

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER f: GENERAL ADMINISTRATION

PART 437
EMPLOYEE ETHICS AND CONFLICT OF INTEREST

Section

- 437.1 Purpose (Repealed)
- 437.2 Definitions (Repealed)
- 437.3 Department Statutory Responsibilities (Repealed)
- 437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties (Repealed)
- 437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)
- 437.6 Prohibitions Under the Illinois Purchasing Act (Repealed)
- 437.7 Requirements of the Governmental Ethics Act (Repealed)
- 437.8 Prohibition of Employee Conflicts in the Care of Children (Repealed)
- 437.9 Violations of Part 437 (Repealed)
- 437.10 [Purpose](#)
- 437.20 [Definitions](#)
- 437.30 [DCFS Ethics Officer](#)
- 437.40 [Prohibition of Employee Conflicts of Interest](#)
- 437.50 [Conflict Prohibitions Under the Illinois Procurement Code](#)
- 437.60 [Requirements of the Illinois Governmental Ethics Act](#)
- 437.70 [Prohibition of Employee Conflicts in the Placement and Care of Children](#)
- 437.80 [Requirements of the State Officials and Employees Ethics Act](#)
- 437.90 [Employee Conflict of Interest Violations](#)

AUTHORITY: Implementing and authorized by Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420]; Section 16 of the Civil Administrative Code of Illinois [20 ILCS 5]; Section 4 of the Children and Family Services Act [20 ILCS 505]; Article 50 of the Illinois Procurement Code [30 ILCS 500], and the State Officials and Employees Ethics Act [5 ILCS 430].

SOURCE: Adopted and codified at 5 Ill. Reg. 13139, effective November 30, 1981; amended at 7 Ill. Reg. 8520, effective July 22, 1983; amended at 9 Ill. Reg. 2661, effective March 1, 1985; amended at 13 Ill. Reg. 3339, effective March 1, 1989; amended at 19 Ill. Reg. 6311, effective May 1, 1995; emergency amendment at 21 Ill. Reg. 11593, effective August 15, 1997, for a maximum of 150 days; emergency amendment modified in response to JCAR Objection at 21 Ill. Reg. 14096; emergency expired January 12, 1998; amended at 22 Ill. Reg. 5484, effective March 16, 1998; amended at 22 Ill. Reg. 21306, effective December 15, 1998; amended at 44 Ill. Reg. 16418, effective September 28, 2020.

EMPLOYEE ETHICS AND CONFLICT OF INTEREST
October 16, 2020 – PT 2020.18

Section 437.1 Purpose (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.2 Definitions (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.3 Department Statutory Responsibilities (Repealed)

Section 437.4 Prohibition of Employee Interests Which May Influence the Department's Statutory Duties (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.5 Prohibition of Employee Interests Which May Influence the Department's Grant or Purchase of Service Programs (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.6 Prohibitions Under the Illinois Purchasing Act (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.7 Requirements of the Governmental Ethics Act (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.8 Prohibition of Employee Conflicts in the Care of Children (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

Section 437.9 Violations of Part 437 (Repealed)

(Source: Repealed at 22 Ill. Reg. 5484, effective March 16, 1998)

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

Section 437.10 Purpose

The purpose of this Part is to define child welfare ethics and provide rules regarding employee conflicts of interest. This Part applies to the conduct of Department employees executing their employment duties, and employee acts in relationship to any entity that is licensed or regulated by the Department or that provides services for the Department pursuant to a grant, contract, or purchase of service agreement from or with the Department.

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.20 Definitions

"Act" means the State Officials and Employees Ethics Act [5 ILCS 430].

"Business relationship" means an association between individuals or companies, entered into for commercial purposes, and sometimes formalized with legal contracts or agreements. Many employees maintain a friendly business relationship with an extensive network of other executives, business people, and contractors that they can call upon for advice or for other business purposes.

"Child care facility," as used in this Part, means a "facility for child care" as defined by the Child Care Act of 1969 [225 ILCS 10/2.05], and includes any child care institution, child welfare agency, day care center, part-day child care facility, day care agency, group home, foster family home, day care home, group day care home, transitional or independent living arrangement, residential or youth emergency shelter.

"Code of Ethics for Child Welfare Professionals" means the ethics code that addresses business ethics, a code of professional practice, and an employee code of conduct.

