



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

HB5499

by Rep. Sara Feigenholtz

SYNOPSIS AS INTRODUCED:

- 5 ILCS 430/20-20
- 5 ILCS 430/20-100 new
- 5 ILCS 430/25-20
- 5 ILCS 430/25-100 new

Amends the State Officials and Employees Ethics Act. Creates the Offices of Executive Employee Advocacy and the Office of Legislative Employee Advocacy. Provides for the appointment of a Director to head each respective Office of Employee Advocacy. Provides for the qualifications and compensation of the Director. Provides that each respective Office of Employee Advocacy shall provide all employees over which it has jurisdiction with legal assistance, representation, and support concerning any complaint, investigation, or proceeding initiated under specified provisions of the Act, and operate a hotline through which covered employees may contact the Office concerning such matters. Allows the Director to employ and determine the compensation of staff as he or she determines necessary to carry out the functions of the Office. Provides that Executive Inspectors General and the Legislative Inspector General shall have the duty to appoint Directors of Employee Advocacy.

LRB100 17849 RJF 33030 b

1 AN ACT concerning government.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Officials and Employees Ethics Act is
5 amended by changing Sections 20-20 and 25-20 and by adding
6 Sections 20-100 and 25-100 as follows:

7 (5 ILCS 430/20-20)

8 Sec. 20-20. Duties of the Executive Inspectors General. In
9 addition to duties otherwise assigned by law, each Executive
10 Inspector General shall have the following duties:

11 (1) To receive and investigate allegations of
12 violations of this Act. An investigation may not be
13 initiated more than one year after the most recent act of
14 the alleged violation or of a series of alleged violations
15 except where there is reasonable cause to believe that
16 fraudulent concealment has occurred. To constitute
17 fraudulent concealment sufficient to toll this limitations
18 period, there must be an affirmative act or representation
19 calculated to prevent discovery of the fact that a
20 violation has occurred. The Executive Inspector General
21 shall have the discretion to determine the appropriate
22 means of investigation as permitted by law.

23 (2) To request information relating to an

1 investigation from any person when the Executive Inspector
2 General deems that information necessary in conducting an
3 investigation.

4 (3) To issue subpoenas to compel the attendance of
5 witnesses for the purposes of testimony and production of
6 documents and other items for inspection and copying and to
7 make service of those subpoenas and subpoenas issued under
8 item (7) of Section 20-15.

9 (4) To submit reports as required by this Act.

10 (5) To file pleadings in the name of the Executive
11 Inspector General with the Executive Ethics Commission,
12 through the Attorney General, as provided in this Article
13 if the Attorney General finds that reasonable cause exists
14 to believe that a violation has occurred.

15 (6) To assist and coordinate the ethics officers for
16 State agencies under the jurisdiction of the Executive
17 Inspector General and to work with those ethics officers.

18 (7) To participate in or conduct, when appropriate,
19 multi-jurisdictional investigations.

20 (8) To request, as the Executive Inspector General
21 deems appropriate, from ethics officers of State agencies
22 under his or her jurisdiction, reports or information on
23 (i) the content of a State agency's ethics training program
24 and (ii) the percentage of new officers and employees who
25 have completed ethics training.

26 (9) To review hiring and employment files of each State

1 agency within the Executive Inspector General's
2 jurisdiction to ensure compliance with *Rutan v. Republican*
3 *Party of Illinois*, 497 U.S. 62 (1990), and with all
4 applicable employment laws.

5 (10) To establish a policy that ensures the appropriate
6 handling and correct recording of all investigations
7 conducted by the Office, and to ensure that the policy is
8 accessible via the Internet in order that those seeking to
9 report those allegations are familiar with the process and
10 that the subjects of those allegations are treated fairly.

11 (11) To appoint a Director of Executive Employee
12 Advocacy as provided under Section 20-100.

13 (Source: P.A. 96-555, eff. 8-18-09.)

14 (5 ILCS 430/20-100 new)

15 Sec. 20-100. Offices of Executive Employee Advocacy.

16 (a) Five Offices of Executive Employee Advocacy are
17 created, one each in the Offices of the Executive Inspector
18 General for the Governor, the Attorney General, the Secretary
19 of State, the Comptroller, and the Treasurer.

20 (b) Each Executive Inspector General shall appoint a
21 Director as head of each Office of Executive Employee advocacy.
22 Each Director appointed under this subsection (b) shall have
23 jurisdiction over the same officers and employees as his or her
24 appointing Executive Inspector General. The individual
25 appointed as Director shall be a licensed attorney-at-law of

1 this State. The compensation for each Director of Executive
2 Employee Advocacy shall be determined by the Executive
3 Inspector General as authorized under subsection (d) of Section
4 20-10. The Director may be removed by the Executive Inspector
5 General only for cause. Each Director shall be appointed
6 without regard to political affiliation and solely on the basis
7 of fitness to perform the duties of the position.

8 (c) Each Office of Executive Employee Advocacy shall
9 provide all employees over which it has jurisdiction with legal
10 assistance, representation, and support concerning any
11 complaint, investigation, or proceeding initiated under this
12 Article. Each Office of Executive Employee Advocacy shall also
13 operate a hotline through which covered employees may contact
14 the Office concerning a complaint, investigation, or
15 proceeding initiated under this Article. The relationship
16 between the Office and an employee to whom the Office provides
17 legal assistance and representation under this Section shall be
18 the relationship between an attorney and client.

