

6. *[Proposed Revised]* Code of Ethical Conduct for Employees of the Clerk of the Circuit Court of Cook County

Introduction

The holding of public office or employment is a public trust created by the confidence which the citizenry reposes in the integrity of officers and employees of government. An officer or employee shall carry out all duties assigned by law for the benefit of the people, and shall put loyalty to the principles embodied in this Code above loyalty to person, party, or government department. An employee shall uphold the Constitution, laws and legal regulations of the United States and the State of Illinois and shall always endeavor to expose corruption whenever and wherever discovered.

Definitions

SECTION ONE: Abuse of Position

- A. No employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemption for himself or herself or others.
- B. No employee shall request or accept or agree to accept any gift, favor, loan, gratuity, discount, hospitality, service, or anything of value based upon any material understanding, or under circumstances from which it could be reasonably be inferred that the purpose of the donor is to influence the employee's actions, decisions, judgment or performance of the employee's duty.
- C. No employee shall discriminate by dispensing special favors or privileges to anyone, nor shall any employee so act that the employee is unduly affected by kinship, rank, position, or influence of any party or person.
- D. No employee shall request, accept, or agree to accept any fee or compensation, beyond that received by the employee in his or her official capacity, for advice or assistance given in the course of his or her public employment.
- E. Each employee shall use the resources, property, and funds under his or her official control judiciously and solely in accordance with prescribed statutory and regulatory procedures.

- F. No employee shall recommend or refer, a member of the public, to a private attorney during the course of their employment.

SECTION TWO: Confidentiality

- A. No employee shall disclose to any unauthorized person any confidential information acquired in the course of employment, or acquired through unauthorized disclosure by another, for the purpose except as noted in Section Eight, Paragraph __ of this code.
- B. Confidential information that is available to specified individuals by reason of statute, court rule, or administrative policy shall be provided only by persons authorized to do so.
- C. Employees are not precluded from responding to inquiries concerning court procedures, but shall refrain from giving legal advice. Standard court procedures, such as the method for filing an appeal or starting a small claims action, should be summarized in writing whenever possible, and made available to litigants.

SECTION THREE: Conflict of Interest

- A. A conflict of interest exists when the employee's ability to perform his or her duty is impaired or when the court employee, his family, or his business would derive some benefit as a result of his or her position within the court system.
 - 1. Employees are obligated to perform their duties in a fair, impartial and objective manner. It is therefore required that employees avoid situations that would impair their ability to fulfill obligation or, if such situations are found to exist, to report them in accordance with the provisions of Section Eight of this code.
 - 2. All employees who are subject to the provision for disclosure of economic interests, as set forth in Illinois Revised Statutes 1989, Chapter 127, Section 604A-101 et seq., shall fully comply with said provision.
 - 3. Employees shall not enter into any contracts directly or indirectly, for services, supplies, equipment leases, or realty with the court system, unless authorized to do so in course of his or her employment with the Clerk's Office.

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SECTION FOUR: Outside Employment

- A. Each employee's position with the court system must be his or her primary employment.
 - 1. No form of employment shall be performed utilizing the resources of the Clerk's Office.
 - 2. The outside employment is capable of being fulfilled outside of normal working hours and is not incompatible with the performance of the employee's duties and responsibilities; and
 - 3. No employee licensed to practice law shall do so before any Judge in the Circuit Court of Cook County.
 - 4. The outside employment does not require or induce the employee to disclose information acquired in the course of and by reason of his or her official duties; and
 - 5. The outside employment does not reflect adversely on the integrity of the Clerk's Office, or the court.

SECTION FIVE: Political Activity

- A. All employees retain the right to vote as they choose and are free to participate actively in political campaigns during non-working hours. Such activity includes, but is not limited to, seeking office, holding office, membership and holding [sic] in a political party, campaigning for a candidate in a partisan election by making speeches, and making contributions of time and money to political parties or other groups engaged in political action. Employees who choose to participate in political activity during off-duty hours shall not use their position or title within the court system in connection with such political activities.
- B. No employee shall engage in any political activity during working hours. Nor shall such activities involve the use of government vehicles, equipment, supplies, or be conducted on government property.
- C. No employee shall compel, coerce or intimidate any employee to make or refrain from making any political contribution. Nothing in this section shall be construed to prevent an employee from making a voluntary contribution.
- D. No employee shall discriminate in favor or or against any employee or applicant for employment or promotion on account of the employee's contributions or permitted political activities.

- E. No employee shall use official authority or influence, directly or indirectly, to coerce, or attempt to coerce any other employee in the court system to apply for membership in or become a member of any political organization or to take part in any political activity.

SECTION SIX: Performance of Duties

- A. Employees shall endeavor at all times to perform their duties properly and with diligence. Employees shall apply their full time and energy to the business and responsibilities of their office during working hours. They shall carry out their responsibilities as servants of the public in as courteous a manner as possible.
- B. Employees shall not alter, falsify, destroy, mutilate, backdate, or fail to make required entries on any record within their control. In addition, they shall not permit other person [sic] to do so.
- C. When working with the public, other governmental agencies, or fellow employees shall refrain from discriminating on the basis of sex, race, religion, or political affiliation in the conduct of their service to the court.