"Conflict of interest" means an employee has a personal interest that could result in using his or her official position for private gain, giving preferential treatment to any entity or person in the conduct of official duties because of personal interest, impeding or adversely affecting governmental efficiency or economy because of personal interest, failing to act impartially in the conduct of official duties because of personal interest, or engaging in conduct that could adversely affect the confidence of the public in the integrity of the Department of Children and Family Services.

"Conflict of Interest Committee" is a group appointed by the Director that reviews issues, inquiries or concerns and provides assistance and guidance to DCFS employees regarding this Part.

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

"Decisionmaking function" or "decisionmaking authority" means personal involvement in, or direct supervisory responsibility for, the formulation, monitoring or execution of a contract or grant. This includes, but is not limited to, preparation of contract or grant specifications, program plans and scopes of services, evaluation of bids or proposals, negotiation of contract or grant terms, evaluation of service delivery or the contract or grant deliverables, monitoring of services provided, evaluation of contract or grant performance, supervision of contract or grant performance, and providing input into whether a contract or grant should be approved, renewed or terminated. Decisionmaking function or decisionmaking authority also means that an individual's duties include, but are not limited to, the referral or transfer of any applicant for or client of Department services to a child care facility or other entity; the supervision, monitoring, licensing, or evaluation of a child care facility or other entity; or the decision whether to award or refuse to award a contract or grant to a child care facility or other entity.

"Department" or "DCFS" means the Illinois Department of Children and Family Services. [225 ILCS 10/2.02]

"Director" means the Director of the Illinois Department of Children and Family Services.

"Economic interest" means any form of ownership, debt interest or contract whereby the individual may incur monetary gain or loss. The term does not include a contract for teaching services at a public or private college, community college or university.

"Employee" or "State employee" means an individual who, on a full-time or part-time basis, receives remuneration from the Department for services performed. For purposes of this Part, the term "employee" includes an individual who receives remuneration directly from the Department pursuant to a contract for personal services.

"Familial relationship" means two employees or an employee and a job applicant in the relationship of:

wife, husband, civil union partner, son, daughter, mother, father, sister, brother, nephew, niece, aunt, uncle, grandmother, grandfather, granddaughter, grandson, first cousin;

any of those relationships arising as a result of marriage or civil union, including father-in-law, mother-in-law, son-in-law, daughter-in-law, grandson-in-law, granddaughter-in-law, brother-in-law, sister-in-law, stepmother, stepfather, stepdaughter, stepson, stepsister, stepbrother, step-granddaughter, step-grandson, half-sister, half-brother; or

a legal dependent as claimed on the most recent federal income tax return.

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

"Fiduciary duty" means the obligation of all Department employees to act in the best interests of the client in the conduct of official business and fulfillment of the Department's statutory responsibilities. Fiduciary duty requires each employee to act in good faith without personal self-interest and with care, candor and loyalty in carrying out his or her duties on behalf of the Department.

"Foster family home", for the purpose of this Part, means a facility for child care in residences of families who receive no more than 8 children unrelated or related to them, unless all the children are of common parentage, or residences of relatives who receive no more than 8 related or unrelated children placed by the Department, unless the children are of common parentage, for the purpose of providing family care and training for the children on a full-time basis, except that the Director, pursuant to Department regulations, may waive the limit of 8 children unrelated to an adoptive family for good cause to facilitate an adoptive placement. The family's or relative's own children under 18 years of age shall be included in determining the maximum number of children served. [225 ILCS 10/2.17] The term "foster family home" also includes the residences of related children placed by the Department and the residences of families that receive children for purposes of adoption.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value, including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an employee, member or officer. [5 ILCS 430/1-5]

"Immediate family member" means any of the following relationships by blood, marriage, civil union or adoption: spouse, son, daughter, mother, father, sibling, brother- or sister-in-law, or a legal dependent. For the purpose of this Part, this includes any youth-in-care residing at the residence.

"Member of the household" means a person who resides in a family home as evidenced by factors including, but not limited to, maintaining clothing and personal effects at the household address, receiving mail at the household address, or using identification with the household address. For the purpose of this Part, this includes any youth-in-care residing at the residence.

"Personal interest" means that one has the potential to gain or lose money, other consideration, gifts, favors, or preferential treatment for oneself or another, depending upon the outcome of a decision, review or other transaction.

"Personal relationship" means related by blood, marriage, civil union or adoption, or that a DCFS employee has a social, business or other relationship that has the potential to influence or affect the employee's objectivity or judgement when performing a task directly involving the person with whom he or she has a personal relationship. Personal relationship also includes a Department employee's

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

association with a member of his or her household who is unrelated to the employee by blood, marriage, civil union or adoption, but whose association with the Department employee has the potential to influence or affect the employee's objectivity or judgment.

