



## Memorandum

To: All Non-Bargained-For Pace Employees  
From: Jeanne Wrenn, Ethics Officer   
Subject: Ethics Ordinance  
Date: June 24, 2013

The Ethics Ordinance is attached. Please read the ordinance, sign the attached acknowledgement form and return to Human Resources for placement in your personnel file. Please contact me if you have any questions or would like further information on the contents of the ordinance and Policy.

The Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003, as further amended by Public Act 96-1528, effective July 1, 2011), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees, granting the Executive Ethics Commission and the Office of the Executive Inspector General for the Agencies of the Illinois Governor jurisdiction over all board members, employees, vendors and others doing business with the Regional Transit Boards to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance or violations of the Act and administer the revolving door prohibitions on prospective employment.

**PACE SUBURBAN BUS DIVISION OF THE  
REGIONAL TRANSPORTATION AUTHORITY**

**ETHICS ORDINANCE**

**PREAMBLE**

WHEREAS, the Illinois General Assembly has enacted the State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003, as further amended by Public Act 96-1528, effective July 1, 2011), which is a comprehensive revision of State statutes regulating ethical conduct, political activities and the solicitation and acceptance of gifts by State officials and employees, granting the Executive Ethics Commission and the Office of the Executive Inspector General for the Agencies of the Illinois Governor jurisdiction over all board members, employees, vendors and others doing business with the Regional Transit Boards to investigate allegations of fraud, waste, abuse, mismanagement, misconduct, nonfeasance, misfeasance or violations of the Act and administer the revolving door prohibitions on prospective employment; and

WHEREAS, the Act requires all units of local government and school districts, within six months after the effective date of Public Act 93-615, to adopt Ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by officers, the Board members and employees of such units "in a manner no less restrictive" than the provisions of the Act;

WHEREAS, Pace Adopted An Ordinance Implementing the Provisions of the State Officials and Employees Ethics Act (5 ILCS 430/1-1 *Et Seq.*), Ordinance No. SBD 04-61 on May 5, 2004, with the intention of adopting a more comprehensive Ethics Ordinance at a later date; and

WHEREAS, Pace desires to adopt the following Ethics Ordinance in compliance with the provisions of the Act,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF PACE,  
THE SUBURBAN BUS DIVISION OF THE REGIONAL TRANSPORTATION  
AUTHORITY, AS FOLLOWS:**

**SECTION A:** Pace Ethics Ordinance No. SBD adopted on June 5, 2013, is hereby supplemented by the amendment of this Ethics Ordinance with the following provisions:

## ARTICLE 1

### DEFINITIONS

Section 1-1. For purposes of this Ordinance, the following terms shall be given these definitions:

(a) "Board member" means a person appointed to and/or serving on the Pace Board of Directors.

(b) "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.

(c) "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).

(d) "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).

(e) "Compensated time" means, with respect to an employee or officer, any time worked by or credited to the employee or officer that counts toward any minimum work time requirement imposed as a condition of his or her 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 person is on a leave of absence.

With respect to an officer or employee whose hours are not fixed, "compensated time" includes any period of time when the officer or employee is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

With respect to Board members, "compensated time" means any period of time when the Board member is executing his or her official duties under the RTA Act, regardless of the location where such duties are being performed. (The issuance of I.R.S. form W-2 to a Board member has no bearing on the foregoing definition).

(f) "Compensatory time off" means authorized time off earned by or awarded to an employee or officer to compensate in whole or in part for time worked in excess of the minimum work time required of that person as a condition of his or her employment.

(g) "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).

(h) "Employee" means a person employed by Pace Suburban Bus, whether on a full-time or part-time basis or pursuant to a contract, whose duties are subject to the direction and control of Pace with regard to the material details of how the work is to be performed, but does not include an independent contractor.

(i) "Employer" means Pace Suburban Bus Division of the Regional Transportation Authority.

(j) "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, Board member, or employee.

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

(l) "Officer" means a person who holds, by election or appointment, an office with Pace which is created by statute or Ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

(m) "Pace" means the Suburban Bus Division of the Regional Transportation Authority.

