possible administrative action. Additionally, the 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.

Personnel Policies
(Ethics Act, Section 5-5)

Regional Transit Board employees and appointees are required to follow the applicable personnel policies of the transit boards. Under the Ethics Act, these policies must include elements related to:

- work time requirements;
- documentation of time worked/time sheets;
- documentation for reimbursement for travel on official business;
- compensation; and
- earning and accrual of transit board benefits for those eligible for benefits.
As a transit board appointee, you are expected to become familiar with and adhere to the transit board’s personnel policies.

Your ethics officer can better explain what specific policies apply to you.

**Conflicts of Interest**

"DCFS [employee] took official action related to awarding a no-bid contract to [a company], which was a contract involving a person with whom [the employee] had a financial relationship, in violation of DCFS’s conflict of interest policy..." (OEIG Case #15-02309)

- These words are from a publicly released OEIG investigative report. The OEIG found that the state employee violated DCFS’ conflict of interest policy by participating in the decision to award a no-bid contract to a company in which the state employee had co-ownership of investment property with one of the company’s consultants.

Many appointees of governmental boards and commissions serve on a part-time basis and are also employed elsewhere. As a result, board members may be more likely than other governmental employees to have personal, financial, or business interests that have the potential to conflict with their official work.

A conflict of interest occurs when the interests of employees or members are in conflict with the interests of their board. This might occur, for example, when the decisions or recommendations employees or members 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:**
A transit board member has a conflict of interest when she participates in a decision to award a contract for transit board business to a company owned by a friend. Another example of a conflict of interest occurs when a member attempts to influence a vote of fellow board members in order to benefit the member’s own financial interests.

**Recommended Best Practice**
In any instance where you believe you may have, or appear to have a conflict of interest with respect to your position, it is your responsibility to follow your board’s conflict policy. In the absence of a relevant policy, disclosure should be made to the transit board’s chair and ethics officer. Every immediate effort should be made either to eliminate the conflict
or to recuse yourself from any official business related to the conflict. You should also be alert to the appearance of conflicts of interests in your official duties.

In certain instances, a transit board employee or member’s conflict of interest may violate the law. For example, it would be unethical and possibly illegal for a transit board employee or member to provide confidential information about a vendor selection process to a business associate whose company is vying for transit board business.

Conflicts of Interest Lesson Review

Scenario #1

Amanda is a transit board member who also has a second job with a company that does business with the transit board. As part of Amanda’s board service, she votes to approve or reject certain transit board contracts.

Amanda’s secondary employer submitted a bid for a contract with her transit board. Should Amanda participate in the award of this contract?

A. Yes, as long as the Board vote is not close.
B. Yes, Amanda can improve her status with her secondary employer by helping it obtain additional business.
C. No. Amanda should not participate in the award of this contract. She should notify her colleagues of her conflict, and follow her board’s conflict of interest rules.

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

Scenario #2

Ronald, a transit board member, is reviewing applications for an open senior position, and notices that a family friend has applied. Ronald forwards the application to the hiring manager with instructions to schedule an interview.

Are Ronald’s actions appropriate?

A. Yes. There is nothing inappropriate about scheduling an interview for someone who happens to be a family friend for state employment.
B. No. Ronald’s relationship with the applicant represents a conflict of interest.

¹ The best response to Scenario #1 is C. Amanda should notify her colleagues of the conflict of interest and follow any applicable policies of her transit board in dealing with the matter.
C. Yes, if the family friend is qualified to perform the job duties, then there is no issue with Ronald’s actions.

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

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

"[The] respondent violated [the Ethics Act]... when she intentionally performed “prohibited political activity” during compensated time, by distributing political flyers to other State employees." (EEC decision #16-EEC-006)

– These are words from a publicly released EEC decision. The commission decided to levy a $1000 fine against the respondent for intentionally misappropriating state resources to engage in prohibited political activity.

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

- Prepare for, organize, or participate in any political meeting, political rally, political demonstration, or other political event

  For example, an employee may not send an email to fellow workers during work hours and/or using a transit board email account, encouraging them to attend a rally for a candidate for elective office. Nor may employees use a transit board email account, at any time, to, for example, issue invitations to or advertise a political event to anyone.

- 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 any thing 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

² The best response to Scenario #2 is B. Ronald’s relationship with the applicant constitutes a conflict of interest regardless of whether his friend is qualified for the position. While there is no issue with encouraging people to apply for open positions, Ronald should not participate in scheduling interviews with regard to his friend and he should consult his agency’s ethics officer to ensure that he complies with applicable laws and policies, if necessary.
• 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

For example, it is unlawful for transit board employees, during their compensated time (other than vacation, personal, or compensatory time off), to call potential voters on behalf of a candidate to find out whom they might vote for in an upcoming election.

• 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 or a political organization, or for or against any referendum question, or help in an effort to get voters to the polls

For example, it would be inappropriate for you to distribute campaign literature at an event where you are speaking in an official capacity.

• Initiate for circulation, prepare, circulate, review, or file a petition on behalf of a candidate for elective office or for or against any referendum question

• Make a political contribution to any candidate or political organization

• 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

For example, it would be inappropriate for a transit board member to use his or her board title in connection with any political endorsement.

• Manage or work on a campaign for elective office or for or against any referendum question

For example, it is unlawful for transit board employees to use transit board-provided telephones, even during an uncompensated lunch period or before or after their normal work hours, to work on someone’s campaign for elective office or to perform other prohibited political activities.

• Serve as a delegate, alternate, or proxy to a political party convention

• Participate in any recount or challenge to the outcome of any election
Lastly, a supervisor may not compel a transit board employee to perform political activities at any time.

**Required Practice**
Regional Transit Board employees and members must not engage in prohibited political activities during compensated time (other than vacation, personal, or compensatory time off) or by misappropriating any transit board resource (such as phones, copiers, letterhead, fax machines, email accounts, etc.).

**Prohibited Political Activities Lesson Review**

**Scenario #3**

Tracey is speaking to a trade group with interests before her transit board. Another speaker, a state legislator, notes that he is running for re-election, and when Tracey speaks, she quickly and briefly encourages the audience to re-elect the legislator.

Is this a violation of the Ethics Act?

A. Yes. The Ethics Act forbids transit board members to endorse candidates at any time.

B. No. Limited activities, such as Tracey’s brief mention of the legislator’s candidacy, do not violate the Ethics Act.

C. Yes. The Ethics Act forbids transit board members to endorse candidates in their official capacity.

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

**Scenario #4**

Derek is a recently appointed member of a transit board. On occasion, and as allowed by his board’s policies, Derek makes very limited use of his transit board computer for personal business. During this limited use, would it be permitted for Derek to send a friend a very brief message about a rally promoting a candidate?

A. Yes, because his board’s policy allows occasional use of his board computer for personal purposes.

³ The best response to Scenario #3 is C. The Ethics Act prohibits state employees from intentionally soliciting votes on behalf of a candidate for elective office in their official capacity.
B. No, because the Ethics Act prohibits the intentional misappropriation of board property or resources for purposes of a prohibited political activity such as organizing a political rally.

C. Yes, because the message is brief and is only being sent to one individual.

Select the best answer(s) and then compare your response to the explanation at the bottom of this page.\(^4\)

**Political Contributions on Regional Transit Board or State Property**
(Ethics Act, Section 5-35)

As a member to a Regional Transit Board you may not intentionally solicit, accept, offer, or make political campaign contributions on transit board or state 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.

Transit board property means any buildings or portions thereof that are owned or exclusively leased by a transit board. “State property” means any building or portion thereof that is owned or exclusively leased by the state. “State property” does not include any building or portion thereof that is leased by another entity.

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

A Regional Transit Board employee, member, or official may not offer or promise anything of value related to a transit board or state government 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 transit board employee, member, or official (or a state employee, member 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 a transit board or state government;
- promotions;
- salary increases;

\(^4\) The best response to Scenario #4 is B. The Ethics Act prohibits this and various other political activities from being performed through the misappropriation of board property or resources, such as but not limited to telephones, fax machines, copiers, computers, and email accounts. There are no exceptions to these restrictions based on the insignificance of the misappropriation. Furthermore, transit board policies may not contravene the Ethics Act.
• 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; 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; and
• action or inaction on any legislative or regulatory matter.

