



BOARD POLICIES

DIVISION II. College Employees	POLICY NUMBER 2.01.10 (1)
CATEGORY 2.01.10 Government Ethics and State Gift Ban Act	DATE Adopted: 6/99 Revised: 10/1, 5/04, 01/18

2.01.10 GOVERNMENT ETHICS AND STATE GIFT BAN ACT

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (5 ILCS 430/1 et. seq.), effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees; and

WHEREAS, the act requires all units of local government and school districts, within six months after the effective date of 5 ILCS 430/1 et. seq., to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units “in a manner no less restrictive” than the provisions of the Act; and

WHEREAS, it is the clear intention of the Act to require units of local government and school districts to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations; and

WHEREAS, it is the clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable; and

WHEREAS, Board Policy 2.31 which adopted the Governmental Ethics and State Gift Ban Act (5 ILCS 425/1 et. seq.) effective on January 1, 1999 has been repealed by PA 93-617 effective December 9, 2003 and that as a consequence thereof such Board Policy 2.31 is no longer in full force and effect; and



BOARD POLICIES

<p>DIVISION II. College Employees</p>	<p>POLICY NUMBER 2.01.10 (2)</p>
<p>CATEGORY 2.01.10 Government Ethics and State Gift Ban Act</p>	<p>DATE Adopted: 6/99 Revised: 10/1, 5/04, 01/18</p>

WHEREAS, the Board of Trustees desires to substitute the policy set forth herein, as a new Board Policy 2.3, in order to replace the former policy which is no longer effective as a result of such repeal; and

WHEREAS, the Board of Trustees desire to express its intention to adopt an effective policy of prohibiting certain political activities and establishing a gift ban to officers and employees of Joliet Junior College in accordance with the Board Policy set forth below.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of Joliet Junior College, Illinois Community College District No. 525 that Section 2.31 of the Board Policies of Joliet Junior College Illinois Community College District No. 525 is hereby substituted, amended and supplemented by the addition of the following provisions

SECTION 1. Definitions.

For purposes of this Board Policy, the following terms shall be given these definitions:

Campaign for elective office means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

Candidate means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy for a nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

Collective bargaining has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).



BOARD POLICIES

<p>DIVISION II. College Employees</p>	<p>POLICY NUMBER 2.01.10 (3)</p>
<p>CATEGORY 2.01.10 Government Ethics and State Gift Ban Act</p>	<p>DATE Adopted: 6/99 Revised: 10/1, 5/04, 01/18</p>

Compensated time means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

Compensatory time off means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

Contribution has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

Employee means a person employed by the Joliet Junior College, Illinois Community College District No. 525 whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

Employer means the Joliet Junior College, Illinois Community College District No. 525.

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 officer or employee.

Leave of absence means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.



BOARD POLICIES

<p>DIVISION II. College Employees</p>	<p>POLICY NUMBER 2.01.10 (4)</p>
<p>CATEGORY 2.01.10 Government Ethics and State Gift Ban Act</p>	<p>DATE Adopted: 6/99 Revised: 10/1, 5/04, 01/18</p>

Officer means a person who holds, by election or appointment, an office created, by statute, ordinance, or resolution regardless of whether the officer is compensated for service in his or her official capacity.

Political activity means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

Political organization means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

Prohibited political activity means:

- (1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating 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.



BOARD POLICIES

DIVISION II. College Employees	POLICY NUMBER 2.01.10 (5)
CATEGORY 2.01.10 Government Ethics and State Gift Ban Act	DATE Adopted: 6/99 Revised: 10/1, 5/04, 01/18

- (5) Surveying or gathering 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.
- (6) Assisting at the polls on Election Day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question. Managing or working on a campaign for elective office or for or against any referendum question.
- (13) Serving as a delegate, alternate, or proxy to a political party convention.
- (14) Participating in any recount or challenge to the outcome of any election.



BOARD POLICIES

DIVISION II. College Employees	POLICY NUMBER 2.01.10 (6)
CATEGORY 2.01.10 Government Ethics and State Gift Ban Act	DATE Adopted: 6/99 Revised: 10/1, 5/04, 01/18

Prohibited source means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee.
- (5) is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors; or
- (6) is an agent of, a spouse of, or an immediate family member who is living with a “prohibited source.”

SECTION 2: Prohibited Political Activities:

- 2.1 No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Joliet Junior College in connection with any prohibited political activity.
- 2.2 At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or



BOARD POLICIES

DIVISION II. College Employees	POLICY NUMBER 2.01.10 (7)
CATEGORY 2.01.10 Government Ethics and State Gift Ban Act	DATE Adopted: 6/99 Revised: 10/1, 5/04, 01/18

employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

- 2.3 No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

- 2.4 Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Ordinance.

- 2.5 No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of apolitical organization or club.

SECTION 3. Gift Ban:

- 3.1 Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.



BOARD POLICIES

<p>DIVISION II. College Employees</p>	<p>POLICY NUMBER 2.01.10 (8)</p>
<p>CATEGORY 2.01.10 Government Ethics and State Gift Ban Act</p>	<p>DATE Adopted: 6/99 Revised: 10/1, 5/04, 01/18</p>

3.2 Exceptions. Section 3.1 is not applicable to the following:

- (a) Opportunities, benefits, and services that are available on the same conditions to the general public.
- (b) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.
- (c) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associates with a fundraising event in support of a political organization or candidate.
- (d) Educational materials and missions.
- (e) Travel expenses for a meeting to discuss business.
- (f) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, nephew, husband, wife, grandfather, grandmother, grandson, granddaughter, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- (g) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. h1 determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was



BOARD POLICIES

<p>DIVISION II. College Employees</p>	<p>POLICY NUMBER 2.01.10 (9)</p>
<p>CATEGORY 2.01.10 Government Ethics and State Gift Ban Act</p>	<p>DATE Adopted: 6/99 Revised: 10/1, 5/04, 01/18</p>

offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

- (h) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were lased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.
- (i) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- (j) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- (k) Bequests, inheritances, and other transfers at death.



BOARD POLICIES

DIVISION II. College Employees	POLICY NUMBER 2.01.10 (10)
CATEGORY 2.01.10 Government Ethics and State Gift Ban Act	DATE Adopted: 6/99 Revised: 10/1, 5/04, 01/18

- (l) Any item or items from anyone prohibited source during any calendar year having a cumulative total value of less than \$100.

Each of the exceptions listed in this Section is mutually exclusive and independent of other.

3.3 Disposition of gifts.
 An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate this Ordinance if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt income taxation under Section 501 (c) (3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

SECTION 4. Ethics Advisor:

- 4.1 The President, with the advice and consent of the Board of Trustees shall designate an Ethics Advisor for Joliet Junior College. The duties of the Ethics Advisor may be delegated to an officer or employee of Joliet Junior College unless the position has been created as an office by Joliet Junior College
- 4.2 The Ethics Advisor shall provide guidance to the officers and employees of Joliet Junior College concerning the interpretation of and compliance with the provisions of this Resolution and State ethics laws. The Ethics Advisor shall perform such other duties as may be delegated by the Board of Trustees.

SECTION 5. Penalties:

- (a) A person who intentionally violates any provision of Section 2 of this Board Policy may be punished by a term of incarceration in a penal institution other than



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—1901—

BOARD POLICIES

DIVISION II. College Employees	POLICY NUMBER 2.01.10 (11)
CATEGORY 2.01.10 Government Ethics and State Gift Ban Act	DATE Adopted: 6/99 Revised: 10/1, 5/04, 01/18