"Secondary employment" means any external employment or work activity, with a public or private entity, or self-employment that is in addition to an employee's position with the Department, even while on leave. Secondary employment includes, but is not limited to, working for another employer, self-employment, the private practice of any profession, occupation or trade, consulting services, being involved in a family business, volunteer work and teaching.

"Significant working relationship" means a relationship that involves direct or indirect supervision or shared work responsibility.

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.30 DCFS Ethics Officer

The DCFS Ethics Officer:

- a) Acts as liaison between DCFS and the Office of the Executive Inspector General and the Executive Ethics Commission;
- b) Reviews statements of economic interest and disclosure forms of officers, senior employees, and contract monitors before they are filed with the Secretary of State;
- c) Provides guidance to DCFS employees on the interpretation and implementation of the State Officials and Employees Ethics Act and the Code of Ethics for Child Welfare Professionals. Guidance shall be based, whenever possible, upon legal precedent in court decisions and published opinions of the Executive Ethics Commission;
- d) Participates as a member of the DCFS Conflict of Interest Committee;
- e) Keeps abreast of executive orders and changes in law or statutes that could affect ethical duties or decisions; and
- f) Consults DCFS Conflict of Interest Committee as needed.

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

EMPLOYEE ETHICS AND CONFLICT OF INTEREST
October 16, 2020 – PT 2020.18

Section 437.40 Prohibition of Employee Conflicts of Interest

a) Personal Interest

- 1) No employee shall use his or her official position for private gain, give preferential treatment to any person or entity in the conduct of official duties because of personal interest, impede or adversely affect governmental efficiency, investigation or economy because of personal interest, fail to act impartially in the conduct of official duties because of personal interest, or engage in conduct that could adversely affect the confidence of the public in the integrity of the Department.
- 2) Employees shall conduct official business impartially and with the object of fulfilling the Department's statutory responsibilities. No employee shall use his or her official position to benefit his or her economic, private or personal interests or to benefit the economic, private or personal interests of persons with whom he or she has a personal, familial or business relationship.
- 3) Employees shall use Department property and funds only for the purposes directed by, and in the manner specified or directed by, Department rules, policies and procedures. No Department employee shall engage in, or knowingly permit, the misuse of Department property or funds for personal gain or economic self-interest, or for the gain or economic interest of others with whom he or she has a personal, familial or business relationship.

b) Improper Influence

- 1) No employee shall serve in any capacity with, or be employed on a full-time or part-time basis by, any child care facility or any entity that has a grant, contract or purchase of service agreement with the Department, to the extent that the service or employment creates a conflict of interest. Foster family home and day care home licensees are exempt from this restriction.
- 2) No employee shall act as a consultant, paid or unpaid, to any entity if that consultation enables the entity to meet Department licensing requirements, obtain a grant, contract, or purchase of service agreement with the Department, or secure Department approval for program or staffing, to the extent that the consultation creates a conflict of interest as defined in this Part.

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

c) Secondary Employment

- 1) An employee engaged in any secondary employment shall not permit that employment to interfere with his or her official duties, violate any provision of this Part or any other applicable rules, or use his or her relationship with the Department to obtain or promote his or her secondary employment.
- 2) An employee engaged in any secondary employment shall notify his or her supervisor, in writing, of his or her secondary employment. If the supervisor is unsure if there is a conflict of interest with the secondary employment, the supervisor shall consult with the Conflict of Interest Committee.

d) Service on Boards and Committees

- 1) Any employee who serves on the board of directors or professional advisory committee, in either a paid or unpaid capacity, of any child care facility or any entity that has a grant, license, contract or purchase of service agreement with the Department shall immediately notify the DCFS Ethics Officer. After notifying the DCFS Ethics Officer, the employee shall refrain from being involved in any decisionmaking function that impacts that child care facility or entity until approval from the DCFS Ethics Officer has been provided. Service on a board of directors or professional advisory committee may result in a determination that such service presents an inherent conflict of interest and that the service must be terminated. Further, an employee receiving payment or reimbursement for travel expenses (transportation, lodging, per diem) related to serving on a board of directors or professional advisory committee shall report those payments or reimbursement to the DCFS Ethics Officer when the aggregate amount exceeds \$200, or any limit contained in the Act or any Executive Order (whichever is more stringent) within a calendar year for service on a single board of directors or professional advisory committee.
- 2) An employee appointed to a board of directors or professional advisory committee by the Director to meet the requirements of a statute or Executive Order is exempt from the provisions of this subsection (d) with regard to that appointment.

e) Gift Ban; Disposition of Gifts

To prevent the inappropriate influence or the appearance of inappropriate influence over State employees, no State employee shall intentionally solicit or accept any gift from any person, entity or child care facility for the benefit of himself or herself or his or her spouse or immediate family members.