For Example:
It is unlawful for a transit board employee or member to offer an action by the transit board or to offer someone a transit board job, or to offer the award of a contract, in exchange for a political campaign contribution.

Prohibited Public Service Announcements and 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.
Ban on Gifts from Prohibited Sources
(Ethics Act, Sections 10-10, 10-15, 10-30, and 10-40)

"Respondent violated the gift ban in the Ethics Act when she intentionally accepted roundtrip airfare... in the amount of $2,845.80, ... from [a prohibited source]." (EEC decision #16-EEC-005)

— These are words from an EEC decision to fine an IDOT employee for intentionally accepting an offer from a prohibited source. The employee was fined $1000 by the EEC.

There are twelve statutory circumstances, listed on the following page, in which you, as a Board member, may accept or solicit a gift in relation to your Board duties. Outside of those exceptions, you must not ask for or accept anything of value (other than the compensation you may receive from the transit board) in relation to your position. Asking for or accepting a gift may be illegal under the Ethics Act, or prohibited by transit board policies. Furthermore, anything of value, if offered to you in exchange for an official act, may be considered a bribe, even if it otherwise qualified for an exception to the Gift Ban.

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 certain honoraria for speaking engagements.

Under the Ethics Act, transit board employees or members 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. It is also unlawful for employees’ or members’ spouses or immediate family members living with them to solicit or accept a gift from a prohibited source.

In summary, a prohibited source includes a person or entity that:

- seeks official action by a transit board employee or member or by the member, transit board, or other employee directing the employee;
- does business or seeks to do business with the employee or member or with the member, transit board, or other employee directing the employee;
- conducts activities that are regulated by the employee or member or by the member, transit board, or other employee directing the employee;
- has interests that may be substantially affected by the performance or non-performance of the official duties of the transit board employee or member;
- is a registered lobbyist under the Lobbyist Registration Act; or
- is an agent, a spouse, or an immediate family member who is living with a prohibited source.

Under the Ethics Act, there are a limited number of specific circumstances under which you may lawfully accept certain items of value from a prohibited source.
The list of exceptions is limited to:

- opportunities, benefits, and services available to the general public on the same conditions;
- anything for which a transit board employee or member 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 (as further defined below *);
- travel expenses for a meeting to discuss transit board business (as further defined **);
- a gift from a relative;
- anything provided by an individual on the basis of personal friendship, unless the employee or member has reason to believe that, under the circumstances, the gift was provided because of the official position of the employee or member and not because of the personal friendship;
- food or refreshments that do not exceed $75 per calendar day;
- food, refreshments, lodging, transportation and other benefits resulting from 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 transit board employees or between transit board employees and other government employees);
- bequests, inheritances, and other transfers at death; and
- any item or items from any one prohibited source during any calendar year having a cumulative total value of less than $100.

*EEC Regulation [2 Ill. Adm. Code 1620.700] states that educational materials and missions are those that have a close connection to the recipient’s state 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 shall 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.

**EEC Regulation [2 Ill. Adm. Code 1620.700] further states that travel expenses for a meeting to discuss state business are those that have a close connection to the recipient’s state employment; predominately benefit the public and not the employee; are for travel in a style and manner in character with the conduct of state 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 shall 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.

Under the Ethics Act, if a transit board employee or member receives a gift from a prohibited source, he or she does not violate the law if he or she promptly:

- returns the gift to the giver; or
- gives the gift or 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.
Recommended Best Practice
In general, it is recommended that you decline anything of value offered to you (other than compensation or reimbursement you may receive from your board) in relation to your official duties. Furthermore, you should be mindful of accepting gifts that have the appearance of being improper.

Gift Ban Lesson Review

Scenario #5

Denise, an employee of a transit board, contacts the board’s printer service vendor after a printer malfunction. After repairing the printer, the vendor offers a free toner cartridge to compensate the office for the inconvenience.

Is it lawful under the Ethics Act for Denise to accept the vendor’s offer?

A. Yes, the Ethics Act allows the acceptance of a gift offered by a prohibited source to a transit board, rather than to an individual board employee.

B. No, because the value of the toner cartridge is not known.

C. Yes, inconvenience to Denise is an exception to the gift ban section of the Ethics Act.

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

Official Misconduct and Bribery
(Criminal Code of 2012 (720 ILCS 5/33-3))

▶ Bribery
Among other circumstances, bribery 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. Note that exceptions to the gift ban do not apply to the bribery statute. Any gift, even one that is permitted by the gift ban, may, if intended to influence an intentional act, constitute a bribe.

⁵ The best response to Scenario #5 is A. Denise’s acceptance of the toner cartridge for use by her transit board is lawful under the Ethics Act’s gift ban. The gift ban applies to items of value offered by a prohibited source for the personal use of board employees, appointees and officials and not to those which are offered, as in this instance, to an employee who would receive it on behalf of a transit board. In this case, the value of the toner cartridge is not relevant to determine whether it may be lawfully accepted under the Ethics Act. Also, inconvenience to a transit board employee is not an actual exception to the gift ban section of the Ethics Act.
Reporting Bribery
Any state official or employee who is offered a bribe, even if they decline to accept the bribe, must report the attempt to the Illinois State Police. Failure to report a bribe or an offer of a bribe is a Class A misdemeanor.

Official Misconduct
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;
- perform an act in excess of their lawful authority with intent to obtain personal advantage for themselves or another; or
- solicit or knowingly accept for the performance of any act a fee or reward which they know is not authorized by law.

Public officers or employees convicted of violating any of these provisions forfeit their office or employment. Official misconduct is a Class 3 felony.

For Example:
A transit board employee or member delays official action for no valid reason in order to obtain something of value for his personal benefit may be referred for criminal prosecution.

For Example:
It is unlawful for transit board employees to request or accept anything of value in exchange for granting a transit board contract to a vendor or hiring an employee.

If transit board employees or officials accept a bribe, they could face criminal charges. It is also a criminal violation of the law if transit board employees or officials fail to report a bribe to the Illinois State Police, who will relay the report to the State’s Attorney’s Office.
Revolving Door (Post-Regional Transit Board Employment) Procedures
(Ethics Act, Section 5-45)

The revolving door provisions of the Ethics Act prohibit public employees, for a year after leaving board service, from accepting employment or compensation from a person or entity, if, during the year prior to leaving board service, the member participated “personally and substantially” in the award of a contract or contracts with a cumulative value of $25,000 or more to a person or entity, its parent or subsidiary. The revolving door provisions also apply if they participated personally and substantially in a regulatory or licensing decision directly applicable to the person or entity, its parent or subsidiary. Certain board members whose positions may have the authority to participate personally and substantially in such decisions are required to seek a determination from the OEIG that they may accept employment prior to accepting an offer. A small number of high-ranking public officials are prohibited from accepting employment or compensation from any person or entity who is party to a contract involving the employee’s state agency or the subject of a regulatory or licensing decision involving the employee’s agency, even if they did not individually participate awarding a contract to, or making a regulatory/licensing decision directly applicable to, the person or entity.

► Revolving Door Provisions that Apply to Certain RTB Members: The C List
The Ethics Act describes the C List under subsection (c) of Section 5-45. If you are appointed to a position that has authority to participate personally and substantially in the award of state contracts or in regulatory or licensing decisions, you may be on the C List. If you are on the C List, you should be instructed in writing by your agency that you must notify the OEIG prior to accepting a non-state employment offer during your board service or within a period of one year immediately after termination of your board service.

Within 10 calendar days of receiving your notification, the OEIG will determine if you are restricted from accepting the offer.

The OEIG’s determination regarding a post-board employment offer will be based on whether, during the year preceding departure from board service, the board member participated personally and substantially in any regulatory or licensing decision or contract award directly applying to the prospective employer, and on the effect that the prospective employment may have had on any such decisions.

