



## **Ethics Policy**

### **ARTICLE 1 DEFINITIONS**

**Section 1.** For purposes of this Policy, the following terms are defined as follows:

**"Business or Transaction"** means approvals and benefits granted, given, or entered into by the Morton Grove Public Library.

**"Campaign for elective office"** means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any individual to any federal, State, or local public office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

**"Candidate"** means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1-3 of the Election Code (10 ILCS 5/1-3).

**"Collective bargaining"** has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

**"Compensated time"** means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of their employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing their official duties, regardless of location.

**"Compensatory time off"** means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of their employment.

**"Contract"** means any agreement between the Morton Grove Public Library and any person, firm, corporation, or entity for the purchase of materials, goods, or services or real estate from the entity. Contract shall also mean any agreement whereby real estate, materials, goods, or services are sold by the Library to the entity. Contract shall also mean a deposit of monies, loans, or other financial services provided to the Library by banks and other thrift institutions. Contract shall include employment by the Library.

**"Contribution"** has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

**"Employee"** means a person employed by the Morton Grove Public Library, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed, but does not include an independent contractor.

**"Employer"** means the Morton Grove Public Library.

**"Employment benefits"** include but are not limited to the following: modified compensation or benefit terms; compensated time off; or change of title, job duties, or location of office or employment. An employment benefit may also include favorable treatment in determining whether to bring any disciplinary or similar action or favorable treatment during the course of any disciplinary or similar action or other performance review.

**"Employment Interest"** means an interest exists where a person is an employee or agent of the entity contracting or having any business or transaction with the Library, and:

1. The person is compensated in a manner so that he would receive a commission, bonus, or profit-sharing distribution based in whole, or in part, on the contract, business, or transaction with the Library, or
2. The total of all contracts, business, or transactions between the Library and the entity, in any calendar year, amount to more than twenty-five thousand dollars (\$25,000.00).

An employment interest shall not include employment by another unit of government.

**"Family Interest"** exists where a person has a wife, husband, son, daughter, father, mother, brother, or sister who has an ownership or employment interest in a contract, business, or transaction with the Library.

**"Gift"** means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

**"Leave of absence"** means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

**"Officer"** means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in their official capacity.

**"Ownership Interest"** exists where a person is the sole proprietor, owner, partner, stockholder, or joint venturer of the entity contracting, or having any business or transaction with the Library.

**"Political activity"** means any activity in support of or in connection with any campaign for elective office or any political organization but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

**"Political organization"** means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

**"Prohibited political activity"** means:

1. Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.
2. Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fund-raiser, political meeting, or other political event.
3. Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
4. Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
5. Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
6. Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
7. Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
8. Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
9. Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
10. Preparing or reviewing responses to candidate questionnaires.
11. Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
12. Campaigning for any elective office or for or against any referendum question.

13. Managing or working on a campaign for elective office or for or against any referendum question.
14. Serving as a delegate, alternate, or proxy to a political party convention.
15. Participating in any recount or challenge to the outcome of any election.

**"Prohibited source"** means any person or entity who:

1. is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
2. does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;
3. conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee;
4. has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or employee;
5. is registered or required to be registered with the Secretary of State under the Lobbyist Registration Act, except that an entity not otherwise a prohibited source does not become a prohibited source merely because a registered lobbyist is one of its members or serves on its board of directors;
6. is an agent of, a spouse of, or an immediate family member who is living with a prohibited source.

## **ARTICLE 2 PROHIBITED POLITICAL ACTIVITIES**

**Section 1. Adoption by Reference.** The regulations of Sections 5-15 (5 ILCS 430/5-15) of the State Officials and Employees Ethics Act ("Act") are hereby adopted by reference and made applicable to the officers and employees of Morton Grove Public Library to the extent required by Section 70-5 of the Act (5 ILCS 430/70-5).

### **Section 2. Prohibitions.**

- A. No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the Morton Grove Public Library in connection with any prohibited political activity.
- B. At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation, or personal time off).

