

# Hinsdale Public Library

## Prohibited Gift and Political Activity Policy

### **PURPOSE**

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") have been adopted by reference and made applicable to the officers and employees of the Hinsdale Public Library to the extent required by 5 ILCS 430/70-5.

The Act exempts proceedings, meetings and documents resulting from the enforcement of this Policy from the provisions of the Illinois *Open Meetings Act* and the Illinois *Freedom of Information Act*.

### **Prohibited Political Activities**

The participation in political activities prohibited under the Act by any officer or employee of the Hinsdale Public Library is hereby prohibited:

(a) State employees shall not intentionally perform any prohibited political activity during any compensated time (other than vacation, personal, or compensatory time off). State employees shall not intentionally misappropriate any State property or resources by engaging in any prohibited political activity for the benefit of any campaign for elective office or any political organization.

(b) At no time shall any executive or legislative branch constitutional officer or any official, director, supervisor, or State employee intentionally misappropriate the services of any State employee by requiring that State employee to perform any prohibited political activity (i) as part of that employee's State duties, (ii) as a condition of State employment, or (iii) during any time off that is compensated by the State (such as vacation, personal, or compensatory time off).

(c) A State employee shall not be required at any time to participate in any prohibited political activity in consideration for that State employee being awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise.

(d) A State employee shall not be awarded any additional compensation or employee benefit, in the form of a salary adjustment, bonus, compensatory time off, continued employment, or otherwise, in consideration for the State employee's participation in any prohibited political activity.

(e) Nothing in this Section prohibits activities that are otherwise appropriate for a State employee to engage in as a part of his or her official State employment duties or activities that are undertaken by a State employee on a voluntary basis as permitted by law.

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(f) 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 State employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

Additional information and definition of terms may be found in 5 ILCS 430/5.

### **Prohibited Gifts**

The offering or making gifts prohibited to be offered or made to an officer or employee of the Hinsdale Public Library under the Act is hereby prohibited.

Except as otherwise provided in the following Section titled "Exceptions," no officer or employee, or immediate family member living with an officer or employee, shall solicit or accept any gift from any prohibited source, or in violation of any federal or state statute, rule or regulation. No prohibited source shall offer or make a gift that violates this Section.

### **Exceptions**

1. Opportunities, benefits, and services that are available on the same conditions as for the general public.
2. Anything for which the officer, member, or State employee pays the market value.
3. Any (i) contribution that is lawfully made under the Election Code or under this Act or (ii) activities associated with a fundraising event in support of a political organization or candidate.
4. Educational materials and missions. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.
5. Travel expenses for a meeting to discuss State business. This exception may be further defined by rules adopted by the appropriate ethics commission or by the Auditor General for the Auditor General and employees of the Office of the Auditor General.
6. 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, niece, 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,

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- stepsister, half brother, half sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiance or fiancée.
7. Anything provided by an individual on the basis of a personal friendship unless the member, officer, or employee has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the member, officer, or employee and not because of the personal friendship.
  8. In determining whether a gift is provided on the basis of personal friendship, the member, officer, or employee shall consider the circumstances under which the gift was 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 member, officer, or employee 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 member, officer, or employee the individual who gave the gift also at the same time gave the same or similar gifts to other members, officers, or employees.
  9. 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 purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to eat and delivered by any means.
  10. Food, refreshments, lodging, transportation, and other benefits resulting from the outside business or employment activities (or outside activities that are not connected to the duties of the officer, member, or employee as an office holder or employee) of the officer, member, or employee, or the spouse of the officer, member, or employee, if the benefits have not been offered or enhanced because of the official position or employment of the officer, member, or employee, and are customarily provided to others in similar circumstances.
  11. Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to a member, officer, or employee of a State agency from another member, officer, or employee of the same State agency; and "inter-governmental gift" means any gift given to a member, officer, or employee of a State agency, by a member, officer, or employee of another State agency, of a federal agency, or of any governmental entity.
  12. Bequests, inheritances, and other transfers at death.

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13. Any item or items from any one 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 one another.

(Source: P.A. 93-617, eff. 12-9-03.)

### **Disposition of Gifts**

Officers or employees who receive a gift that is given in violation of this Policy may, at their discretion, return the gift to the donor or give the gift or an amount equal to its value to an appropriate charity.

### **Ethics Officer**

The Library's Executive Director shall be the Ethics Officer for the Library. The Ethics Officer's duties and responsibilities shall include:

1. Providing guidance to officers and employees in completing statements of economic interest before they are filed with the appropriate office; and
2. Providing guidance to officers and employees in the interpretation and implementation of this policy and the requirements of the State Officials and Employees Ethics Act; and
3. Providing guidance to officers and employees in the interpretation and implementation of other applicable statutes, ordinances, rules, or regulations of the Library, Village of Hinsdale, the state of Illinois, or the federal government dealing with ethics, conflicts of interest, interests in contracts, jobs, work, or materials, or the profits thereof, or services to be performed for or by the Library.

In fulfillment of these duties, the Ethics Officer shall consult legal counsel as necessary.

### **Enforcement**

Complaints will be investigated by the Library's Ethics Officer and the President of the Board of Library Trustees. If either party is cited in the complaint, that individual will be removed from the investigation and replaced by another Board member.

Any employee or officer who violates this policy shall be subject to disciplinary action or censure as applicable by the Personnel Policy or Bylaws of the Board of Trustees. Violators may be required to reimburse, return or turnover of any prohibited gift as directed by the Board of Library Trustees.

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### **Interpretation**

To the extent that the Act may, from time to time, be or become more restrictive than the requirements of this Policy, the provisions of the Act shall control.

### **Declaration of Unconstitutionality**

If the Illinois Supreme Court (the "Court") should declare the Act unconstitutional in its entirety, this Policy shall be deemed repealed without further action of the Library Board. Should the Court declare part of the Act unconstitutional but uphold the constitutionality of the remainder of the Act, only those components of this Policy relating to the part of the Act found to be unconstitutional shall be deemed repealed without further action.

Hinsdale Public Library Board of Trustees  
Approved and Adopted by Library Board on April 27, 2004  
Revised 10/23/12, 11/17/15.