The OEIG’s determination may be appealed to the Executive Ethics Commission by either the affected member or the Office of the Attorney General no later than 10 calendar days after the date of the determination. Therefore, an OEIG’s determination is not final until either the time to appeal has expired without appeal or, in the case of an appeal, until the EEC has made its decision.
**Revolving Door Provisions that Apply to Certain RTB Members: The H List**

The Ethics Act describes the H List under subsection (h) of Section 5-45. Some transit board members may be on the H List. Being on the H List means that you are prohibited from knowingly accepting employment or compensation offers from a person or entity or its parent or subsidiary if, during the year immediately preceding termination of your official position, that person or entity was a party to a contract or contracts involving your board cumulatively valued at $25,000 or more, or was the subject of a regulatory or licensing decision involving you or your board. The “H List” employment provisions apply regardless of whether the officer, employee, or member participated personally and substantially in the award of the board contract or contracts or the making of the regulatory or licensing decision in question.

Your ethics officer can better explain whether or not the H List provisions apply to you. In addition to certain board members, these provisions apply to:

- the head of a department, bureau, authority, or other administrative unit;
- 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, or assistant chiefs of staff.

<table>
<thead>
<tr>
<th>All Board Members</th>
<th>H List Board Members</th>
<th>C List Board Members</th>
</tr>
</thead>
<tbody>
<tr>
<td>For one year after leaving Board service, no Board member may accept post-Board employment with any entity with regard to which, in the year prior to leaving Board service, he or she participated personally and substantially in the award of contracts with a cumulative value of $25,000 or more to the potential employer, its parent or subsidiary; or in a regulatory or licensing decision that directly applied to that entity, or its parent or subsidiary.</td>
<td>In addition to the prohibitions that apply to all Board members, certain high-level members, including, among others, constitutional officers, members of constitutionally created boards, certain appointees and board members, heads of State agencies, chief procurement officers, and chiefs of staff, called “H List” employees, are subject to the following prohibition: For one year after leaving Board service, an H Lister may not accept post-Board employment with any entity that was a party to Board contracts with a cumulative value of $25,000 or more involving the member’s transit board, or that was subject to a regulatory or licensing decision involving the member’s board, irrespective of whether the member personally participated in the contract award or regulatory/licensing decision.</td>
<td>The Ethics Act requires the identification of a subset of Board members, called “C Listers,” who are required to seek a determination from the OEIG before accepting post-Board employment with most non-Board employers. Board members are placed on the C List if their positions, by the nature of their duties, may have the authority to participate personally and substantially in the award of State contracts or in regulatory or licensing decisions. Board members who are not on the C List are not required to seek a determination from the OEIG before accepting non-Board employment; however, because all Board members and employees are subject the revolving door prohibitions, EEC regulations provide that any Board member (other than those on the H List) may seek a determination from the OEIG.</td>
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**RTA Act Revolving Door Prohibitions that Apply to RTB Members: RTA Act Sec. 4.15**

The RTA Act includes additional provisions that apply to current and former members of the RTA board and the service boards, Section 4.15 of the RTA Act (70 ILCS 3615/4.15). Beginning January 1, 2015, current and former members of the four Chicago-area Regional Transit Boards are prohibited from accepting employment or compensation from the RTA, PACE, Metra, and the
CTA, throughout their board service and continuing for one year after leaving the board. If you have questions about this rule, speak with your ethics officer.

- Exceptions Applicable to Officers and Employees of a Regional Transit Board

The prohibition on post-RTB employment for transit board members and employees does not extend to:

1. the United States government;
2. the State;
3. municipalities, as defined under Article VII, Section 1 of the Illinois Constitution;
4. units of local government, as defined under Article VII, Section 1 of the Illinois Constitution; or
5. school districts.

Note that these exceptions do not apply to the prohibition in Section 4.15 of the RTA Act. While you may accept employment with a state agency, you may not accept compensation with any of the Regional Transit Boards.

If you violate the revolving door provision of the Ethics Act, the Executive Ethics Commission has authority to issue a fine to a Regional Transit Board employee or member in an amount of up to three times the total annual compensation that would have been obtained.

- Revolving Door Lesson Review

Scenario #6

Patrick is a transit board member. He is contacted by a professional recruiter about an open position at a company that the Board just voted to award a large contract to.

What actions, if any, must Patrick take before accepting the new employment offer?

A. None, since revolving door employment restrictions only apply to state constitutional officers.

B. Patrick may first accept the offer but must notify the OEIG before starting work.

C. Patrick may not accept an offer of employment at the firm for one year after the board took action on the matter.
Select the best answer(s) and then compare your response to the explanation below.  

**Additional Rules for Appointees to Boards of Regional Transit Boards** (Ethics Act, Section 5-55, Lobbyist Registration Act, 25 ILCS 170/3.1, Governmental Ethics Act, 5 ILCS 420/3A-35, and the Public Officer Prohibited Activities Act, 50 ILCS 105/3)

Certain appointees, including members of Regional Transit Boards, have specific additional laws and rules that apply to them.

- **Registered Lobbyists** (Lobbyist Registration Act, 25 ILCS 170/3.1)
  Any person who communicates with an official of the executive or legislative branch of state government for the purpose of influencing executive, legislative, or administrative action may be required to register under the Lobbyist Registration Act. Registered lobbyists are those individuals who meet certain criteria under the Lobbyist Registration Act and are therefore required to register with the Illinois Secretary of State.

  A person required to register as a lobbyist may not serve on a board, commission, authority, or task force authorized or created by state law (including the Regional Transit Boards) or by executive order of the governor. Exceptions to this prohibition are limited to instances where the lobbyist serves:

  - in an elective public office, whether elected or appointed to fill a vacancy; or
  - on an advisory body that makes nonbinding recommendations to an agency of state government, but does not make binding recommendations or determinations or take any other substantive action.

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**Recommended Best Practice**

Any registered lobbyist who serves on a board, commission, authority, or task force under one of these exceptions should not take part in any decision that may affect one of his or her clients.

Spouses and immediate family members who are living with a person required to register as a lobbyist also may not be appointed to a Regional Transit Board.

- **Holders of Regional Transit Board Contracts or State Contracts** (Ethics Act, Section 5-55, Governmental Ethics Act Section 3A-35, and Public Officer Prohibited Activities Act, Section 105/3)

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6 The best response to Scenario #6 is C. By law, if Patrick is personally and substantially involved in the issuance of a contract or contracts worth more than $25,000 in his final year of board service, then he may not accept employment or compensation with any entity involved in that contract, for one year after he leaves board service. Penalties for violating the revolving door provisions, which may reach three times annual compensation, apply to state employees and board appointees, not to an entity that makes an employment offer.
Under the Ethics Act, a person, his or her spouse, or any immediate family member living with that person, may not serve on a Regional Transit Board if that person meets any of the following criteria:

- the person has more than a 7 ½ percent interest in a transit board contract or a state contract; or
- the person, together with his or her spouse and immediate family members living with them, has more than a 15 percent interest in a transit board contract or a state contract.

This provision does not apply if:

- the contract in question is an employment contract;
- the person, the spouse, or the immediate family member is serving in an elective public office; or
- the person, the spouse, or the immediate family member is serving on an advisory body that makes non-binding recommendations.

**Recommended Best Practice**

Any individual appointed to a Regional Transit Board should disclose all contracts the individual has with the board or with the state.

In addition, under the Governmental Ethics Act, a transit board member may not have or acquire a contract or a direct financial interest in a contract with the transit board during his or her term of office and for one year after the conclusion of his or her term. This restriction under the Governmental Ethics Act also applies to the transit board member’s spouse or an immediate family member of the transit board member living in the board member’s residence.

The Public Officer Prohibited Activities Act also places restrictions on transit board members. Under this statute, subject to limited exceptions and disclosures, a transit board member may not have an interest in a contract with a transit board on which the transit board member may be called upon to act or vote.

**Regional Transportation Authority Directors** (RTA Act, 70 ILCS 3615/3.01(f))

Except as otherwise provided by the Regional Transportation Authority Act, no RTA director shall, while serving as such, be an officer, a member of the board of directors, or trustees or an employee of any “service board” (board of the CTA, Metra, or Pace) or transportation agency, or be an employee of the State of Illinois or any department or agency thereof, or of any unit of local government or receive any compensation from any elected or appointed office under the Constitution and laws of Illinois; except that an RTA director may be a member of a school board.

**Whistleblower Protection**

(Whistleblower Act, 740 ILCS 174)
Under the Whistleblower Act, it is unlawful for any employer to retaliate or threaten retaliation for an employee’s disclosure of 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. Violation of this Act is a Class A misdemeanor.

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 costs, expert witness fees, and reasonable attorney’s fees.