SECTION SEVEN: Code Violations-Report and Protection Procedures

- A. Employees shall report any violations or any attempts to induce an employee to violate the Ethics Code. This shall include the reporting of any information confidential or not when the employee believes this information is or may be evidence or a violation of this code or of law.
- B. Employees shall report violations of this code to one of the following: (1) Ethics Officer (2) Ethics Chairman (3) Chief Clerk (4) Assistant Chief Clerk (5) Immediate Supervisor.
- C. Supervisory employees shall promptly report violation of this code to the Ethics Officer designated by the Clerk of the Circuit Court of Cook County.
- D. No complainant, or employee acting on behalf of a complainant, shall be discharged, threatened or otherwise discriminated against regarding compensation, terms, conditions, location or advancement/promotion or privileges of employment because:

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- (1) the complainant or employee acting on behalf of the complainant reports or is about to report, verbally or in writing, a violation or suspected violation of this code; or
- (2) the complainant or employee acting on behalf of the complainant is requested to participate in the investigation, hearing or inquiry held pursuant to this code or in any related court action.

This section shall not apply to a complainant, or employee acting on behalf of a complainant, who knowingly makes a false report.

SECTION EIGHT: Supervisory Employee of the Circuit Court Clerk

- A. Supervisory employees shall set an example for employees to follow; by adhering to the Clerk's rules and regulations; upholding all ethical standards as prescribed in the Code of Ethics; all statutory laws, and any direct request from the Clerk pertaining to employment obligations.
- B. Supervisory employees shall continually update their education, job knowledge and skills to insure that the Clerk's Office functions efficiently and in a manner to promote justice and public confidence.
- C. Supervisory employees shall diligently discharge their administrative responsibilities fairly and equitably, maintain the highest possible competence, and facilitate the performance of other employees.

DEFINITIONS

Whenever used in this Code of Ethics, the following terms shall have the following meanings:

1. **COMPENSATION** means money, thing of value or pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.
2. **CONFIDENTIAL INFORMATION** means information which due to statutory requirements, court order, administrative policy, said information is not readily available to the public at large.
3. **DISCRIMINATION** means prejudice, intolerance, bigotry or behavior which denies equal treatment of an individual because of his or her race, color, sex, age, religion, disability, national origin, ancestry, sexual orientation, military status, parental status, or political affiliations.

4. **FINANCIAL INTEREST** means (i) any interest as a result of which the owner currently receives or is entitled to receive in the future more than \$2500 per year; (ii) any interest with a cost or present value of \$5000 or more; or (iii) any interest representing more than 10% or a corporation, partnership, sole proprietorship, firm, franchise, enterprise, organization, holding company, joint stock company, receivership, trust, or any legal entity organized for profit: provided, however, financial interest shall not include (a) any interest of the spouse of the employee which interest is related to the spouse's independent occupation, profession or employment; (b) any ownership through purchases at fair market value or inheritance of less than 1% of the shares of a corporation, or any value of or dividends on such shares, if such shares are registered on a securities exchange pursuant to the Securities Exchange Act of 1934, as amended; (c) the authorized compensation paid to an employee for his or her employment; (d) any economic benefit provided equally to all residents of the County; (e) a time or demand deposit in a financial institution; (f) an endowment or insurance policy or annuity contract purchased from an insurance company.
5. **EMPLOYEE** means an individual employed by the Office of The Clerk of The Circuit Court of Cook County whether part-time or full-time, but excludes the elected Clerk of The Circuit Court of Cook County.
6. **GIFT** means anything of value given without consideration or expectation of return.
7. **POLITICAL ACTIVITY** means:
 - (a) Serving as an officer officer of a political club, or of an organization relating to a campaign for elected office ("organization"); as a member of a national, state or local committee of a political party, club or organization; as an officer or member of a committee of a political party, club or organization; or being a candidate for any of these positions;
 - (b) Organizing or reorganizing a political party, club or organization;
 - (c) Directly or indirectly soliciting, receiving, collecting, handling, disbursing, or accounting for assessments, contribution, or other funds for any political party, political fund, candidate for elected office, candidate for political party office, or any committee thereof or committee which contributes to any of the foregoing;

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- (d) Organizing, selling tickets to, promoting, or actively participating in a fundraising activity of a public office holder, candidate in an election or political party, political club or an organization;
 - (e) Taking an active part in managing the political campaign of a candidate for public office;
 - (f) Becoming a candidate for, or campaigning for an elective public office in an election;
 - (g) Soliciting votes in support of or in opposition to a candidate for public office in an election or a candidate for political party office;
 - (h) Acting as recorder, watcher, challenger or similar officer at the polls on behalf of a political party or a candidate in an election;
 - (i) Driving voters to the polls on behalf of a political party or a candidate in an election;
 - (j) Endorsing or opposing a candidate for public office in an election or a candidate for political party office in a political advertisement, a broadcast, campaign literature or similar material or distributing such material;
 - (k) Serving as a delegate, alternate, or proxy to a political convention;
 - (l) Addressing a convention, caucus, rally, or similar gathering in support of or in opposition to a candidate for public office or political party office;
 - (m) Initiation or circulation of a nominating petition for elective office;
 - (n) Soliciting, collecting, or receiving a contribution for any political party, political fund, candidate for elected office, candidate for political party office, or any committee thereof or committee which contributes to any foregoing; or
 - (o) Paying or making a political contribution or a contribution for any political party, political fund, candidate for elected office for political party office, any committee thereof or committee which contributes to any of the foregoing.
8. **RELATIVE** means a person who is related to an employee as spouse or as any of the following, whether by blood or by adoption: parent, child, brother or sister, aunt, uncle, niece, or nephew, grandparent, grandchild, father-in-law, mother-in-law, son-in-law, daughter-in-law, stepfather, or stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

9. SUPERVISOR means any employee whose employment responsibilities include the supervision of one or more employees or in the management of the administrative or business affairs of the Clerk of The Circuit Court.