**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.

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.

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.

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.

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 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)