In addition, the transit boards may have their own policies affecting whistleblower activities.

**Reporting Violations of Law, Rule, Regulation, or Policy**

**OEIG Hotline: 866-814-1113**

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

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”).

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

Alleged violations may be reported to the OEIG anonymously.

**Rights and Responsibilities during Investigations**

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

Regional Transit Board members and employees who become involved in an investigation conducted by the OEIG have both rights and responsibilities. As a transit board member, 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 OEIG may issue subpoenas to compel the attendance of witnesses and the production of documents and other items for inspection and copying.
In particular, the OEIG may request that any transit board member or 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 transit board control must be made in writing by the OEIG. 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.

As a transit board member, you have various additional rights during investigations, including, but not limited to those resulting from EEC rules (2 Ill. Admin. 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 must 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 must 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 state employee’s (transit board employee or member’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 420 et seq.)

Various public employees, members, and officials including certain staff and board members at the RTA, Metra, the CTA, and Pace, are among those individuals required to file annual
Statements of Economic Interests, which are intended to disclose publicly certain financial interests.

Generally, transit board members are required to file statements of economic interests, as are employees of the RTA, Metra, the CTA, and Pace who:

- are, or function as, the head of a department, division, bureau, authority or other administrative unit or who exercise similar authority;
- have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance, or execution of contracts entered into by their employer in the amount of $1,000 or more;
- have supervisory responsibility for 20 or more employees of their employer.

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 April 1 annually, the appropriate county clerk will notify you of the need to file a statement. This notification typically includes a form 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; and
- 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 individual during the preceding calendar year.

If you have a question about a statement of economic interests, you may seek the advice of the transit board’s ethics officer.

**Truthful Oral and Written Statements**

"[Respondent] admitted that he falsified his Metra employment application when he indicated that he left [a previous employer] voluntarily." (OEIG Case #16-01981)
These are words from a publicly released OEIG investigative report regarding a Metra employee who provided false information on his employment application. The employee was discharged.

It is vital to the integrity of a Regional Transit Board that all oral and written statements made by you, in your official capacity as a transit board member, 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 forms;
- statements of economic interests;
- board decisions and proceedings; and
- letters, emails, and reports.

Falsification of official documents or untruthful statements made in the conduct of transit board business are unethical, may violate transit board policies or law and may subject a transit board member to administrative action up to and including fine and termination of appointment, and in some instances may result in criminal prosecution.

Regional Transit Board Policies

"By taking no action and allowing fraud to persist for three years, [Respondent] condoned State benefits fraud in the performance of duties." (OEIG Case #13-01684)

These are words from a publicly released OEIG investigative report. The OEIG found that the state employee received and used medical benefits, to which she admitted she was not entitled. The employee resigned from the state position.

It is important each transit board member adhere to those applicable laws, rules, policies, or regulations that are unique to his or her transit board. These may include for example:

- restrictions concerning the solicitation or acceptance of gifts, which may be more stringent than the general gift ban contained within the Ethics Act;
- prohibitions on certain political activities, which may be more restrictive than those prohibitions contained within the Ethics Act;
- rules governing purchasing procedures;
- special time reporting or other personnel-related rules;
- quorum requirements for board meetings;
- residency or other requirements for board membership;
- hiring practices; and
- a code of conduct.

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

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 state employees and members depend upon the specific circumstances. Penalties may include disciplinary action up to and including termination of employment or appointment. In addition, the Executive Ethics Commission may levy administrative fines in the case of violations of the Ethics Act. Illegal acts, such as bribery or official misconduct, may result in referrals to the appropriate authorities for criminal prosecution. Penalties for revolving door violations may include assessments of up to three times a former state employee’s post-state total annual compensation.

Ethics Questions or Concerns

Regional Transit Board employees who have questions or concerns about a work-related ethics issue may contact their transit board’s ethics officer. Under the Ethics Act, ethics officers, among their other duties, provide guidance to employees in the interpretation and implementation of the Ethics Act, which guidance employees may in good faith rely upon.

Examples of the Ethical Obligations of Transit Board Employees and Appointees

The following are examples of actions or situations concerning the various ethical obligations of Regional Transit Board employees and members:

1. **Example:** A transit board supervisor has directed a subordinate to deliver campaign donations to a candidate for elective office.

   **Ethical Assessment:** The law prohibits any transit board employee or appointee from intentionally misappropriating the services of any transit board employee or appointee by requiring that employee to perform any prohibited political activity as part of his or her board duties.

2. **Example:** A transit board employee regularly uses his board-issued laptop computer to post updates to his personal social media accounts.

   **Ethical Assessment:** Excessive personal use of a transit board computer may violate policy and may result in disciplinary action.

3. **Example:** While making hiring decisions, a transit board employee ignores her board’s policies intended to provide preference to military veterans.
**Ethical Assessment:** Bending or ignoring a transit board’s policies, even in those instances where it does not benefit a board employee, family member, friend, or business associate, is both unethical and possibly illegal. Depending on the circumstances, the employee may be subject to disciplinary action or other penalties under the law.

4. **Example:** In order to avoid delaying its approval, a transit board employee authorized the issuance of a contract in the absence of his supervisor, knowing that he did not have appropriate authority to do so. The employee did so because he was certain his boss would concur in his decision.

**Ethical Assessment:** It is unethical and unlawful for transit board employees to perform official acts, which they know they are not authorized to perform. In certain circumstances, doing so may be considered official misconduct and subject to criminal prosecution.

5. **Example:** A transit board member urges an employee to speed up the processing of an individual’s employment application because the applicant is a friend of the member.

**Ethical Assessment:** This situation represents a conflict of interest for the member. It is unethical and most likely a violation of agency policy for a transit board employee to show favoritism to a friend, family member, or associate while performing official duties.

6. **Example:** A former transit board member receives an offer of employment from a company that had several large contracts with the board.

**Ethical Assessment:** Transit board members are generally prohibited, within a period of one year immediately after termination of office or transit board employment, from knowingly accepting employment or receiving compensation or fees for services from a person or entity if the person or entity or its parent or subsidiary, during the year immediately preceding termination of transit board employment, was involved with the board to a transit board contract or contracts with a cumulative value of $25,000 or more.

7. **Example:** A transit board member submits an expense report seeking reimbursement for costs that the member did not actually incur.

**Ethical Assessment:** Falsification of official documents, or untrue statements made in the conduct of transit board business are unethical, may violate state policies or law, and may subject a transit board member to administrative action up to, and including, fine and/or termination of board appointment. In some instances, it may also result in criminal prosecution.

8. **Example:** A transit board employee uses his office computer to send an email to several of his coworkers inviting them to a rally in support of a candidate for elective office outside of their state work day.
**Ethical Assessment:** Although the Ethics Act allows transit board employees to participate in political activities outside of their work hours or when using vacation, personal or compensatory time off, transit board employees may not do so at any time by misappropriating a board resource, such as using a transit board-owned computer or email account to, for example, solicit support for a campaign for elective office.

9. **Example:** A transit board member uses her board-provided computer to access pornographic images via the internet.

**Ethical Assessment:** Intentionally accessing such material using transit board resources or transit board time is improper and in most instances is specifically prohibited by transit board policies. Violation of such policies may result in disciplinary action, up to and including, termination of board employment, and may, depending upon the circumstances, result in referral of the matter to appropriate authorities for possible criminal prosecution.

10. **Example:** A lobbyist offers to buy lunch for a transit board member.

**Ethical Assessment:** Under the Ethics Act, a lobbyist is considered a prohibited source. The board member may not accept a gift from a prohibited source unless one of the law’s exceptions applies. In certain circumstances, acceptance of a meal may be allowable under the Ethics Act; however, acceptance of a meal may (depending on its value, for example) violate transit board policy or other laws and rules. When in doubt, it’s best for transit board employees to simply decline gifts offered to them from prohibited sources.
Acknowledgement of Participation in:

2018 Ethics Training for Appointees to Boards of Regional Transit Boards

I certify that I have carefully read and reviewed the content of, and completed, the 2018 Ethics Training for Appointees to Boards of Regional Transit Boards. Furthermore, I certify that I understand 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 Regional Transit Board employment/appointment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.