- C. No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.
- D. No officer, employee, or candidate may promise anything of value related to the Morton Grove Public Library, including, but not limited to positions of employment, promotions, salary increases, other employment benefits, committee appointments, favorable treatment in any official or regulatory matter, or the awarding of any public contract to any entity that has as one of its purposes the financial support of a candidate for elective office. Nothing in this subsection prevents the making or accepting of voluntary contributions otherwise in accordance with law.

### **Section 3. Exceptions.**

- A. Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of their official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by this Policy.
- B. 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 employment or tenure solely because they are a member or an officer of a political committee, of a political party, or of a political organization or club.

## **ARTICLE 3 GIFT BAN**

**Section 1. Adoption by Reference.** The regulations of Article 10 of the State Officials and Employees Ethics Act (5 ILCS 430/10-10 through 10-40), ("Act") are hereby adopted by reference and made applicable to the officers and employees of Morton Grove Public Library to the extent required by Section 70-5 of the Act (5 ILCS 430/70-5).

**Section 2. Gift Ban.** Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

**Section 3. Exceptions.** This Section is not applicable to the following:

- A. Opportunities, benefits, and services that are available on the same conditions as for the general public.

- B. Anything for which the officer or employee, or their spouse or immediate family member, pays the fair market value.
- C. Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fund-raising event in support of a political organization or candidate.
- D. Educational materials and missions.
- E. Travel expenses for a meeting to discuss business.
- F. 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, stepsister, half-brother, half-sister, and including the father, mother, grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancée.
- G. Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or their spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient 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 recipient 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 recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.
- H. 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 consume which are delivered by any means.
- I. Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.
- J. Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.
- K. Bequests, inheritances, and other transfers at death.
- L. 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 every other.

**Section 4. Disposition of Gifts.** An officer or employee, their spouse or an immediate family member living with the officer or employee, does not violate this Policy if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives 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 of 1986, as now or hereafter amended, renumbered, or succeeded.

**Section 5. Enforcement.** Any employee who violates this Policy shall be subject to termination or other discipline, including but not limited to suspension (with or without compensation) of employment for a stated term, a requirement to reimburse, return or turnover of any prohibited gift as directed by the Morton Grove Public Library Board of Trustees.

## **ARTICLE 4 CONFLICTS OF INTEREST**

**Section 1. Adoption by Reference.** The regulations of Sections 3 and 3.1 of the Public Officer Prohibited Activities Act (50 ILCS 105/3; 3.1), ("Act") are hereby adopted by reference and made applicable to the officers and employees of Morton Grove Public Library.

**Section 2. Prohibited Interests.** No member of the Morton Grove Public Library Board of Trustees or the Executive Director shall have an ownership interest, an employment interest, or a family interest in any of the following matters:

- A. Any contract, business, or transaction of the Library or in the sale of any article to the Library where the expense, price, or consideration is paid either from the Library's treasury or by an assessment levied by the Library;
- B. Any purchase of goods, articles, or property belonging to the Library;
- C. Any purchase of property sold for delinquent taxes or assessments of the Library or sold by virtue of legal process at the suit of the Library.

The foregoing regulations shall not be applicable if a specific exception is provided for in Section 3 of this Policy.

**Section 3. Exceptions to Prohibited Interests. A member of the** Morton Grove Public Library Board of Trustees may have an ownership, employment, or family interest in any contract, business, or transaction if such interest meets one of the following conditions:

- A. The ownership, employment, or family interest is less than a seven and one-half percent (7½%) share of the ownership of the entity and any contract is awarded by competitive bidding, or
- B. The ownership, employment, or family interest is five percent (5%) or less of the shares of a publicly held corporation traded on a stock exchange, or