19 (d) Subject to rules adopted by the Executive Ethics
20 Commission and with the approval of the appropriate Executive
21 Inspector General, each Director may employ and determine the
22 compensation of staff as he or she determines necessary to
23 carry out the functions of the Office of Executive Employee
24 Advocacy.

1 Sec. 25-20. Duties of the Legislative Inspector General.
2 In addition to duties otherwise assigned by law, the
3 Legislative Inspector General shall have the following duties:

4 (1) To receive and investigate allegations of
5 violations of this Act. Except as otherwise provided in
6 paragraph (1.5), an investigation may not be initiated more
7 than one year after the most recent act of the alleged
8 violation or of a series of alleged violations except where
9 there is reasonable cause to believe that fraudulent
10 concealment has occurred. To constitute fraudulent
11 concealment sufficient to toll this limitations period,
12 there must be an affirmative act or representation
13 calculated to prevent discovery of the fact that a
14 violation has occurred. The Legislative Inspector General
15 shall have the discretion to determine the appropriate
16 means of investigation as permitted by law.

17 (1.5) Notwithstanding any provision of law to the
18 contrary, the Legislative Inspector General, whether
19 appointed by the Legislative Ethics Commission or the
20 General Assembly, may initiate an investigation based on
21 information provided to the Office of the Legislative
22 Inspector General or the Legislative Ethics Commission
23 during the period from December 1, 2014 through November 3,
24 2017. Any investigation initiated under this paragraph
25 (1.5) must be initiated within one year after the effective
26 date of this amendatory Act of the 100th General Assembly.

1 (2) To request information relating to an
2 investigation from any person when the Legislative
3 Inspector General deems that information necessary in
4 conducting an investigation.

5 (3) To issue subpoenas, with the advance approval of
6 the Commission, to compel the attendance of witnesses for
7 the purposes of testimony and production of documents and
8 other items for inspection and copying and to make service
9 of those subpoenas and subpoenas issued under item (7) of
10 Section 25-15.

11 (4) To submit reports as required by this Act.

12 (5) To file pleadings in the name of the Legislative
13 Inspector General with the Legislative Ethics Commission,
14 through the Attorney General, as provided in this Article
15 if the Attorney General finds that reasonable cause exists
16 to believe that a violation has occurred.

17 (6) To assist and coordinate the ethics officers for
18 State agencies under the jurisdiction of the Legislative
19 Inspector General and to work with those ethics officers.

20 (7) To participate in or conduct, when appropriate,
21 multi-jurisdictional investigations.

22 (8) To request, as the Legislative Inspector General
23 deems appropriate, from ethics officers of State agencies
24 under his or her jurisdiction, reports or information on
25 (i) the content of a State agency's ethics training program
26 and (ii) the percentage of new officers and employees who

1 have completed ethics training.

2 (9) To establish a policy that ensures the appropriate
3 handling and correct recording of all investigations of
4 allegations and to ensure that the policy is accessible via
5 the Internet in order that those seeking to report those
6 allegations are familiar with the process and that the
7 subjects of those allegations are treated fairly.

8 (10) To appoint a Director of Legislative Employee
9 Advocacy as provided under Section 25-100.

10 (Source: P.A. 100-553, eff. 11-16-17.)

11 (5 ILCS 430/25-100 new)

12 Sec. 25-100. Office of Legislative Employee Advocacy.

13 (a) The Office of Legislative Employee Advocacy is created
14 in the Office of the Legislative Inspector General.

15 (b) The Legislative Inspector General shall appoint a
16 Director as head of the Office of Legislative Employee
17 advocacy. The Director appointed under this subsection (b)
18 shall have jurisdiction over the same officers and employees as
19 the Legislative Inspector General. The individual appointed as
20 Director shall be a licensed attorney-at-law of this State. The
21 compensation for the Director of Legislative Employee Advocacy
22 shall be determined by the Legislative Inspector General as
23 authorized under subsection (d) of Section 25-10. The Director
24 may be removed by the Legislative Inspector General only for
25 cause. The Director shall be appointed without regard to

1 political affiliation and solely on the basis of fitness to
2 perform the duties of the position.

3 (c) The Office of Legislative Employee Advocacy shall
4 provide all employees over which it has jurisdiction with legal
5 assistance, representation, and support concerning any
6 complaint, investigation, or proceeding initiated under this
7 Article. The Office of Legislative Employee Advocacy shall also
8 operate a hotline through which covered employees may contact
9 the Office concerning a complaint, investigation, or
10 proceeding initiated under this Article. The relationship
11 between the Office and an employee to whom the Office provides
12 legal assistance and representation under this Section shall be
13 the relationship between an attorney and client.

14 (d) Subject to rules adopted by the Executive Ethics
15 Commission and with the approval of the Legislative Inspector
16 General, the Director may employ and determine the compensation
17 of staff as he or she determines necessary to carry out the
18 functions of the Office of Legislative Employee Advocacy.