________________________________________
Signature

________________________________________
Printed Name
(first, middle initial, last)

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

________________________________________
Date

________________________________________
Name of Regional Transit Board
(for example, Chicago Transit Authority)

(To be properly credited for participating in ethics training, please submit this form as directed by your board)

October 2017
Exhibit D
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Exhibit E
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 Pace’s Board of Directors.

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 Commuter Rail Division (Metra), the Regional Transportation Authority (RTA), the Suburban Bus Division (Pace), and the Chicago Transit Authority (CTA). These entities are referred to collectively as the Regional Transit Boards. 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 Pace. You must avoid placing your personal or financial interests in conflict with those of 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 or the Office of Executive Inspector General.

It is your responsibility to become familiar with and obey the laws, rules, policies, and regulations that apply to you as an employee of 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
James.caronis@pacebus.com

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

Executive Ethics Commission (EEC)

Established in 2004, the Executive Ethics Commission, in conjunction with the Executive Inspectors General and the Attorney General, is responsible for the oversight of, compliance, 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.
Established in 2003, the OEIG is an independent state agency. Its primary function is to investigate fraud, waste, abuse, and violations of the Ethics Act and other laws, rules, and policies in governmental entities. The OEIG investigates allegations of misconduct by the employees, appointees, and elected officials under its jurisdiction. The OEIG also has responsibility for investigating alleged violations by those doing business with entities under its jurisdiction.

The OEIG’s jurisdiction includes:

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

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

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

OEIG
69 West Washington, Suite 3400
Chicago, Illinois 60602

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

For additional information about the 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 the RTBs 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 sets the standards which determine the subject matter content, format, and frequency of training for employees and appointees.

Ethics Act Definitions

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

“Annual” means once each calendar year.

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

“Employee” means (i) any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to material details of how the work is to be performed or (ii) any appointed or elected commissioner, trustee, director, or board member of a state board or a Regional Transit Board.
“Regional Transit Board” means (i) the Regional Transportation Authority (RTA), (ii) the Suburban Bus Division (Pace), (iii) the Commuter Rail Division (Metra), or (iv) the Chicago Transit Authority (CTA).

“State agency” includes all officers, boards, commissions, and agencies created by the Illinois Constitution, whether in the executive or legislative branch; all officers, departments, boards, commissions, agencies, institutions, authorities, public institutions of higher learning as defined in Section 2 of the Higher Education Cooperation Act (except community colleges), and bodies political and corporate of the state; and administrative units or corporate outgrowths of the state government which are created by or pursuant to statute, other than units of local government (including community college districts) and their officers, school districts, and boards of election commissioners; and all administrative units and corporate outgrowths of the above and as may be created by executive order of the governor. “State agency” includes the General Assembly, the Senate, the House of Representatives, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, the Senate Operations Commission, and the legislative support services agencies. “State agency” includes the Office of the Auditor General. “State agency” does not include the judicial branch.

“State Employee” means any employee of a state agency, including a full-time, part-time, or contractual employee of a Regional Transit Board.

Official Misconduct (Criminal Code of 2012 (720 ILCS 5/33))

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

- Intentionally or recklessly fail to perform any mandatory duty as required by law;
- Knowingly perform an act which they know they are forbidden by law to perform;
- With intent to obtain personal advantage for themselves or another, perform an act in excess of their lawful authority; or
- Solicit or knowingly accept for the performance of any act a fee or reward which they know is not authorized by law.
Public officers or employees convicted of violating any of these provisions forfeit their office or employment. In addition, they commit a Class 3 felony.

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

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

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.

**Official Misconduct Lesson Review Question**

**Review Question # 1**
Charles works for Pace and is required to review and approve payments under certain contracts before they can be paid. Due to some poor financial decisions, Charles doesn’t have much money, and his car needs repairs. Charles has recently been asked to approve payments for an auto mechanic. Charles has called the auto mechanic and said that he won’t approve the most recent invoice unless the mechanic does free work on his car. Are Charles’ actions proper?

A. Yes, because the auto mechanic can always say no.
B. Yes, because the auto mechanic is allowed to work on Pace employees’ cars.
C. No, he is committing official misconduct because he is threatening to withhold payment in exchange for free services.

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

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

¹ The best response to Review Question # 1 is C. The auto mechanic is entitled to payment for the services he provided to Pace, but Charles is threatening to withhold that payment for his own benefit. Answers A and B are irrelevant because it is Charles’ actions that matter.
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
- Prohibition on sexual harassment

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.

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

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

**For Example:**

If you signed in for work at 8:30 a.m. even though you actually arrived at 9:00 a.m., you violated Pace policy because the time sheet was not accurate and truthful.
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. 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 policies of Pace. 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 a result of their job duties and which is not generally known to the public to benefit themselves, their friends, their family, or associates.

For Example:

It would be unethical and unlawful for a 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

Thomas is a Pace employee on the evaluation committee for a Request for Proposal for a new software system to track fuel usage. His participation is integral to the committee because of his expertise. While reviewing bids, Thomas recognizes his neighbor’s company has submitted a bid, but it was submitted after the deadline and should be disqualified. While Thomas plans on being fair in his evaluation, he decides to not disqualify his neighbor’s bid. Are Thomas’ actions proper?

A. Yes, because his participation is necessary and important to the agency.

B. No, Thomas cannot provide a benefit to his neighbor that is not available to other bidders. Thomas must also disclose the relationship before proceeding with his involvement on the evaluation committee.

C. Yes, because Thomas plans on being fair in evaluating bids on their respective merits.

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

² The best response to Review Question #2 is B. Thomas may not offer a benefit to a bidder because of a personal relationship. No Pace employee should participate in the selection, award, or administration of any contract if a conflict of interest (real or apparent) exists.
Review Question # 3

Donna is a Pace employee who makes decisions regarding medical treatment for injured employees. Donna’s daughter-in-law works for a company that provides medical services for Pace. Should Donna disclose her daughter-in-law’s employment to anyone, since there could be a conflict of interest?

A. Yes, Donna should speak with Pace’s Ethics Officer about the possible conflict of interest, including a possible appearance of a conflict of interest.

B. No, because Donna is only one of several employees involved in making these contract decisions and she did not individually award the contract. Therefore, her situation does not represent a conflict of interest.

C. No, because Donna only makes these decision once a month.

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

³ The best response to Review Question #3 is A. Donna must disclose her daughter-in-law’s employment to Pace’s Ethics Officer and her supervisor despite the fact she may not award a contract on her own and regardless of the frequency of Donna’s decision.
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, photocopi ers, or computers):

- Prepare for, organize, or participate in any political meeting, political rally, political demonstration, or other political event.

- Solicit contributions, including but not limited to purchasing, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.

- Solicit, plan the solicitation of, or prepare any document or report regarding anything of value intended as a campaign contribution.

- Plan, conduct, or participate in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes, or for or against any referendum question.

- Survey or gather information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes, or for or against any referendum question.

- Assist at the polls on Election Day on behalf of any political organization, candidate for elective office, or for or against any referendum question.

- Solicit votes on behalf of a candidate for elective office, political organization, or for or against any referendum question, or help in an effort to get voters to the polls or participate in a vote recount on behalf of a candidate or political organization.

- Initiate, prepare, circulate, review, or file a petition on behalf of a candidate for elective office or for or against any referendum question.

- 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 to use Pace-provided telephones, at any time, to work on someone’s campaign for elective office or to perform other prohibited political activities.

Lastly, a supervisor may not compel a 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

Stacy, a Pace employee, has decided to seek election to be a City of Chicago alderman. After a work meeting on Pace property, Stacy asked several co-workers to help with her campaign. Stacy did not ask for money. However, she did ask her co-workers if they would go back to their offices and call their friends to ask them to vote for her. Stacy also said that people could call her at work if they had questions or wanted to volunteer for her campaign. Is Stacy violating any part of the prohibited political activities of the Ethics Act?

A. No, because Stacy did not ask for any money.

B. No, because Stacy will be able to help Pace if she is elected alderman.

C. Yes, because the political prohibited activities rules state that no employee shall use any property or resources of Pace in connection with any prohibited political activity, which includes Pace’s telephone system.