- C. The contract awarded by the Library is less than ten thousand dollars (\$10,000.00) and is in accord with the Library's purchasing or contracting procedures, or
- D. The ownership, employment, or family interest is less than a seven and one-half percent (7½%) share of any public utility company providing utility services to the Library and the utility's rates are approved by the Illinois Commerce Commission or the Federal Energy Regulatory Commission, or
- E. The ownership, employment, or family interest is less than a seven and one-half percent (7½%) share of a bank or savings and loan institution which has a contract of deposit of monies, loans, or financial services with the Library, or
- F. A member of the Morton Grove Public Library Board of Trustees may hold a position on the board of a not-for-profit corporation that is interested in a contract, work, or business of the Library under either of the following circumstances:
  - i. If the member is appointed by the Morton Grove Public Library Board of Trustees to represent the Library's interests on the board of a not-for-profit corporation, the member may actively vote on matters involving either the Morton Grove Public Library Board of Trustees or the not-for-profit board, as long as the membership on the board of the not-for-profit is not a paid position, except the not-for-profit board may reimburse the trustee for expenses incurred as a result of membership on the non-for-profit board; or
  - ii. If the Morton Grove Public Library Board of Trustees does not appoint one of its members to the governing body of a not-for-profit corporation, then a member of the Morton Grove Public Library Board of Trustees may continue serving on both the Morton Grove Public Library Board of Trustees and the board of the not-for-profit corporation, as long as the member abstains from voting on any proposition before the Morton Grove Public Library Board of Trustees directly involving the not-for-profit corporation, and, for those matters, the member shall not be counted as present for the purposes of a quorum of the Morton Grove Public Library Board of Trustees.

**Section 4. Disclosure and Abstention.** When any member of the Morton Grove Public Library Board of Trustees has an ownership, employment, or family interest, in a proposed contract, business, or transaction with the Library that is allowed by Section 3 of this Policy, the member shall file with the Executive Director a written disclosure of that interest, a description of the interest, the provision of Section 3 of this Policy relied upon, and a description of the applicability of the exception on a form as follows:

*DISCLOSURE OF INTEREST IN CONTRACT, BUSINESS, OR TRANSACTION*

Name: \_\_\_\_\_

Position with Library: \_\_\_\_\_



*Name of entity contracting with Library:* \_\_\_\_\_

*Proposed contract, business, or transaction:* \_\_\_\_\_

*I have an [ ] Ownership [ ] Employment [ ] Family*

*Interest in the proposed contract, business, or transaction as follows:* \_\_\_\_\_

*I am entitled to have such an interest under the provisions of Section 3  
because of the following facts:* \_\_\_\_\_

*Dated:* \_\_\_\_\_

*Signature:* \_\_\_\_\_

- A. This written disclosure must be filed with the Executive Director not later than the call to order of the Morton Grove Public Library Board of Trustees meeting at which the proposed contract, business, or transaction is to be considered. The Executive Director will bring the written notification to the attention of the Morton Grove Public Library Board of Trustees in public when the item is called on the agenda for consideration.
- B. A member of the Morton Grove Public Library Board of Trustees having an interest for which a disclosure is required must leave the dais during the Board of Trustees discussion and vote on the interested matter and shall not vote on the matter.

**Section 5. Prohibited Contracts Void.** No contract which would cause a violation of Section 2 of this Policy shall be approved by the Morton Grove Public Library Board of Trustees, and any contract which is approved is void ab initio.

**Section 6. Committees.** Except as prohibited by state law, it shall be lawful for members of the various committees of the Library, established from time to time by the ordinances or resolutions of the Library and the statutes of the state, to have an ownership, employment, or family interest in any contract, business, or transaction with the Library, provided that the committee member shall file with the Executive Director and with the chairman or vice chairman of the member's board or commission, the following disclosure:

*DISCLOSURE OF INTEREST IN CONTRACT, BUSINESS, OR TRANSACTION*

Name: \_\_\_\_\_

Position with Library: \_\_\_\_\_

Name of entity contracting with Library: \_\_\_\_\_

Proposed contract, business, or transaction: \_\_\_\_\_

I have an ☐ Ownership ☐ Employment ☐ Family

Interest in the proposed contract, business, or transaction as follows: \_\_\_\_\_

