

## **CHAPTER 8 CITY OFFICIALS AND EMPLOYEES ETHICS ACT**

**LATEST REVISION:** August 24, 2020 (Ordinance 2020-051)

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#### **8.01 ADOPTION.**

- a) The regulations of Sections 5-15 (5 ILCS 430/5-15) and Article 10 (5 ILCS 430/10-10 through 10-40) of the State Officials and Employees Ethics Act, 5 ILCS 430/1-1 et seq., (hereinafter referred to as the "Act" in this Chapter) and Article 2 (775 ILCS 5/2, et seq. "Employment" and Article 6 (775 ILCS 5/6, et seq. "Additional Civil Rights Violations") of the Illinois Human Rights Act, 775 ILCS 5/1-101 et seq., are hereby adopted by reference and made applicable to the officers and employees of the City of DeKalb.

#### **8.02 DEFINITIONS.**

- a) For purposes of this Chapter, the terms "officer" and "employee" shall be defined as set forth in 5 ILCS 430/70-5(c) for any alleged violation under the Act as adopted and incorporated herein.
- b) For purposes of this Chapter, the terms "officer" or "public officer", "employee" or "public employee", "unlawful discrimination", "Harassment" and "sexual harassment" shall be defined as set fourth in Article 2 of the Illinois Human Rights Act (775 ILCS 5/2, et seq. "Employment") for any alleged violation of the Illinois Human Rights Act as adopted and incorporated herein.

#### **8.03 GIFT BAN.**

- a) The solicitation or acceptance of gifts prohibited to be solicited or accepted under the Act, by any officer or any employee of the City of DeKalb, is hereby prohibited.
- b) The offering or making of gifts prohibited to be offered or made to an officer or employee of the City of DeKalb under the Act is hereby prohibited.

#### **8.04 PROHIBITED ACTIVITIES.**

- a) The participation in political activities prohibited under the Act by any officer or employee of the City of DeKalb is prohibited.

- b) The unlawful discrimination, harassment, retaliation, aiding and abetting, coercion, and interference prohibited under the Illinois Human Rights Act, as adopted and incorporated herein, by any officer or employee of the City of DeKalb is prohibited.
- c) The failure to complete an annual ethics and sexual harassment prevention training, as directed by the Ethics Advisor, by any officer or employee of the City of DeKalb is prohibited.
- d) The intentional failure to report an actual or perceived violation of this Chapter to the Ethics Advisor by an officer or employee of the City of DeKalb is prohibited, unless said officer or employee reports said violation in the manner which may otherwise be allowed in accordance with the City's Employee Handbook, collective bargaining agreements, rules and regulations.
- e) The intentional making of a false report of an alleged violation of this Chapter by any person is prohibited.

#### **8.05 ETHICS ADVISOR.**

- a) The City Manager shall serve as the "ethics advisor" of the City of DeKalb. In the event the City Manager cannot reasonably serve as the Ethics Advisor due to a conflict of interest, the City Attorney may serve as the Ethics Advisor.
- b) The Ethics Advisor shall provide guidance to the officers and employees of the City of DeKalb concerning the interpretation of and compliance with the provisions of this Chapter and State ethics, discrimination, and harassment laws. The Ethics Advisor shall perform such other duties as may be delegated by the City Council.
- c) Except as may otherwise be provided by the City's Employee Handbook, collective bargaining agreements, rules and regulations, the Ethics Advisor shall receive, investigate, conciliate, settle, charge or dismiss all reports of an alleged violation of this Chapter. The Ethics Advisor may refer an alleged violation of this Chapter to the City Attorney for administrative prosecution pursuant to the procedures established by Chapter 17 of this Code. To the extent allowed by law, the Ethics Advisor shall keep confidential all reports of an alleged violation of this Chapter and the persons identified in said reports.
- d) The Ethics Advisor, the Mayor, the City Attorney or the City's Human Resources Department may receive all reports of allegations of sexual harassment made against an elected official of the City of DeKalb by another elected official of the City of DeKalb. All such reports shall be referred to the City Attorney to retain a qualified individual or entity to perform an independent review of said allegations. The City Attorney shall report the final outcome of said independent review to the City's Corporate Authorities. To the extent allowed by law, the independent review, all reports of allegations of sexual harassment and the person identified in said review and reports shall be kept confidential.

#### **8.06 PENALTIES.**

- a) The penalties for violations of this Chapter shall be the same as those penalties set forth in 5 ILCS 430/50-5 for similar violations of the Act.
- b) The penalties provided herein shall not be the exclusive remedy for violations of this Chapter. Any employee of the City of DeKalb who violates any provision of this Chapter may also be subject to discipline and discharge. Any officer of the City of DeKalb who violates any provision

of this Chapter may also be subject to censure, suspension, and removal.

- c) This Chapter does not create or form the basis of a private right of action against the City of DeKalb or its employees, officials, or agents.

#### **8.07 AMENDMENTS.**

- a) This Chapter does not repeal or otherwise amend or modify any existing ordinances or policies which regulate the conduct of the City of DeKalb's officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Chapter, the provisions of this Chapter shall prevail.
- b) Any amendment to the Act or Illinois Human Rights Act that becomes effective after the effective date of this Chapter shall be incorporated into this Chapter by reference and shall be applicable to the solicitation, acceptance, offering and making of gifts and to prohibited political activities. However, any amendment that makes its provisions optional for adoption by municipalities shall not be incorporated into this Chapter by reference without formal action by the Corporate Authorities of the City of DeKalb.

**Chapter 8**  
**“City Officials and Employees Ethics Act**  
**Table of Amendments**

The following table provides for the amendments made to this Municipal Code Chapter since its original effective date of May 10, 2004 (Ordinance 2004-044).

<b>Effective Date</b>	<b>Ordinance No.</b>	<b>Description of Amendment</b>
5/10/2004	2004-044	Amending the Municipal Code by Deleting Chapter 8 “State Gift Ban Act” and Inserting a New Chapter 8 “City Officials and Employees Ethics Act”.
8/24/2020	2020-051	Amending Chapter 8 “City Officials and Employees Ethics Act” as it Pertains to the Workplace Transparency Act.