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

---

⁴ The best response to Review Question #4 is C. The restrictions that pertain to certain political activities under the State Officials and Employees Ethics Act apply to Pace employees. The restrictions are not limited to solicitations for campaign funds, and the restrictions apply regardless of the political office being sought.
Review Question # 5

Anders, a Pace employee, has agreed to volunteer his time on the weekend to post campaign signs for his alderman. When he goes to leave on Sunday to post the campaign signs, Anders finds that his car will not start. In order to get the signs posted, Anders uses his Pace-issued vehicle to drive around the neighborhood and post the campaign signs. He knew that he would use the Pace vehicle for about only 30 minutes, which is very minimal. Has Anders violated the Ethics Act?

A. Yes, because Anders used government resources (a Pace issued vehicle) for a prohibited political activity.

B. Yes, because Anders used the Pace vehicle without first obtaining permission from his supervisor.

C. No, Anders did not violate the Ethics Act because he only used the Pace vehicle for 30 minutes, which is a minimal amount.

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

---

\(^5\) The correct response to Review Question #5 is A. Anders cannot, at any time, use a company vehicle or other resources for any prohibited political activity. Anders’ supervisor cannot give Anders permission to violate the Ethics Act, and even minimal use of Pace resources for a prohibited political activity is a violation of the Ethics Act.
Public Service Announcements; Other Promotional Material  
(Ethics Act, Section 5-20)

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

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

Political Contributions on State or 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:

For instance, a Pace Board member is running for Mayor and has made promises of Pace job offers to his campaign volunteers. It is unlawful for a Pace employee or appointee to offer an action by Pace or 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 official misconduct when, in an official capacity as a Pace employee, he or she solicits or knowingly accepts for the performance of any act, a fee or award which he or she knows is not authorized by law. In addition to violating the Illinois State Officials and Employees Ethics Act, Pace’s Ethics Manual, 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 Pace’s Ethics Manual, 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 for 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 allowable under Pace’s policies.

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

Gift Ban Lesson Review Questions

Review Question # 6

Vicki, a manager in Pace’s Mechanical Department, is shopping for a brand new car. While Vicki and her partner, Sharon, were looking at cars, Vicki mentions to the salesperson that she works for Pace. The salesperson then tells Vicki he would be able to give a 10% discount due to the fact the dealership has a vehicle maintenance agreement with Pace. Is it lawful for Vicki to accept this special discount?

A. Yes, however, Vicki should have her partner, Sarah, buy the new car so that there are no problems.

B. Yes, because it is more than likely that the salesperson makes all kind of deals with potential buyers and he clearly has the authority to do so.

C. No, Vicki cannot accept the offer because the offer does not appear to be one that is made available to the general public on the same conditions.

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

6 The best response to Review Question #6 is C. It is unclear whether this same offer is made available to members of the public on the same conditions. The car dealer is a prohibited source because it is a Pace vendor. The Ethics Act gift ban applies to Pace employees and not just to employees of other state agencies. Therefore Vicki’s acceptance of a merchandise discount, from a Pace vendor, that is not made available to the general public on the same conditions, would be a violation of the Ethics Act. It is advisable that prior to accepting a gift on behalf of Pace that employees verify that the gift’s acceptance does not violate Pace policy or the Ethics Act.
Review Question #7

Susan-Ann is a Pace employee who recently learned she is expecting twins. Since the news was unexpected, some coworkers decided to buy her two cribs for the babies at a cost of $500 each. Can Susan-Ann accept the cribs from her coworkers?

A. No, Susan-Ann cannot accept the cribs because they cost more than $100.
B. Yes, Susan-Ann can accept the cribs because the gift is from coworkers.
C. Yes, Susan-Ann can accept the cribs because the gift is from multiple coworkers, which reduces the individual contribution by each co-worker, and that makes it ok.

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

7 The best response to Review Question #7 is B. Under the gift ban exceptions, both intra-governmental and inter-governmental gifts are allowed. Since Susan-Ann and her coworkers work for the same governmental agency, Pace, they are allowed to accept gifts from one another under the intra-governmental gift ban exception. It doesn’t matter how much the gift costs.
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 OELG, for one year after you leave Pace employment, regarding whether you may lawfully accept an offer of employment or compensation from certain persons or entities (before its acceptance). Persons subject to these requirements are often called “C-List” employees in reference to subsection (c) of Section 5-45 of the Ethics Act.

Individuals on the “C-List,” are generally:
- Employees who may have the authority, by the nature of their duties, to participate personally and substantially in decisions involving contracts with a cumulative value of $25,000 or more.

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

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 a procurement with a cumulative value of $25,000 or more, even if the employee is not formally on the C-List. In addition, all employees, other than H-Listers, may seek a determination if they have concerns.

Those on the C-List are required to notify the OEIG and seek a determination prior to accepting a job offer while employed by 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 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

Henry Chevy recently retired from his job as a procurement analyst for Pace. During his time with Pace, he participated in the award of Pace contracts and was listed on the “C-List.” After a month of retirement, Henry is bored and starts looking for a part-time job. Henry gets an offer to work as a bartender at a local country club. The club is not a Pace vendor, and Henry never had a business relationship with the country club during his time at Pace. Henry decides to take the job and he starts working immediately. Is Henry in violation of the Ethics Act’s revolving door provisions by taking this job?

A. No, the revolving door restrictions do not apply if the employee retires from their job.

B. No, Henry’s job is part-time so he is not violating the revolving door restrictions by taking the job.

C. Yes, Henry has violated subsection (c) of the revolving door provisions by not notifying the OEIG of the job offer prior to accepting it.

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. Employees on Pace’s “C-List” (those who may have the authority to participate personally and substantially in the award of Pace contracts) for one year after leaving Pace must notify the OEIG prior to accepting any job offer. Even though the new employer has no relationship with Pace, Henry is still required to notify the OEIG of the offer prior to accepting it. It does not matter whether the employment is part-time or full-time. In addition, the revolving door restrictions apply when the agency employment relationship is terminated, whether or not the termination was due to a firing, retirement, lay off, or voluntary termination.
**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. 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.

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

Requests for production or viewing of documents or physical objects under Pace control must be made in writing by the OEIG. 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 EEC 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 its investigators will present the interviewee with a form outlining the interviewee’s rights unless OEIG investigators reasonably believe at the time of an interview that there are no circumstances under which an interviewee will be subject to or likely to face discipline or adverse action.

The OEIG will not infringe upon a 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, Pace, 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, Pace, CTA, and Pace who:

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

- Are appointed to a board or commission of a unit of local government, such as the RTA, CTA, Pace, 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 fines issued by the Executive Ethics Commission or possible criminal prosecution.

Pace Policies

It is important that Pace employees adhere to those applicable laws, rules, policies, or regulations that are unique to Pace. These policies may be found in Pace’s Ethics Manual, which is available online on Pace’s intranet.

These policies contain, for example:

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

It is important that the business of 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 at 847-228-2365. 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:** A Pace supervisor asks his administrative assistant to make several doctor’s appointments for his son. He also asks his assistant to add his son’s travel basketball team schedule to his Pace calendar.

   **Ethical Assessment:** It is improper for a supervisor to ask an employee to engage in any activity that is not Pace business or is not allowed by Pace policies during the employee’s scheduled work times or while using Pace property or resources.

2. **Situation:** A Pace employee, who is a member of a contract selection committee, agrees to vote in favor of granting a contract to a particular vendor. The vendor informed the Pace employee that if he was awarded the contract he would perform landscaping services for free for one year at the employee’s home.

   **Ethical Assessment:** It is unethical and a violation of the law for a Pace employee or board member to exchange an official action for anything of value. Such conduct may result in criminal prosecution.

3. **Situation:** A Pace employee is volunteering on a campaign for local political office. The employee uses his personal email to send out campaign material and to solicit donations. He sends the email from home during non-working hours. One day, a fellow volunteer accidentally sends an email regarding campaign material to the Pace employee’s work email. The Pace employee accidently reads the email. The employee does not respond to the email, deletes it, and informs Pace’s Ethics Officer.

   **Ethical Assessment:** The Ethics Act prohibits certain political activities from being done during a Pace employee’s compensated time, other than vacation, personal, or compensatory time off or at any time when misappropriating Pace property and resources. In this scenario, the employee took the best course of action by not responding to the email, deleting it, and informing the Ethics Officer.

