

EMPLOYEE CONFLICT OF INTEREST
July 5, 2022 – P.T. 2022.04

PROCEDURES 437
DEPARTMENT OF CHILDREN AND FAMILY SERVICES EMPLOYEE
CONFLICT OF INTEREST

Section

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Section 437.10 Purpose

The purpose of these procedures is to provide additional instructions regarding employee conflict of interest. These procedures are not intended to discourage DCFS employees from volunteering their own time in the social service arena, as long as the volunteering does not create a conflict of interest.

Section 437. 20 Department's Process for Addressing Conflicts of Interest.

All Department employees shall familiarize themselves with the contents of Part 437, which is available on the [DCFS website](#).

- a) If a Department employee is unsure whether his or her particular affiliation or connection creates a conflict of interest in violation of Part 437, the employee and his or her supervisor shall send a written description of the employee's affiliations or connections to the DCFS Ethics Officer DCFS.EthicsOfficer@illinois.gov.
- b) The DCFS Ethics Officer shall forward the submitted written statement to the DCFS Conflict of Interest Committee at DCFS.Conflict-of-InterestCommittee@illinois.gov.
- c) The DCFS Conflict of Interest Committee, shall review the written statement and may consult with DCFS Ethics Officer, Office of Legal Services and other Department divisions, sections or units to develop a better understanding of the situation based on their subject matter expertise, responsibilities and functions. For example, the Office of Contracts and Grants may be consulted regarding situations of influence on Department purchase of service. Likewise, the Division of Child Protection should be consulted involving employees whose job duties would have an influence on the Department's licensing authority.

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- d) After completing the review, the DCFS Conflict of Interest Committee shall issue a written opinion regarding whether the employee is in violation of the prohibitions contained in Part 437. The written opinion shall be sent to the employee and his or her supervisor. The opinion shall be retained in the employee's personnel file.
- e) If according to the written opinion a conflict of interest exists, the employee shall resolve the conflict within six months, or the employee may request an exemption under the Illinois Procurement Code, 30 ILCS 500/1-1 *et seq.*, if applicable. If the conflict is not resolved nor an exemption granted, the employee may be subject to the punitive measures described in Section 437.90 of the Rule.

Section 437.30 Honoraria

- a) Honoraria are honorary or free gifts, gratuitous payments or voluntary donations to a person for services for services which do not have a set fee or compensation. See Black's Law Dictionary 869 (4th ed. 1968). For Department purposes, services include but are not limited to speeches, participation on panels, and written materials such as papers prepared for presentation at symposiums or conferences.
- b) No employee may accept an honorarium for speeches, panel participation or written materials when:
 - 1) The employee is speaking or writing as a representative of the Department;
 - 2) The speaking or writing engagement occurs during the employee's scheduled work time, unless earned benefit time is used; or
 - 3) Travel and related expenses are paid by the State. 89 Ill. Adm. Code 437.40(f).
- c) An employee may accept a nominal token of appreciation or courtesy for participating in a governmental, civic, professional, athletic or similar event unless the item is from a prohibited source as defined in the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.*
 - 1) Examples of nominal tokens include a meal, floral arrangement, plaque, certificate, cup or similar items.
 - 2) The value of the tokens accepted from a single source shall not exceed the amount in the State Officials and Employees Ethics Act or Executive Order, whichever is more stringent, per calendar year. Excluded from this restriction is any certificate or award publicly presented in recognition of public service.

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- 3) Any employee receiving tokens that cause the employee to exceed the aggregate amount in the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 *et seq.*, or Executive Order, regardless of source, during a single calendar year shall notify the DCFS Ethics Officer, in writing at DCFS.EthicsOfficer@illinois.gov, within 30 days after receiving the token or tokens that exceed the allowable limit. This written notification shall identify the items received, the dates the items were received, and the names of the donor organizations or individuals. 89 Ill. Adm. Code 437.40(f).
- d) Approval by an employee's supervisor is required:
 - 1) Before accepting a major public speaking or writing engagement relating to the Department.
 - 2) For routine speeches to local community groups such as service clubs or PTA's, and presentations made to Councils, Boards or Committees by Department staff acting in their official capacity as Department representatives, and as Part of their duties.
- e) If an employee anticipates that the news media will be present, that employee shall advise the Office of Communications.
- f) When making a speech in which the presenting employee's ideas or opinions differ from Department policy or practice, the presenting employee is responsible for informing his or her audience that such ideas or opinions are his or her own and are not of the Department.
- g) Department staff are encouraged to consult with the Office of Communications prior to a major public speaking engagement for the purpose of acquiring assistance in preparation for the speech or paper.

Section 437.40 Segregation of Duties

No employee shall engage in conduct that could adversely affect the confidence of the public in the integrity of the Department. 89 Ill. Adm. Code 437.40(a)(1).

- a) There must be two separate signatures on all documents where supervisory approval is required.
 - 1) The DCFS or purchase of service staff with the authority to prepare and submit a document for supervisory approval; and
 - 2) Supervisor or "Temporary Assignment" supervisor (TA) with the authority to provide supervisory approval.