(n) "Pace Board" means the Board of Directors of Pace.

(o) "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.

(p) "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.

**(q) "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 fundraiser, 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.

(r) "Prohibited source" means any person or entity who:

(1) is seeking official action (i) by an officer or Board member or (ii) by an employee, or by the Board member or another employee directing that employee;

(2) does business or seeks to do business (i) with the officer or Board member or (ii) with an employee, or with the officer, Board member or another employee directing that employee;

(3) conducts activities regulated (i) by the officer or Board member or (ii) by an employee, or by the Board member or another employee directing that employee; or

(4) has interests that may be substantially affected by the performance or non-performance of the official duties of the officer, Board member, or employee.

(s) "RTA Act" means the Regional Transportation Authority Act, 70 ICLS 3615/1.01 et seq.

## ARTICLE 2

### PROHIBITED POLITICAL ACTIVITIES

#### Section 2-1. Prohibited political activities.

(a) No officer, Board member, or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or Board member or employee shall intentionally use any property or resources of Pace in connection with any prohibited political activity.

(b) At no time shall an officer, Board member, or employee intentionally require any other Board member or employee to perform any prohibited political activity (i) as part of that Board member 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, Board member, or employee shall be required at any time to participate in any prohibited political activity in consideration for that Board member 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 Board member or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are either permissible for an officer, Board member, or employee to engage in as part of his or her official duties, or activities that are

undertaken by a Board member, officer or employee on a voluntary basis which are not prohibited by this Ordinance.

(e) 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 he or she is 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 3-1. Gift ban.** Except as permitted by this Article 3, no officer, Board member or employee, and no spouse of or immediate family member living with any Board member 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. Gifts received under this section should be reported to the Ethics Officer within 24 hours after receipt.

**Section 3-2. Exceptions.** Section 3-1 is not applicable to the following:

- (1) Opportunities, benefits, and services that are available on the same conditions as for the general public.
- (2) Anything for which the officer or Board member or employee, or his or her spouse or immediate family member, pays the fair market value.
- (3) Any (i) contribution that is lawfully made under the Election Code or (ii) activities associated with a fundraising event in support of a political organization or candidate.
- (4) Educational materials and missions.
- (5) Travel expenses for a meeting to discuss business.
- (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, 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 recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her 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 Board members or employees, or their spouses or immediate family members.

(8) 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 Ordinance, Section 3-2, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) 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 Board member or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or Board member or employee, and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. For the purpose of this Ordinance, "intra-governmental gift" means any gift given to an officer or Board member or employee from another officer or Board member or employee, and "inter-governmental gift" means any gift given to an officer or Board member or employee by an officer or Board member or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) 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 3-2 is mutually exclusive and independent of every other.

**Section 3-3. Disposition of gifts.** An officer, Board member, or employee, his or her spouse or an immediate family member living with the officer, Board member, or employee, does not violate this Ordinance 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.

## ARTICLE 4

### CONFLICT OF INTEREST IN CONTRACT PROCUREMENT

**Section 4-1. Personal Conflicts of Interest:** No officer, employee, or Board member shall participate in the selection, or in the award or administration of a contract supported by Federal or State funds if a conflict of interest, real or apparent is involved. Such a conflict arises when: the officer, employee, or Board member; any member of his/her immediate family; his or her partner; an organization which employs, or is about to employ any of the above, has a financial or other interest in the firm selected for award.

**Section 4-2. Organizational Conflicts of Interest:** Where the nature of the work to be performed under a proposed third party contract or sub agreement may, without some restrictions on future activities, result in an unfair competitive advantage to the third party contractor or sub recipient or impair its objectivity in performing the contract work, it shall be prohibited.

