

Ethics In the Gray: When is a cup of coffee, just a cup of Joe?

ILCMA Winter Conference 2020



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Ethics in the Gray

- What is a “cup of Joe?”
- And why are we talking about him?





Former Illinois state Senator Sandoval pleads guilty
To bribery and tax fraud; Southern Illinoisan, January 28, 2020

2019-2020 Corruption Tracker: Illinois policy.org

- Indicted: State Sen. Tom Cullerton, D. Villa Park
- Arrested: State Rep. Tom Arroyo
- Under Investigation: Gov. J.D. Pritzker



Learning Objectives

- What are the ethics federal and state laws and case law that currently govern public sector behavior and expectations?
- Beyond what is "legal," how do we and our employees recognize ethical questions when they are not obviously "right or wrong?"
- How can we enable our employees to respond appropriately to ethically challenging situations, and what may be the consequences of their actions?
- How do we foster organizational cultures that prompt us and our employee to ask "what is the right thing to do here?"

5 CFR § 2635.101 - Basic obligation of public service (Federal Employees)

- (a) Public service is a public trust
- (b) General principles.

- (1) Public service is a public trust, loyalty ...ethical principles ...above private gain.
- (2) No financial interests that conflict with the conscientious performance of duty.
- (3) No financial transactions using nonpublic information to further any private interest.
- (4) No solicitation or acceptance of any gift or other item of monetary value from any person or entity seeking official action or affected by the performance or nonperformance of the employee's duties.

5 CFR § 2635.101 - Basic obligation of public service (Federal Employees)

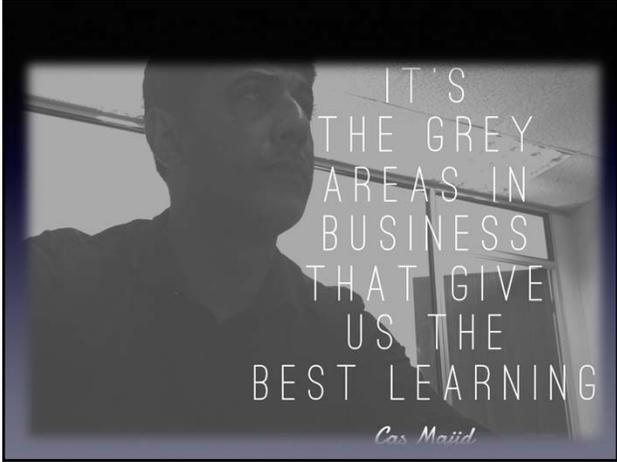
- (5) Employees shall put forth honest effort in the performance of their duties.
- (6) No unauthorized commitments or promises of any kind purporting to bind the Government.
- (7) Employees shall not use public office for private gain.
- (8) Act impartially and not give preferential treatment to any private organization or individual.
- (9) Protect and conserve Federal property and shall not use it for other than authorized activities.
- (10) No outside employment or activities, that conflict with official Government duties and responsibilities.
- (11) Disclose waste, fraud, abuse, and corruption to appropriate authorities.
- (12) Employees shall satisfy in good faith their obligations as citizens, including taxes -
- (13) Provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap, and
- (14) Avoid the appearance of impropriety.

The Rules

- State Officials and Employees Ethics Act, 5 ILCS 430/1 *et. seq.*
 - Local Governments, Ethics Act, 5 ILCS 430/70
- 5 ILCS 420/4A- Disclosure of Economic Interest
- State and Local Government Sec. 101 and 101.5
- Conflicts of Interest: Elected and Appointed Officials; 65 ILCS 5/3.1-50-20
- Gift Ban Act, 5 ILCS 430/10-10
- Local Gov. Expense and Control Act, 50 ILCS 150/5 *et. seq.*

The Obvious Rules

- Including, but not limited to:
 - Don't have a financial interest in a contract or business being considered or soliciting the municipality
 - Don't accept extravagant gifts, trips, tickets, dinners, theater, etc. from contractors or vendors
 - Don't use your position to give non-public information to a bidder
 - Some or all of these actions could also be a crime



Doing The Right Thing

- PW employees that are selling scrap and for department parties
- Police officer that asks for his "discount"
- Firefighter who falsifies EMS report
- Police officer who is arrested for stealing
- Elected office calls VM about inclusion of a particular candidate in the next phase of hiring

Do The Right Thing

- Village Manager makes anti-Trump comments during staff meeting and Department Head complains
- Water Department Clerk who waives penalties for her grandmother
- Detective who keeps "evidence" in his office instead of logging evidence into the "Beast."
- Fire Chief who does not notify VM or HR when disciplinary issues arise

Scenarios

Doing the Right Thing

- Joe sells insurance to the municipality
- Joe's son is on your son's soccer team
- Barbecue, dinners and use of the lake cabin
- Snowmobiles

Get Fit: 123

- Get Fit: 123 gives a discount to first responders, firefighters and police who join the gym
- No discount is given to other municipal employees
- They also provide free coffee, donuts and lunches to any first responder who stops in during the day any day of the week

Capital Well & Septic

- Alderman Mole recently sold his well and septic business to Roger Jeffers
- A year later, Capital is the low bidder on well and septic contract for new development in town
- Alderman Mole voted on the project and reviewed bids
- Alderman Mole has been seen on site working on the project. Capital is renting equipment from Mole

Manager Next Door

- Village Manager Smolt is the Village manager in an adjacent town.
- She has a tendency to come into your jurisdiction to drink and hang out with her boyfriend, a local bar fly.
- The previous Village Manager has required the police department to drive her home on several occasions.
- Last month, she called you up and asked you to waive penalties on her boyfriend's water bill.

FFITB Spending

- The FFITB consists of members of the fire department. The annual allocation of tax money is \$50,000.
- The FFITB has approved the purchase of:
 - Athletic shoes or gift cards
 - Additional insignias on fire apparatus (gold leaf)
 - A Rosewood Dining Table with IAFF Insignia

FFITB

- FFITB wants to create a separate account for FFITB monies outside of the municipal employer
- The proposal is for the President and Treasurer to write checks for the the payment of approved expenses without the Finance Department's
- They will provide their books for an audit at the end of the year

Best Friend Bob

- Your best friend Bob is a police captain in your municipality
- You and Bob were involved in a bad car accident as teenagers in Michigan
- Bob was paralyzed for many months
- Bob recovered but has confided in you that his mobility has steadily declined from the accident
- Last week, filed for a duty disability pension when he injured his back chasing a suspect
- No one knows about the car crash because it occurred out of state



thank you