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- 3) All signatures must be dated.
 - 4) The signature date of the Supervisor or TA cannot occur prior to the signature date of the staff who prepared and submitted the document for review and approval.
- b) For persons acting in a dual role who carry their regular job responsibilities and TA duties, the person must prepare the document and provide his or her signature and date on the document. The document must then be signed by a second individual designated through their chain of command to review and approve that person's documents.

Section 437.50 Investigation of Complaints

The reassignment of complaint investigations in situations described below is necessary to avoid conflicts of interest based on an employee's personal interest as described in Section 437.40(a)(1) and (a)(2) of the Rule.

- a) When a complaint is filed and the subject of the investigation is a Department employee and/or his or her spouse or other individual with a familial relationship, the supervisor shall immediately notify the regional administrator who shall reassign the investigation of the complaint to a region outside of the one where the Department employee works.
- b) In the event a Department employee is assigned to investigate a complaint whose subject is the employee himself or herself and/or his or her spouse or other individual with a familial relationship, the employee shall cease investigating the complaint and notify his or her supervisor. The supervisor shall immediately notify the regional administrator who shall reassign the investigation of the complaint to a region outside of the one where the Department employee works.

See Section 437.20 of the Rule for the definition of familial relationship.

Section 437.60 The Process of Seeking Exemptions Under the Illinois Procurement Code, 30 ILCS 500/1-1 *et seq.*

- a) The process of seeking exemptions from the prohibitions of Section 500/50-13(a) of the Illinois Procurement Code is governed by Section 500/50-20 of the Code. 30 ILCS 500/50-13(a), 20.
- b) Before the Chief Procurement Officer files a request to grant an exemption with the Executive Ethics Commission pursuant to 30 ILCS 500/50-20, each individual situation must be evaluated under the Department's process for addressing conflicts of interest in Section 437. 20 of this Procedure.

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Section 437.70 Statement of Economic Interest under the Illinois Governmental Ethics Act, 5 ILCS 420/1-101 *et seq.*

- a) Persons who are:
 - 1) Employed by DCFS;
 - 2) Compensated for services as State of Illinois employees and not independent contractors; and
 - 3) Identified by the Department as meeting the criteria set forth in Section 4A-101(f) of the Illinois Governmental Ethics Act, 5 ILCS 420/1-101 *et seq.*, are required to file a yearly statement disclosing their economic interests. See 5 ILCS 420/4A-101(f).

- b) The DCFS Director's Office, in cooperation with the DCFS Ethics Officer and the Office of Employee Services, will contact employees instructing them to complete the Statement of Economic Interest when they:
 - 1) *Are, or function as, the head of a department, commission, board, division, bureau, authority or other administrative unit within the government of this State, or who exercise similar authority within the government of this State;*
 - 2) *Have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance or execution of contracts entered into by the State in the amount of \$5,000 or more;*
 - 3) *Have authority for the issuance or promulgation of rules and regulations within areas under the authority of the State;*
 - 4) *Have authority for the approval of professional licenses;*
 - 5) *Have responsibility with respect to the financial inspection of regulated nongovernmental entities;*
 - 6) *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 the State;*
 - 7) *Have supervisory responsibility for 20 or more employees of the State;*
 - 8) *Negotiate, assign, authorize, or grant naming rights or sponsorship rights regarding any property or asset of the State, whether real, personal, tangible, or intangible; or*
 - 9) *Have responsibility with respect to the procurement of goods or services. 5 ILCS 420/4A-101(f).*

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- c) In addition, employees affected by Section 4A-101(f) will be notified by the Secretary of State's regarding the requirement to file a Statement of Economic Interest. See 5 ILCS 420/4A-106, 108.
- d) Method of filing.
- 1) An employee may file the Statement of Economic Interest directly online at <https://www.ilsos.gov/departments/index/home.html>. The ethics officer will be capable of amending and approving a Statement of Economic Interests once the statement is filed online. See 5 ILCS 420/4A-108(a).
 - 2) If an employee is filing a physical paper version of the Statement of Economic Interest, the employee must timely submit his or her original verified, dated and signed Statement to the DCFS Ethics Officer who will then file it with the Secretary of State by the statutorily imposed due date. See 5 ILCS 420/4A-103.
- e) Failure to timely file with the Secretary of State the Statement of Economic Interest:
- 1) Shall subject the employee to fines imposed by the Secretary of State. 5 ILCS 420/4A-105, 107.

The officer with whom a statement is to be filed may, in his or her discretion, waive the late filing fee, the monetary late filing penalty, and the ineligibility for or forfeiture of office or position for failure to file when the person's late filing of a statement or failure to file a statement is due to his or her (i) serious or catastrophic illness that renders the person temporarily incapable of completing the statement or (ii) military service. 5 ILCS 420/4A-105.
 - 2) Shall result in ineligibility for, or forfeiture of, office or position of employment, except if the notice of failure to file a Statement of Economic Interests provided in Section 4A-105 of this Act is not given by the Secretary of State, then no forfeiture shall result if a Statement is filed within 30 days of actual notice of the failure to file. See 5 ILCS 420/4A-107.
 - 3) *The Attorney General . . . shall bring an action in quo warranto against any person who has failed to file by either May 31 or June 30 of any given year and for whom the fees and penalties for late filing have not been waived under Section 4A-105. 5 ILCS 420/4A-107.*
- f) An employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor. 5 ILCS 420/4A-107.