



# Illinois Ethics Matters

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*Honesty, Integrity, Service*

A newsletter from the Office of Executive Inspector General for the Agencies  
of the Illinois Governor

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## Announcements

- The OEIG is pleased to announce the hiring of **Daria Hernandez** as a HEM Analyst in its Chicago office.
- As the half-way point of the calendar year approaches, the OEIG reminds agencies to set periods for annual ethics training and harassment and discrimination prevention training.

## Revolving Door Reminders and Updates

The OEIG and the Office of the Governor recently hosted trainings on the revolving door provisions of the Ethics Act for Ethics Officers and General Counsels to provide reminders and discuss amendments to the Ethics Act and newly available precedents.

The Ethics Act revolving door provisions (5 ILCS 430/5-45) generally apply to three categories of employees, including:

- 1) **Any State employee who actually participates personally and substantially** in the award or fiscal administration of a State contract, as well as regulatory or licensing decisions, may not accept employment with the subject of those decisions for a period of one year following the termination of State employment.
- 2) Certain State employees, who may participate personally or substantially in those decisions, **are required to notify** the OEIG prior to accepting non-State employment, a.k.a. the “c-list”.
- 3) Certain State employees, usually high-level employees and appointees, may not accept employment from the subjects of those decisions for one year after leaving State employment, **regardless of whether they participated personally and substantially** in the decisions, a.k.a. the “h-list”.

### Available Precedent & Reminders

Prior Executive Ethics Commission decisions provide precedent, factors considered, and interpretations of revolving door issues that can assist Ethics Officers when determining which agency positions need to be on the c-list or advising employees on revolving door issues. For instance, the EEC has interpreted statutory terms such as “substantial” and “regulatory,” and revolving door appeals have also considered contracts to include grants (*see, e.g.,* In re: Wasmer, 20-EEC-005; In re: Bates, 19-EEC-001). These decisions can be found on the EEC’s website or at the OEIG’s website [here](#).

Effective January 1, 2022, the Ethics Act was amended to add the term “fiscal administration” to the provisions concerning contracts. Although the term is not defined in the statute, the OEIG considers, in part, whether and how an employee’s discretionary involvement affects State funds being paid in relation to a contract. Please note, the new language may broaden the number of positions covered in the c-lists.

The training also emphasized that the h-list prohibition is absolute. For instance, if an h-lister’s agency performs actions that allow an entity to operate in Illinois, that would likely constitute a regulatory or licensing decision barring the employee from accepting employment with the entity for a year. The recent Ethics Act amendments also expanded the h-list to include positions “with an equivalent level of managerial oversight” as the positions already specified in the statute.