

Frequently Asked Questions (FAQ's) of persons subject to the Ethics Ordinance:

Q: Why does DuPage County have an ethics ordinance?

A: The goal of the DuPage County Board and its Chairman in establishing the ethics ordinance was to provide for fair, efficient and honest government in compliance with state law. The ordinance is designed to ensure the integrity and objectivity of County officers and employees while serving as a guide to them when conducting governmental business.

Q: Who does the ethics ordinance apply to?

A: The ethics ordinance applies to all employees under County Board jurisdiction and those employees and officials from other governmental entities that have adopted the ordinance. The ordinance also applies to the County Board and its Chairman as well as governmental boards, commissions or committees that it has created or those to which its ordinances generally apply.

Q: What types of topics does the ethics ordinance cover?

A: The ethics ordinance covers a variety of topics including, but not limited to, the following:

- gift ban;
- prohibited political activities;
- conflicts of interests;
- secondary employment;
- prohibited sources;
- complaint, investigation and hearing procedures;
- disregard of the ordinance and retaliation; and
- disciplinary actions and fines.

Q: If I have a question or need clarification with respect to understanding the ethics ordinance, who should I contact?

A: The Ethics Adviser provides guidance to persons subject to the ethics ordinance in the interpretation and implementation of the ordinance. The Ethics Adviser may be contacted as follows:

Daniel F. Hanlon
DuPage County Ethics Adviser
Daniel.Hanlon@dupageco.org
(630) 569-6023

Q: May a public employee or official have an outside business or employment?

A: Yes, under limited circumstances. Be sure to contact the Ethics Adviser for guidance to make certain you are in compliance with the ordinance.

Q: Am I required to take ethics training?

A: All persons subject to the ethics ordinance must complete an annual ethics training approved by the Ethics Commission. New employees must complete their initial ethics training within their first month of employment. The Ethics Adviser monitors compliance with the ethics training.

Q: Does the ordinance prohibit me from engaging in political activities at all times while I am an employee?

A: No. However, persons subject to the ordinance are prohibited from engaging in prohibited political activities during compensated time. With respect to an employee, “compensated time” generally means any time worked by or credited to the employee that counts towards any minimum work time requirement as a condition of their employment. However, compensated time does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when an employee is on a leave of absence.

“Prohibited political activities” include, but are not limited to, any of the following activities during compensated time: organizing a political meeting or event, selling or distributing tickets for any political fundraiser, making or soliciting contributions on behalf of any candidate or campaign, preparing or reviewing responses to candidate questionnaires, distributing or mailing any campaign literature or materials, or managing or working on a campaign for elected office. If you are uncertain whether something is a prohibited political activity or need clarification on what constitutes compensated time you should contact the Ethics Adviser.

Q: If I volunteer to participate in a political activity during my time off, may I receive additional compensation from my employer?

A: No. The ordinance prohibits any person from awarding an employee any additional compensation or benefit, in the form of salary adjustment, bonus, compensatory time off or continued employment in consideration for voluntarily participating in any political activity. Likewise, the ordinance prohibits persons from denying or depriving an employee of employment or tenure solely because such person is a member or an officer of a political committee, political party, political organization or political club.

Q: A vendor has offered me two free tickets to a ball game. Can I accept the tickets?

A: Individuals subject to the ethics ordinance are prohibited from intentionally soliciting or accepting a gift or gifts from any prohibited source in excess of \$100 during any calendar year. A recipient of the gift is not in violation of the ordinance if they take reasonable action to return the prohibited gift to its source or give the gift or an amount equal to its value to an appropriate charity. In general, a “prohibited source” means any person or entity that does business or seeks to do business with a governmental entity that is subject to the ordinance. If you are uncertain as to what constitutes a gift or who is a prohibited source you should contact the Ethics Adviser for guidance.

Q: How do I report an incident that may have violated the ethics ordinance?

A: Any person alleging a violation of the ethics ordinance must submit a written complaint to the Investigator General. An ethics complaint must include the complainant's name and contact information; the name of the person who is the subject of the complaint along with all known contact information for that person; a detailed description of the act or acts alleged by the complainant to be a violation of the ethics ordinance; and a list of all known witnesses that may provide relevant testimony regarding the allegations.

The ethics complaint form is made available on the County's website, and the Investigator General may be contacted as follows:

Nancy J. Wolfe
DuPage County Investigator General
investigatorgeneral@dupageco.org
P.O. Box 338
Wayne, IL 60184

Q: Can I make an ethics complaint anonymously?

A: Any person, acting in good faith, that submits an ethics complaint under the ethics ordinance has protections as a whistleblower and their identity will be kept confidential and will not be disclosed without their consent, unless the disclosure of the person's identity is otherwise required by law. The Investigator General is authorized to provide any and all information, including the identity of a complainant, to any administrative or law enforcement agency with the jurisdiction to investigate suspected criminality or impropriety that may come to his or her attention.

Q: If I report a possible ethical violation, can I lose my job?

A: No. Under the whistleblower protection section of the ordinance, persons subject to the ordinance are prohibited from retaliating against an individual who has reported a suspected violation of the ordinance in good faith. Any person found to have violated the whistleblower protection section of the ordinance may be disciplined up to and including termination of their employment.

Q: Who determines if an individual has actually violated the ethics ordinance?

A: The Ethics Commission ultimately makes a determination of whether a violation of the ordinance has occurred or not. However, upon receipt of an ethics complaint and subsequent investigation of the alleged act or acts by the Investigator General, a determination is made by the Investigator General as to whether appropriate jurisdiction exists to proceed in the investigation. Next, the Investigator General determines whether or not reasonable cause exists to believe that a violation of the ordinance has occurred. If reasonable cause is found, the Investigator General may proceed to file a petition for a formal complaint with the Ethics Commission who may either grant or deny the petition. If the Ethics Commission grants the petition, the Commission would then conduct a hearing on the complaint where it may hear evidence, make a final determination on the complaint and impose or recommend disciplinary actions as warranted.

Q: What penalties can be imposed on a person found to have violated the ethics ordinance?

A: When a violation of the ordinance is found, the Ethics Commission may recommend one or more of the following courses of disciplinary action against the respondent:

- a reprimand;
- to cease and desist from the offensive action;
- a return or refund of money or other items, or an amount of restitution for services, received in violation of the ordinance;
- suspension or termination of an employee;
- donation to a charity of an amount equal to a prohibited gift or excess campaign contribution.

The Ethics Commission may also impose an administrative fine of up to \$5,000 per violation against any person who violates any provision of the ordinance.