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

- 1) Persons from whom gifts may not be accepted include, but are not limited to, any person, entity or child care facility that, within the prior year, was or is:
 - A) seeking a contract, grant or other award with or from the Department;
 - B) licensed by, or is seeking to become licensed by, the Department;
 - C) involved in a child protection investigation or safety plan; or
 - D) receiving services funded by the Department, either for himself or herself or for a member of his or her immediate family.
 - 2) The employee shall immediately report the receipt of any gift, including a gift to the employee's spouse or immediate family member, to the employee's direct supervisor and Regional Administrator, who must document the disposition of the gift as described in subsection (e)(3) and report it to the Ethics Officer.
 - 3) Any payment, gift, favor or other consideration not authorized for acceptance in this subsection (e) shall be *returned to the donor* immediately in order to avoid violating this Part. An employee may otherwise *give the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under section 501(c)(3) of the Internal Revenue Code.* [5 ILCS 430/10-30]
- f) Honoraria
- 1) No employee may accept an honorarium for speeches, panel participation or written materials when the employee is speaking or writing as a representative of the Department; the speaking or writing engagement occurs during the employee's scheduled work time (unless earned benefit time is used); or travel and related expenses are paid by the State.
 - 2) An employee may accept a nominal token of appreciation or courtesy (such as a meal, floral arrangement, plaque, certificate, cup or similar item) for participating in a governmental, civic, professional, athletic or similar event. The value of the tokens accepted from a single source shall not exceed \$200, or any limit contained in the 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. Any employee receiving tokens that cause the employee to exceed \$200, or the aggregate amount in the Act or Executive Order, regardless of source, during a single fiscal year shall notify the DCFS Ethics Officer, in writing, 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.

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

g) Future Remuneration or Employment

No employee shall participate personally or substantially in the award of a State contract or in a regulatory or licensing decision regarding an entity with which the employee has entered into any communications concerning a future job, contract for services, position or remuneration of any kind for the employee or a member of the employee's immediate family.

h) Economic and Personal Interests Prohibited

- 1) An employee must disclose to his or her direct supervisor, in a timely manner, any non-work relationship with a known DCFS client. The supervisor shall immediately review the conflict and determine whether to re-assign any casework responsibilities, and confer with the DCFS Ethics Officer and the Office of Employee Services regarding appropriate actions to be taken.
- 2) No employee shall be involved in any decisionmaking function that impacts anyone with whom the employee has a personal relationship or an economic interest; a child care facility, or any entity that has a grant, license, contract, purchase of service agreement, or adoption assistance agreement with the Department in which the employee or anyone with whom the employee has a personal relationship has a personal or economic interest. When an employee, an immediate family member of an employee, or anyone with whom the employee has a personal relationship has an economic interest in a child care facility or other entity, and the employee is involved in any decisionmaking function that impacts that child care facility or other entity, the employee shall immediately notify the DCFS Ethics Officer. This notification shall result in the employee not being involved in any decisionmaking function that impacts that child care facility or other entity and may result in a determination that a conflict of interest is present that requires that the employee terminate his or her employment. In addition, no employee shall be involved in any decisionmaking function with respect to any entity with which the employee was employed or had a contractual relationship within the past 12 months.

i) Nepotism Prohibited

No employee shall participate in any way in the hiring, supervision (including temporary supervision), or evaluation of another employee with whom the employee has or acquires a familial relationship. For the purpose of this subsection, "supervision" includes anyone within the supervisory chain of command over the family member.