#### **Section 4.3. Conflicts of Interest Involving Families/Relatives:**

(a) Employees or officers or Board members and their spouses, their children, their parents, their brothers and sisters and their children, are prohibited from having or acquiring any contract or any direct pecuniary interest in any contract which will be wholly or partially performed by the payment of funds or the transfer of property of Pace. Any firm, partnership, association or corporation from which any employee or Board member or officer is entitled to receive more than seven and one-half percent (7.5%) of the total distributable income, is prohibited from having or acquiring any contract or direct pecuniary interest in any contract which will be performed in whole or in part by payment of funds or the transfer of property of Pace.

(b) Any firm, partnership, association or corporation from which employees or Board members and their spouses, their children, their parents, their brothers and sisters and their children are entitled to receive in the aggregate more than fifteen percent (15%) of the total distributable income, is prohibited from having or acquiring any contract or direct pecuniary interest in any contract which will be performed in whole or in part by the payment of funds or the transfer of property of Pace. Nothing in this section invalidates the provisions of any bond or security hereto or hereafter offered for sale or sold by or for Pace.

(c) Any purchase order or contract executed in violation of these regulations shall be null and void as to Pace.

**Section 4-4. Prior Interests:** This Ordinance does not affect the validity of any contract made between an employee or Board member or officer, his or her spouse, minor child or any combination of those persons if that contract was in existence before his or her employment or election/appointment as a Board member. The contract is voidable, however, if it cannot be

completed within 365 days after the employee or Board member or officer is employed or takes office.

**Section 4-5. Negotiations:** It is a violation of this Ordinance for any employee or Board member or officer to participate in contract negotiations on behalf of Pace with any firm, partnership, association, or corporation with whom that employee or officer or Board member has a contract for future employment or is negotiating concerning possible future employment.

**Section 4.6. Reporting Anticompetitive Practices:** When, for any reason, any vendor, bidder, contractor, officer, employee or Board member suspects collusion or other anticompetitive practice among any bidders, contractors, proposers, employees or Board members, a notice of the relevant facts shall be transmitted to the Ethics Officer.

**Section 4.7. Insider Information:** It is a violation of this Ordinance for any current or former employee, Board member, or officer to knowingly use confidential information available only by virtue of that office or employment for actual or anticipated gain for himself or herself or for any other person.

**Section 4.8. Voidable Contracts:** If any contract is entered into or any purchase or expenditure of funds is made, in violation of this Ordinance or any law, the contract may be declared void by the Purchasing Manager if a recommendation is made to that effect by the Ethics Advisor with the concurrence of the Executive Director and Pace Board.

## ARTICLE 5

### PROCUREMENT – REVOLVING DOOR PROHIBITION

**Section 5-1.** Pursuant to 5 ILCS 430/5-45 of the Illinois State Officials and Employees Ethics Act, no former Pace employee or officer or Board member or spouse or immediate family member living with such person shall, within a period of one year immediately after termination of employment or service, knowingly accept employment or receive compensation or fees for services from a person or entity if the employee, officer or Board member, during the year immediately preceding termination of employment or service, by the nature of their duties may have the authority to participate personally and substantially in the decision to award Pace contracts with a cumulative value of over \$25,000 or who has the authority to award contracts or change orders to the prospective employer, person or entity, or its parent or subsidiary.

**Section 5-2.** The requirements of this Section set forth that Pace's Ethics Officer shall submit a list of employees subject to the provisions of 5 ILCS 430/5-45(c) to the Governor and the Executive Ethics Commission. The Executive Inspector General has the authority to add names to this list for the agencies under their jurisdiction.

**Section 5-3.** This Section applies only to persons who are identified as subject to the provisions of 5 ILCS 430/5-45(c) by the Ethics Officer. Prior to accepting a job offer during current employment and for a one year period after departure, a C-list employee must notify the

Executive Inspector General of the job offer. The Ethics Officer and the employee must complete and submit the requisite forms to the Executive Inspector General. The Executive Inspector General has 10 days to analyze the prospective employment based upon the provisions enumerated in 5 ILCS 430/5-45(a). A negative response may be appealed to the Executive Ethics Commission within 10 days.

**Section 5-4. Penalties.** An intentional violation of the revolving door prohibition or failure to obtain a required determination constitutes a Class A misdemeanor. The Executive Ethics Commission may also levy an administrative fine of \$5,000 or up to three times the total annual compensation that would have been obtained in violation of the revolving door prohibition.