4. **Situation:** Because of an employee’s outstanding job performance, and countless non-work hours spent fundraising and volunteering on a Board member’s wife’s campaign for mayor, the Board member suggested the employee receive a promotion.

   **Ethical Assessment:** Pace’s employees may use vacation time to work on campaigns. However, an employee is not permitted to receive compensation, an increase in pay, or a job promotion because of the time spent working on a campaign, and it is the duty of that employee to follow the employment and conflicts of interest policy of Pace.

5. **Situation:** A Pace employee arrives at work 30 minutes late because of terrible congestion on the highway. The employee has never been late to work before and the traffic was not her fault.
Since this is a one-time matter, the employee signs in on her time sheet at her assigned start time, ignoring the 30-minute delay.

**Ethical Assessment:** It is unethical and unlawful to provide false information in a time report used as a basis for compensating a Pace employee, regardless of the reason.

6. **Situation:** A Pace employee intends to file a complaint with a state agency alleging that Pace is discriminating against him because of his age. To support his allegations, the employee goes to Pace’s office during off hours and surreptitiously collects and photocopies Pace documents from his and his coworkers’ desks. After filing his complaint, the employee was told by his supervisors that he will be disciplined for improperly taking Pace documents.

**Ethical Assessment:** In general, state law prohibits employers from taking retaliatory action against an employee who discloses or threatens to disclose information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation. However, employees do not have any right to take or photocopy Pace-owned documents to support their claims and may be subject to discipline for doing so.

7. **Situation:** Jack, a Pace service worker, had his daughter’s car repaired by Spinning Wheels, which is a subcontractor for one of Pace’s vendors that repairs non-revenue vehicles. The manager at Spinning Wheels told Jack he would give him a discount, and they knew how to fix her car. Jack trusted Spinning Wheels with his daughter’s car because on many occasions he had to transport Pace vehicles to their shop for repair. Is it a conflict for Jack to have his daughter’s car repaired at Spinning Wheels?

**Ethical Assessment:** It is unethical for Pace employees to accept favors from a vendor whether or not the employee asked for it directly. Such conduct may result in discipline up to and including termination of employment or appointment.

8. **Situation:** Holly works with a vendor that performs maintenance on Pace’s automobiles. Holly mentions that her car needed a new battery. The vendor offers to put in the new battery with a 25% discount because Holly works at Pace. The vendor does not generally offer this discount. Can Holly accept?

**Ethical Assessment:** Holly may not accept. The gift ban includes not only tangible items such as cash, food, or drink but also intangibles including discounts, loans or hospitality and entertainment. Furthermore, the discount is being offered by a prohibited source—since the vendor does work for Pace—and is not generally available to the public under the same conditions.

9. **Situation:** A Pace employee accepts a $125 gift card from a vendor for his pending retirement.

**Ethical Assessment:** Acceptance of such a gift from such a prohibited source (i.e., from an entity that does business with Pace, or has interests that may be substantially affected by the employee) is generally prohibited under the Ethics Act.
10. **Situation:** A Pace manager learns that one of his employees intends to file a complaint about him with the Office of Executive Inspector General alleging that the manager was conducting prohibited political activities at work. The manager is afraid that he will lose his job if this matter is investigated. The manager also knows that this employee has been showing poor work performance over the last several months. The manager plans to tell the employee that he will write up the employee for poor work performance and ensure that she be demoted, unless she agrees to not file the complaint against him.

**Ethical Assessment:** State law prohibits employers from taking retaliatory action against an employee who discloses or threatens to disclose information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation.
Acknowledgement of Participation in:

2019 Ethics Training for Employees of Pace

I certify that I have carefully read and reviewed the content of, and completed, the 2019 Pace Ethics Training for Employees. 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, 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 supervisor.)
Exhibit F
2019 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 ("Pace"). Not for use by other than Pace employees, appointees, or officials 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, please contact the Ethics Officer at 847-228-2365.
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Introduction/General Principles

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).

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's Sexual Harassment Policy, HR-21. Employees who believe they have been subjected to or witnesses sexual harassment should report it immediately to their supervisor, 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 (OEIG) or Illinois Department of Human Rights (IDHR).

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. For example, even if you are not directly involved, but witness inappropriate conduct you should report it.

Pace acknowledges that coming forward regarding sexual harassment allegations can seem overwhelming. That is why Pace has a process in place to handle these allegations. 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 termination.
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 where an employee is assigned to perform his or her duties and does not require an employment relationship. See 5 ILCS 430/5-65(b).

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 performance of sexual favors, unwelcome sexual advances, or conduct of a sexual nature, by an employee for 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

Robert supervises Nick. One day at work, Robert tells Nick that he finds him very attractive. Robert tells Nick that unless he (Nick) agrees to certain sexual favors, Robert will demote Nick and reduce his pay. Is this sexual harassment?

A. No, Robert’s conduct is not sexual harassment because Nick can say no.
B. Yes, this is an example of quid pro quo sexual harassment.
C. No, because a man 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 occurs when submission to unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature is made, either explicitly or implicitly, a term or condition of employment; or when submission to or rejection of unwelcome sexual advances, requests for sexual favors, or conduct of a sexual nature is used as the basis for employment decisions. Here, Robert is engaging in quid pro quo sexual harassment because he is threatening to demote Nick and reduce his pay if sexual favors are not given. Answer A is incorrect because it is Robert’s actions that are at issue. Answer C is incorrect because sexual harassment can occur between anyone regardless of sex.
Review Question # 2

Rhonda supervises Carlos. Rhonda knows that Carlos really wants to work on a particular project since it would put him in line for a promotion. Rhonda tells Carlos that, if he agrees to go out on a date with her, she will make sure to give him the project. Is this sexual harassment?

A. Yes, because Rhonda offered Carlos a favorable assignment in exchange for a date, which is *quid pro quo* sexual harassment.

B. No, because Carlos is performing work he is required to do regardless.

C. No, because Rhonda is just asking for a “date” and this is not sexual in nature.

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

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2 The best response to Review Question # 2 is A. In this case, a supervisor is engaging in quid pro quo sexual harassment because she is making a decision about assignments based on whether the employee will go out on a date with her. Answer B is incorrect because Rhonda is giving the favorable assignment with the expectation that Carlos will repay the favorable assignment with a date, which is a sexual in nature. Answer C is incorrect because a “date,” unlike a business meeting, is sexual in nature.
Review Question # 3

Karen is Susan’s supervisor. Susan submits a vacation request. Karen tells Susan that she will only approve the request if Susan will spend the night with her at a hotel room. Susan tells Karen that she is not interested in a relationship. Is this sexual harassment?

A. No, because women cannot sexually harass other women.
B. Yes, this is an example of *quid pro quo* sexual harassment.
C. No, because Susan told Karen she was not interested.

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

³ The best response to Review Question # 3 is B. Here, Karen is withholding a benefit (approval of leave time) 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. Just because Karen said “no” does not mean the sexual harassment did not occur. Regardless of interest, Karen’s proposition constitutes sexual harassment.
Review Question # 4

Monty is Beth's supervisor. During the year, Beth missed several important deadlines, was repeatedly late for work, and spent excessive time talking to coworkers about non-Pace related business. Monty tells Beth 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, Beth must perform something for Monty.

B. Yes, because Monty is male and Beth is female.

C. No, because Monty's performance improvement plan does not require Beth to do anything sexual in nature.

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

\(^4\) The best response to Review Question # 4 is C. As Beth's supervisor, Monty may discipline his subordinate for rule violations and/or poor performance. Answer A is incorrect. Answer B is incorrect because the sex of the harasser is irrelevant.
Hostile Work Environment

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

There are many types of behaviors that can 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 of persons, 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

Steve began making advances toward Yvonne a mere three days into his new job. After rejecting Steve’s actions and requests for a date, Yvonne started receiving suggestive email messages from Steve in her company account. When, a few weeks later, Steve started leaving little gifts on her desk, Yvonne sent an email to Steve making it clear that she is not interested in a personal relationship, and asking him to stop all of his advances toward her. Steve has refused to stop his conduct. Does Yvonne have any recourse?