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

- 1) Employees with a familial relationship may not provide supervision to each other, but they are allowed to work in the same work location.
 - 2) Any individual seeking employment, promotion, transfer, and/or any other action that modifies existing work conditions must identify to the DCFS Ethics Officer anyone with a familial relationship working for the Department in the same work location or within the chain of command at a different work location for which the individual is seeking consideration.
 - 3) Denial of employment, promotion, transfer, and/or any other action that modifies existing work conditions will occur for any individual to a position in which supervision of someone in a familial relationship would exist.
 - 4) Failure of an employee or applicant to disclose a familial relationship as defined in this Part may result in disciplinary action up to and including discharge.
 - 5) Immediate relatives serving on DCFS-related boards or commissions shall not use or attempt to use influence toward the Department in order to gain favor for their respective family members.
- j) Licensure Restrictions
- 1) **Employees Who Own, Operate or Participate in the Operations of a Child Care Facility**
When an employee is the owner, director, officer or manager of an entity that seeks to become licensed as a child care facility, other than a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by a Department region other than the region in which the individual is employed, and by employees who have no significant working relationship or personal relationship with the individual. If a license is granted, the employee must resign his or her employment before the facility commences any operations as a child care facility. For the first five years of operation, the child care facility shall be supervised, monitored, licensed and evaluated by a Department region other than the region in which the individual was previously employed, and by employees who had no significant working relationship with the individual while employed, and always by employees who have no personal relationship with the individual.
 - 2) When an employee or spouse seeks to become licensed as a foster family home or day care home, the study to determine compliance with licensing standards shall be provided by an agency other than the Department and by persons who have no significant working relationship or personal relationship with the employee. If a foster family or day care home license is granted, the employee may continue his or her employment while

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

operating the foster family home or day care home. The employee's or immediate family member's foster family home or day care home shall be supervised, monitored, licensed and evaluated by an agency other than the Department and by individuals who have no significant working relationship or personal relationship with the employee. The employee shall submit, in writing, a request for a determination from his or her immediate supervisors to make sure his or her official duties do not involve any interaction with the agency responsible for supervising, monitoring, licensing or evaluating the employee's foster family home or day care home. The immediate supervisor shall be responsible for ensuring that the employee's duties do not pose a conflict with the agency responsible for his or her license. If the employee or immediate family member seeks to apply for a license to operate a day care home, but there is no licensed child welfare or day care agency that processes day care home licenses within 50 miles of the employee's residence, the employee can submit a request, in writing, to the DCFS Ethics Officer seeking an exemption from the requirements of this subsection (j)(2), but only as the exemption pertains to day care homes.

- 3) **Employees Who Seek to Adopt or Apply for Adoption Assistance**
When an employee or immediate family member seeks to adopt a child or apply for adoption assistance, the study to determine the appropriateness of the adoption or eligibility for adoption assistance shall be provided by an agency other than the Department, and by persons who have no significant working relationship or personal relationship with the employee. If the Department enters into an adoption assistance agreement with the employee and immediate family member, on-going maintenance of that agreement shall be by a Department region other than that in which the individual is employed, and by employees who have no significant working relationship with the employee involved.

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.50 Conflict Prohibitions Under the Illinois Procurement Code

- a) All employees of the State of Illinois must comply with the anti-conflicts requirements of the Illinois Procurement Code [30 ILCS 500/13a]. The Illinois Procurement Code prohibits anyone employed by the State of Illinois, or who is the spouse or minor child of a State employee, from acquiring any contract or any direct pecuniary interest in any contract that will be paid, in whole or in part, with funds appropriated by the Illinois General Assembly.
- b) Section 13(a) of the Illinois Procurement Code provides, with specific exceptions, that *it is unlawful for any person holding an elective office in this State, holding a seat in the General Assembly, or appointed to or employed in any of the offices or agencies of State government and who receives compensation for that employment*

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

in excess of 60% of the salary of the Governor of the State of Illinois, or who is an officer or employee of the Capital Development Board or the Illinois Toll Highway Authority, or who is the spouse or minor child of any such person, to have or acquire any contract or any direct pecuniary interest in any contract therein, whether for stationery, printing, paper, or any services, materials, or supplies, that will be wholly or partially satisfied by the payment of funds appropriated by the General Assembly of the State of Illinois or in any contract of the Capital Development Board or the Illinois Toll Highway Authority [30 ILCS 500/13a]. As a result, all employees of the Department should consult the Procurement Code to ensure that they are in compliance with its conflict of interest requirements. Employees may also seek the assistance of the DCFS Ethics Officer in evaluating specific circumstances to determine compliance.