## ARTICLE 6

### POST-EMPLOYMENT RESTRICTIONS

**Section 6-1.** No former employee, Board member, or officer shall assist or represent any person other than Pace in any judicial or administrative proceeding involving Pace or any of its divisions, if the employee, Board member, or officer was counsel of record or participated personally and substantially in the proceeding during his/her term of service or employment.

**Section 6-2.** No former employee, Board member, or officer shall, for a period of one year after the termination of his/her term of service or employment, assist or represent any person in any business transaction involving Pace, if the employee, Board member, or officer participated personally and substantially in the subject matter of the transaction during his/her term of service or employment; provided that if the employee, Board member, or officer exercised contract management authority with respect to a contract, this prohibition shall be permanent as to that contract.

**Section 6-3** No former employee, Board member, or officer shall, for a period of two years after the termination of his/her term of service or employment engage in any activity amounting to a personal or organizational conflict of interest, or any other activity which amounts to a violation of the contract procurement provisions of this Ordinance. This prohibition includes but is not limited to: lobbying the procurement process; specifying; bidding; proposing bid, proposal, or contract documents; on their own behalf or on behalf of any firm, partnership, association, or corporation.

**Section 6-4.** Those seeking waiver of post-employment restrictions must appeal in writing to the Ethics Officer. The Ethics Officer will submit the appeal to the Executive Director and Pace Board for a decision as to whether the restriction can be waived.

## ARTICLE 7

### USE OR DISCLOSURE OF CONFIDENTIAL INFORMATION

No current or former employee or Board member or officer shall use or disclose other than in the performance of his or her official duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of his/her position or employment. For purposes of this section, "confidential information" means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

## ARTICLE 8

### ETHICS OFFICER

**Section 8-1. Designation of the Ethics Officer.** An Ethics Officer is hereby designated for Pace pursuant to the Illinois State Officials and Employees Ethics Act (5ILCS 430/20-230), effective on the adoption date of this Ordinance.

**Section 8-2. Duties of the Ethics Officer.** The Ethics Officer shall (a) if required by law, review the employees or Board members' statements of economic interest and disclosure forms; (b) provide guidance to officers, employees or Board members in the interpretation and implementation of this Ordinance; (c) perform all other duties which may be required of the Ethics Officer under this Ordinance; (d) perform such other duties with respect to this Ordinance as may be delegated to the Ethics Officer by the Executive Director; (e) act as the liaison between Pace and the appropriate Executive Inspector General, the Executive Ethics Commission and the other Regional Transit Boards; and (f) provide guidance to officers and employees in the interpretation and implementation of the State Officials and Employees Ethics Act (5ILCS 430).

## ARTICLE 9

### ENFORCEMENT

**Section 9-1. Allegations of Ordinance Violations.** (a) Each allegation of a violation of this Ordinance shall be in the form of a complaint. The complaint shall be prepared in duplicate and each copy shall: be in writing, signed and notarized; identify by name and position with Pace the person alleged to have committed the alleged violation; and specify the nature of the alleged violation. One copy of the complaint shall be delivered to the Ethics Officer or and one copy of the complaint shall be delivered to the Executive Director, in each case either personally or by certified mail, return receipt requested.

(b) If a complaint conforms to the requirements of Section 9-1(a), within five business days after receipt of the complaint, either the Ethics Officer or the Executive Director shall send written notification to the respondent named in the complaint that a complaint has been filed

against him or her; with a statement as to the specific nature of the complaint; and that an investigation will proceed as provided in Sections 9-2 or 9-3, as appropriate.