A. No, because Steve and Yvonne are peers.
B. Yes, she can file a complaint, but only with Pace because that is where she works.
C. Yes, she can file a complaint with the EEO Officer, Ethics Officer, IDHR, EEOC, and/or OEIG. She can also speak to her supervisor about Steve’s 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 C is correct because any employee has the option to file a claim with the EEO Officer, the Ethics Officer, IDHR, EEOC, and/or the OEIG. Hostile work environment occurs when unwelcome sexual advances, requests for sexual favors, or any conduct of a sexual nature has the purpose or effect of substantially interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment. To be a hostile work environment the sexually inappropriate conduct must be severe or pervasive. Answer A is incorrect because coworkers can cause hostile work environment sexual harassment; it does not need to be created by a supervisor. Answer B is incorrect because Yvonne can also report the incident to other entities, including IDHR, EEOC, and/or the OEIG.
Review Question # 6

Thomas and Peter are Pace employees who share the same workspace. To decorate the area, Peter put up several sexually suggestive pictures. While these pictures were not easily seen by anyone else, Thomas was offended. The next day, Thomas asked Peter to take them down, which Peter did that same day. Was this a hostile work environment?

A. No, because only Peter could see the pictures and not anyone else.
B. Yes, because the pictures were sexually suggestive.
C. No, because Peter stopped after Thomas asked.

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 C. Here, Thomas was reasonably offended, and asked his coworker to stop, which Peter did immediately. Thomas may still report this conduct to his supervisor, Ethics Officer, EEO Officer, IDHR, EEOC, and/or OEIG. Answers A and B are both incorrect. The pictures may have been offensive, but because Peter took the decorations down after Thomas asked, the behavior did not continue over time, and therefore did not create a hostile work environment.
Review Question # 7

Geoff and Paul work next to each other. Paul has excessive (and bad smelling) flatulence that makes it difficult for Geoff to complete his work. Geoff asks Paul to be more respectful and excuse himself to the bathroom, but Paul refuses. Does Paul’s behavior create a hostile work environment?

A. No, although his behavior is offensive, it is not sexual in nature.
B. Yes, because Geoff is reasonably offended.
C. Yes, Geoff cannot complete his work due to Paul’s behavior.

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

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7 The best response to Review Question # 7 is A. Here, Paul’s behavior is offensive, persistent, and it prevents Geoff from completing his 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 answers B and C are true statements, for the reasons above this behavior does not amount to sexual harassment.
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 his/her supervisor.

Where the person being harassed cannot report the incident to his/her direct supervisor (the employee may be uncomfortable discussing with the supervisor, or the supervisor may even be the harasser), the employee may report the incident to Pace’s EEO Officer, Marion Roglich at 847.228.2310 (or marion.roglich@pacebus.com) or Pace CFO, Dominick Cuomo at 847.228.4244 (or dominick.cuomo@pacebus.com). Sexual harassment may also be reported to Pace’s Ethics Officer, James Caronis, at 847.228.2365 (or james.caronis@pacebus.com).

Complaints remain confidential and Pace makes a 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 the employee’s confidentiality request. 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 IDHR will investigate the charge and may hold a fact-finding conference to gather more information necessary for completing the investigation. The IDHR is located at the James R. Thompson Center, 100 W. Randolph St., 10th Floor, Chicago, IL 60601, and its phone number is 312-814-6200. Employees may file a charge in writing. Further information on this process is located on the IDHR website:

https://www.illinois.gov/dhr/FilingaCharge/Pages/default.aspx

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

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

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

Office of Executive Inspector General
Attn: Complaints Division
607 East Adams, 14th Floor
Springfield, Illinois 62701
Review Question #8

Joyce works in an office with Steve and Kate. Steve and Kate repeatedly ask Joyce about what type of underwear she wears. On days that she wears a dress, Steve will try to lift up Joyce’s dress in an attempt to look. Joyce has asked them to knock it off and reported the behavior to their manager. Despite this, Steve and Kate continue. Joyce is offended by the behavior and feels threatened by her coworkers. She addresses the issue with her coworker’s manager again, who tells her that she should not let the harmless “locker room talk” offend her. Does Joyce have additional recourse?

A. Yes, she can file a formal complaint with the EEO Officer, Ethics Officer, IDHR, OEIG, and/or EEOC. If she feels her safety is threatened, she should contact the police and request not to work near Steve and Kate.

B. No, she can file a claim only with Steve and Kate’s manager.

C. No, her coworkers 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. Joyce is entitled to come to work and not be inappropriately touched and harassed by coworkers. Unfortunately, Steve and Kate’s manager has failed to take appropriate action regarding this serious conduct. Joyce can file a compliant with the EEO Department or Ethics Officer, and an employee may also file a complaint with external agencies, such as the IDHR, or the OEIG. Steve and Kate’s behavior is sexually inappropriate and severe and pervasive and Joyce and any witnesses to the conduct should seek immediate assistance to resolve this matter while the complaint is being investigated. If Joyce feels unsafe she should call the police. Answer B is incorrect. Answer C is incorrect. Here, Joyce 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.
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, with discipline up to and including termination, and even criminal charges.

Sexual Harassment in Violation of the Ethics Act

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

- May be fined up to $5,000 per offense by the Executive Ethics Commission;
- Is subject to discipline and/or termination by 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).

5 ILCS 430/50-5(g).

Consequences for Knowingly Making a False Report of Sexual Harassment

The Executive Ethics Commission ("EEC") may levy a fine of up to $5,000 against any person who intentionally makes a false, frivolous, or bad faith allegation. 5 ILCS 430/50-5(e). Further, any person who intentionally makes a false report alleging sexual harassment to the OEIG, EEC, or to certain law enforcement agencies or officials is guilty of a misdemeanor. 5 ILCS 430/50-5(d). Similarly, an employee who knowingly makes a false complaint violates Pace’s EEO Policy and Pace’s Sexual Harassment Policy, and is subject to discipline, up to and including termination.
Review Question # 9

Even though he is not qualified, Chuck is seeking a promotion within his department and more pay. After making repeated requests, Chuck’s supervisor—Nicole—tells him that he is not getting a promotion or a pay raise. Chuck is upset and files a sexual harassment claim with his EEO Officer, alleging that Nicole is retaliating against him because he refused to date her. Chuck knows that this is not true. The EEO Officer investigates Chuck’s claim, and makes no finding against Nicole. Did Chuck’s filing of a false report violate Pace policies?

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

B. Yes, he violated Pace’s Sexual Harassment Policy, which prohibits filing a false sexual harassment claim.

C. No, because he did not report the claim to his Ethics Officer.

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

9 Answer B is correct. Pace’s Sexual Harassment Policy prohibits the filing of fraudulent sexual harassment claims. (In addition, filing a fraudulent sexual harassment claim violates the Ethics Act). Filing a false claim may subject Chuck to discipline, up to and including termination of employment. Answer A is incorrect. Even though Nicole was not found to have committed retaliation, Chuck’s actions violated Pace policies. Answer C is incorrect, because filing a false report with the EEO Office violates Pace’s policies and the Ethics Act.
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 Illinois 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

Sarah works at Pace from 8:00am to 5:00pm, Monday through Friday. Don supervises Sarah. Every day at lunch, Don would inappropriately touch Sarah’s rear end as she walked by. Don also repeatedly asked Sarah out on dates, which she declined every time. Sarah reported Don’s conduct to the EEO Office.

After Sarah filed a complaint with the EEO Office about Don’s conduct, Don learned about it when he was interviewed by EEO staff. The next day, Don changes Sarah’s work hours so that she is only working midnight until 4:00am on Saturday and Sunday. The change will drastically affect Sarah’s weekly pay. Does Sarah have a retaliation claim?

A. No, because Don (as a supervisor) has a right to change Sarah’s work hours.

B. Yes, because Sarah reported Don to the EEO Office, and it appears that she was retaliated against due to filing that complaint.

C. No, because Sarah did not lose her job.10

10 The best response to this question is Answer B. Sarah cannot be retaliated against for filing a complaint with the EEO Office, and it appears that Don’s conduct in changing Sarah’s work schedule was retaliatory. Answer A is incorrect because here it appears that the change in working conditions was done in retaliation for filing a sexual harassment complaint. Answer C is incorrect because retaliation can include a change in work conditions.
Acknowledgement of Participation in:

2019 Sexual Harassment Training for Employees of Pace

I certify that I have carefully read and reviewed the content of, and completed, the 2019 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, 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