Dated: \_\_\_\_\_

Signature: \_\_\_\_\_

- A. This disclosure shall be filed before any board or commission (including the member's own) or the Morton Grove Public Library Board of Trustees considers approval of the proposed contract, business, or transaction.
- B. In the event the member's own board or commission is to review or recommend upon such contract, business, or transaction, the member shall leave the chamber where deliberations take place during the discussion and vote on the interested matter and such member shall have no vote upon the matter.
- C. The disclosure form filed by said member shall be attached to and made a part of the minutes of the meeting of said board or commission and shall be attached to and made a part of the report or recommendation made by said board or commission to the Morton Grove Public Library Board of Trustees, the Executive Director, or any other board or commission of the Library to whom such report or recommendation is rendered. Such disclosure shall be included with the agenda when the matter is proposed for approval by the Morton Grove Public Library Board of Trustees.
- D. Any member of a board or commission who knowingly fails to file a disclosure required by this Section shall be subject to immediate removal from such board or commission by the Morton Grove Public Library Board of Trustees.

**Section 7. Library Employees.** Except as prohibited by state law, Library employees may have an ownership, employment, or family interest in any contract, business, or transaction with the Library, provided that the Library employee files with the Executive Director the disclosure required in Section 6 of this Policy, prior to approval of the contract, business, or transaction by the Executive Director or the Morton Grove Public Library Board of Trustees. The disclosure shall be included in the agenda of the meeting at which any such interested matter is to be considered.

- A. The Executive Director shall reject any proposed contract, business, or transaction which directly affects the department where the employee works or where the employee is in a position to recommend, as part of his official duties, any such contract, business, or transaction.
- B. The Executive Director may, by administrative directive, establish additional standards for employees who may have an interest in any contract, business, or transaction with the Library.
- C. Any employee who knowingly fails to file a disclosure required by this Section shall be subject to immediate dismissal from employment with the Library.

**Section 8. No Disclosure Required.** Notwithstanding any other provision of this Policy, no disclosure is required under Sections 6 and 7 of this Policy where the only interest is five percent (5%) or less ownership of shares of a publicly held corporation traded on a stock exchange.

## **ARTICLE 5 ETHICS OFFICER**

An attorney for the Morton Grove Public Library shall be designated the Morton Grove Public Library Ethics Officer. The Ethics Officer is responsible for providing guidance to the officers, trustees, and employees of the Morton Grove Public Library concerning the interpretation of and compliance with the provisions of this Policy and State ethics laws. The Ethics Officer shall perform such other duties as may be delegated by the Morton Grove Public Library Board of Trustees.

## **ARTICLE 6 COMPLAINTS**

All complaints for violations of this Policy shall be processed and adjudicated in the same manner as like crimes, offenses, and ordinance violations, as may be applicable, and as set forth in Article 7.

## **ARTICLE 7 PENALTIES**

**Section 1.** A person who intentionally violates any provision of Article 2 of this Policy may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed \$2,500.

**Section 2.** A person who intentionally violates any provision of Article 3 of this Ordinance is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

**Section 3.** Any person who intentionally makes a false report alleging a violation of any provision of this Policy to the local enforcement authorities, the State's Attorney, or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days and may be fined in an amount not to exceed \$2,500.

**Section 4.** A violation of Article 2 of this Policy shall be prosecuted as a criminal offense by an attorney for the Morton Grove Public Library by filing in the circuit court an information, or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt.

**Section 5.** A violation of Article 10 of this Policy may be prosecuted as a quasi-criminal offense by an attorney for the Morton Grove Public Library.

**Section 6.** In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 2, Article 3 or Article 4 of this Policy is subject to discipline or discharge.

*Adopted by the Morton Grove Public Library Board of Trustees on March 9, 2023*