**Section 9.2. Investigations and Further Proceedings for Complaints Not Involving the Executive Director or a Board Member.** Upon receipt of a complaint which conforms with the requirements of Section 9-1(a), alleging that an Employee, other than the Executive Director or a member of the Pace Board has violated this Ordinance, the Executive Director shall either direct the general counsel to appoint an attorney to investigate and report on the alleged violation to the executive director or shall refer the matter to the Human Resources Department to investigate and report on the alleged violation to the executive director. When investigated by an attorney, that attorney shall determine if, based upon the evidence, there is probable cause that a violation has occurred which should be prosecuted. When investigated by the Human Resources Department and a violation is found of Article 2 (Prohibited Political Activities) or Article 3 (Gift Ban), the findings shall be reviewed by an attorney to determine if, based upon the evidence, there is probable cause that a violation has occurred which should be prosecuted. If the report concludes that prosecution is warranted, the Executive Director and the Legal Officer will report to the Board and seek the concurrence of the Pace Board to (a) direct the general counsel to contact the Illinois Attorney General or the State's Attorney for prosecution; or (b) appoint special counsel to prosecute the matter judicially. If the report concludes that prosecution is not warranted, but a violation has occurred, the Executive Director shall recommend the matter for handling by the Human Resources Department through the Pace internal disciplinary process.

**Section 9-3. Investigations and Further Proceedings for Complaints Involving the Executive Director or a Board Member.** Upon receipt of a complaint which conforms with the requirements of Section 9-1(a), alleging that the Executive Director or a member of the Pace Board has violated this Ordinance, the Ethics Officer shall inform the Chairman of the Pace Board. (If the allegation involves the Chairman of the Board, the Ethics Officer shall inform the Vice Chairman of the Board). The Chairman or Vice Chairman, as the case may be, shall promptly advise all other members of the Pace Board. The members of the Pace Board, other than the respondent if the complaint alleges a violation by a Board member (the "independent directors"), shall convene in executive session as promptly as feasible to consider the matter. If the independent directors conclude an investigation is warranted, the Chairman or the Vice Chairman, as the case maybe, shall appoint independent counsel to investigate the allegation and submit a report of such investigation to the independent directors. The investigating counsel shall determine if, based upon the evidence, there is probable cause that a violation has occurred and such determination shall be included in his or her report. If, after reviewing the report, the independent directors conclude that prosecution is warranted and/or the internal disciplinary process should be initiated, the Chairman or the Vice Chairman, as the case may be, shall: (a) direct the General Counsel to contact the Illinois Attorney General or the State's Attorney for prosecution; (b) if necessary, appoint special counsel to prosecute the matter judicially; and/or (c) recommend to the Board the appropriate procedure to handle the matter internally.

## ARTICLE 10

### PENALTIES

**Penalties.** The penalties below are in accordance with Governmental Ethics laws; however Pace may impose an administrative or quasi-criminal procedure for the violation of any Article contained herein so long as the procedure affords due process.

**Section 10-1.** A person who intentionally violates any provision of Article 2 (Prohibited Political Activities) of this Ordinance may be punished (prosecuted in the circuit court under the rules of criminal procedure) by a Class A misdemeanor, being 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 10-2.** A person who intentionally violates any provision of Article 3 (Gift Ban) of this Ordinance is subject to a business offense which is subject to a fine (or time off that has the same economic impact) in an amount of not less than \$1,001 and not more than \$5,000.

**Section 10-3.** Any person who is found to have intentionally made a false allegation of a violation of Article 2 or Article 3 of this Ordinance under Section 9-1 to the Pace Ethics Officer, Pace Board, Executive Director or the Attorney General, State's Attorney or any other law enforcement official may be punished (prosecuted in a court of law) 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 (or given time off that has the same economic impact) in an amount not to exceed \$2,500.

**Section 10-4.** If a violation of Article 2 of this Ordinance is prosecuted by Pace, it shall be prosecuted as a criminal offense by an attorney for Pace 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 10-5.** A violation of Article 3 of this Ordinance may be prosecuted as a quasi-criminal offense by an attorney for Pace Suburban Bus Service or, may be addressed through Pace internal disciplinary procedures.

**Section 10-6.** In addition to any other penalty that may be applicable, whether criminal or civil, an officer, employee or Board member who intentionally violates any provision of this Ordinance is subject to discipline or discharge as authorized by applicable Pace internal disciplinary procedures, a collective bargaining agreement or the RTA Act.