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.60 Requirements of the Illinois Governmental Ethics Act

- a) Employees who are receiving remuneration for services as State employees of the Department and who are identified by the Department as meeting the criteria set forth in Article 4A of the Illinois Governmental Ethics Act [5 ILCS 420] are required to file a yearly statement disclosing their economic interests. The Department 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; or*
 - 7) *have supervisory responsibility for 20 or more employees of the State.*
(Section 4A-101 of the Act)

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

- b) Employees affected by the Act will be notified by mail from the Secretary of State's Index Department regarding the requirement to file a Statement of Economic Interest. Any employee who is required to file a Statement of Economic Interest must timely submit his or her original Statement to the DCFS Ethics Officer who will then file it with the Secretary of State by the statutorily imposed due date. Any employee who fails to file his or her Statement of Economic Interest with the DCFS Ethics Officer by the date required may be subject to discipline or other penalties for late filing. Employees whose forms are not filed timely with the Secretary of State will be subject to fines imposed by the Secretary of State. Failure to file may result in fines and penalties up to and including discharge.
- c) Any employee who willfully files a false or incomplete Statement of Economic Interest shall be guilty of a Class A misdemeanor.

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.70 Prohibition of Employee Conflicts in the Placement and Care of Children

- a) No employee shall take a child for whom the Department is legally responsible to the employee's residence, or in any way be involved in arranging or facilitating the transportation of such a child to the employee's residence, unless:
 - 1) the employee is a licensed foster parent or unlicensed relative caregiver and the child has been placed with the employee for foster care or adoption purposes. Placement of a child with an employee must be approved by the administrator responsible for the region or the private agency administrator responsible for case management and documented in writing;
 - 2) the person responsible for the day to day care of the child has consented to the child's visit to the employee's residence or has authorized the employee to transport the child in-state, and the employee's supervisor has given prior written approval for this activity (for purposes of transportation, the employee has a valid driver's license, insurance as required by law, and uses appropriate child safety restraint devices);
 - 3) a child age 16 or over has been placed in a transitional or independent living arrangement, supervised by a different employee or another agency, the child is residing in an apartment or other separate unit of the building where the employee resides, and the employee's supervisor has given prior written approval for this activity; or
 - 4) the administrator responsible for the region has approved the child staying overnight at the employee's residence because of inclement weather or other emergency. Verbal approval by the administrator must be confirmed in writing the next business day.

EMPLOYEE ETHICS AND CONFLICT OF INTEREST
October 16, 2020 – PT 2020.18

- b) If an employee believes that his or her professional involvement with a client may be compromised for any reason, the employee shall immediately seek direction from his or her immediate supervisor. Reassignment of the case may resolve the conflict of interest. Examples of professional involvement that may pose a conflict of interest include, but are not limited to, the existence of a social friendship between the employee and the client, hostile interaction between the employee and client, and personal bias or animus between the client and employee.

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

Section 437.80 Requirements of the State Officials and Employees Ethics Act

- a) The Act is a comprehensive revision of State ethics laws intended to ensure that State officers and employees adhere to the highest ethical standards. The Act contains provisions regulating certain types of conduct by State employees, including but not limited to:
- 1) engaging in political activity and soliciting political contributions;
 - 2) making ex parte communications imparting information regarding regulatory, adjudicatory, investment or licensing matters;
 - 3) accepting gifts; and
 - 4) accepting subsequent employment ("revolving door").
- b) The Act also contains provisions protecting State employees from retaliation for reporting misconduct. Employees should consult the Act for a comprehensive list of prohibited activities. In the event that the requirements in the Act are different from those of this Part, the more restrictive requirements shall apply.

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)

EMPLOYEE ETHICS AND CONFLICT OF INTEREST

October 16, 2020 – PT 2020.18

Section 437.90 Employee Conflict of Interest Violations

- a) Strict compliance with all of the provisions of this Part is mandatory and any non-compliance may subject the employee to criminal penalties and/or discipline, up to and including termination of employment.
- b) Any employee who has reasonable cause to believe that an employee is in violation of any of the provisions of this Part shall refer the matter to the Department's Office of Inspector General.
- c) The Department may require any employee who appears to be in violation of any of the provisions of this Part to document all of his or her actions undertaken in order to determine compliance.
- d) Discipline imposed for violations of this Part will be based, in part, upon whether the employee:
 - 1) Used his or her official position for private gain (other than salary);
 - 2) Gave preferential treatment to any entity or person in the conduct of official duties because of a personal, familial or business interest or personal relationship;
 - 3) Impeded or adversely affected governmental efficiency or economy because of a personal, familial or business interest or personal relationship;
 - 4) Failed to act impartially in the conduct of official duties because of a personal, familial or business interest or personal relationship; or
 - 5) Engaged in conduct that could be reasonably construed as adversely affecting the confidence of the public in the integrity of the Department.

(Source: Amended at 44 Ill. Reg. 16418, effective September 28, 2020)