**SECTION B: CONFLICTS.** This Ordinance does not repeal or otherwise amend or modify any existing ordinances or policies that regulate the conduct of Board members, officers and employees. To the extent that any such existing ordinances or policies are less restrictive than this Ordinance, however, the provisions of this Ordinance shall prevail in accordance with the provisions of 5 ILCS 430/70-5(a).

**SECTION C: AMENDMENTS.** Any amendment to the Act that becomes effective after the effective date of this Ordinance shall be incorporated into this Ordinance 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 shall not be incorporated into this Ordinance by reference without formal action by the Board.

#### **SECTION D: CONSTITUTIONALITY**

1. If the Illinois Supreme Court declares the Act unconstitutional in its entirety, then those portions of this Ordinance adopted pursuant to the Act shall be repealed as of the date that the Illinois Supreme Court's decision becomes final without further action by the Board and the remaining portions of this Ordinance shall remain in full force and effect.

2. If the Illinois Supreme Court declares part of the Act unconstitutional but upholds the constitutionality of the remainder of the Act, or does not address the remainder of the Act, then the remainder of the Act as adopted by this Ordinance shall remain in full force and effect; however, that part of this Ordinance relating to the part of the Act found unconstitutional shall be deemed repealed without further action by the by the Board.

#### **SECTION E: IMPLEMENTATION**

1. This Ordinance shall be in effect upon its passage and approval by the Board as provided by law.

2. The Executive Director is hereby authorized and directed to take all necessary action to implement this Ordinance and any amendments to the Act.

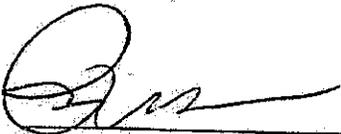
ORDINANCE SBD #13-45

ADOPTED by the Board of Directors of Pace, the Suburban Bus Division of the RTA, June 5, 2013:

DIRECTORS VOTING AYE: 10 Ayes Directors Larson, Marcucci, Mitchell, Schielke, Shepley, Squires, Tamley, Wells, Welton, Chairman Kwasneski

DIRECTORS VOTING NAY: 0 Nays

(Seal)

  
Richard A. Kwasneski, Chairman

Attest:

  
Beth Kruse, Board Secretary

**ETHICS ORDINANCE ACKNOWLEDGMENT**

I do hereby acknowledge receipt of the Pace Ethics Ordinance, effective May 19<sup>th</sup>, 2004.

Name:

\_\_\_\_\_

(Please Print)

Signature:

Location:

Date:



Jeanne Wrenn, Ethics Officer

Phone: 847 364-2069

Fax: 847 228-4234

### Ethics Internal Complaint Form

In accordance with Pace's responsibilities under the Illinois General Assembly which has enacted that State Officials and Employees Ethics Act (Public Act 93-615, effective November 19, 2003, as amended by Public Act 93-617, effective December 9, 2003). Identify specific acts, incidents, or events and dates of occurrence which you believe may have violated: Pace Bus Policy, Pace Bus Ethics Ordinance Violations, or Violations of the State Employee Ethics Act.

#### Part I-Complainant Information

Date: \_\_\_\_\_

Last Name:		First Name:	
Mailing Address:			
City:		State:	Zip:
Telephone:		E-Mail Address:	
<input type="checkbox"/> Current Pace Employee <input type="checkbox"/> Terminated(former) Pace Employee <input type="checkbox"/> Job Applicant		Job Title:	
		Employee I.D.:	
Dept/Work Location:		Manager:	

**Part II- Complaint:** Please describe the alleged discrimination incident (Include as many specific details as possible such as names, titles, dates, times, location and any other information you feel would be helpful. Please use the next page if additional space is required.

Complaint Description Cont....

**Part III-Witnesses** (Please list names and contact information):

**Part VI-Remedial Action:** Please state what you believe the final outcome should be to resolve this complaint.

**For Official Use Only**

Date Complaint Received: \_\_\_\_\_

Received by: \_\_\_\_\_