§ 2.64.010 PURPOSE.

A. The Illinois General Assembly has enacted the State Officials and Employees Ethics Act, as amended, (hereinafter the “Act”), which is a comprehensive revision of State statutes regulating ethical conduct, political activities, the solicitation and acceptance of gifts by State officials and employees, and prohibiting sexual harassment.

B. The Act requires all units of local government to adopt ordinances or resolutions regulating the political activities of, and the solicitation and acceptance of gifts by, the officers and employees of such units and prohibiting sexual harassment “in a manner no less restrictive” than the provisions of the Act.

C. The clear intention of the Act to require units of local government to implement regulations that are at least as restrictive as those contained in the Act, and to impose penalties for violations of those regulations that are equivalent to those imposed by the Act, notwithstanding that such penalties may exceed the general authority granted to units of local government to penalize ordinance violations.

D. The clear intention of the Act to provide units of local government with all authority necessary to implement its requirements on the local level regardless of any general limitations on the power to define and punish ordinance violations that might otherwise be applicable.

E. In addition, the County of McHenry and other units of local government desire to adopt an ordinance regulating ethical conduct in addition to the conduct set forth in the Act and to impose penalties for violations of those additional regulations.

(Ord. O-201205-12-027, § 1, passed 5-15-2012)

§ 2.64.020 DEFINITIONS.

For purposes of this Ordinance, the following words and terms shall be given the meaning as defined in this section of this Ordinance.

A. “Appointee” means anyone appointed to a governmental board, commission, committee, or other entity by the McHenry County Board, the Chair of the McHenry County Board, or such other governmental entity adopting this Ordinance and agreeing to be bound by its terms pursuant to § 2.64.040(A)(1) herein.

B. “Business day” shall refer to Monday through Friday except for days in which the McHenry County Government Center is closed in observance of designated holidays set by the McHenry County Board or other closures.

C. “Business entity” means the actual organization or any person to which a governmental entity subject to this Ordinance has awarded a contract or to which such contract is
to be awarded and includes any of the organization’s principals, relatives of the organization’s principals or the individual, and any other legal entities in which those principals or relatives have a controlling interest or have control over the disbursement of funds of the organization or individual.

D. “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 “campaign for elective office” does not include activities relating to the support or opposition of any executive, legislative, or administrative action, relating to collective bargaining, or that are otherwise in furtherance of the person’s official duties.

E. “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 § 1-3 of the Election Code (10 Ill. Comp. Stat. 5/1-3).

F. “Collective bargaining” has the same meaning as that term is defined in § 3 of the Illinois Public Labor Relations Act (5 Ill. Comp. Stat. 315/3).

G. “Commission” means an Ethics Commission created by this Ordinance.

H. “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 his or her employment, but for purposes of this Ordinance, does not include any designated holidays, vacation periods, personal time, break time, compensatory time off, FMLA, military leave, or any period when the employee is on a leave of absence. With respect to 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 his or her official duties, regardless of location.

I. “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 his or her employment.

J. “Contribution” has the same meaning as that term is defined in § 9-1.4 of the Election Code (10 Ill. Comp. Stat. 5/9-1.4).

K. “Days” means calendar days unless otherwise specified.

L. “De Minimis” means trifling, trivial, minimal, or of little significance.

M. “Employee” means:
1. a person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of the County of McHenry with regard to the material details of how the work is to be performed, but not employed by an officer;

2. a person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of another governmental entity adopting this Ordinance and agreeing to be bound by its terms pursuant to § 2.64.040(A)(1) herein with regard to the material details of how the work is to be performed;

3. employee does not include an independent contractor;

4. employee does not include the staffs of the State’s Attorney or the Circuit Clerk, as these staffs are employed by a State officer. Court Administration, the Associate and Circuit Judges of the 22nd Judicial Circuit are not subject to this Ordinance as they are exclusively regulated by the Illinois Supreme Court. However, the State's Attorney, the Circuit Clerk, and the Chief Judge may adopt this Ordinance pursuant to § 2.64.040(A)(2) herein and subject his or her staff to this Ordinance and, therefore, an employee pursuant to this definition.

N. “Employee of an officer” means a person employed by an officer.

O. “Employer” means the County of McHenry or such other governmental entity adopting this Ordinance and agreeing to be bound by its terms pursuant to § 2.64.040(A)(1) herein.

P. “Fraud, waste, or abuse” means 1) a material false representation of fact, a material false statement, or the concealment of material information in an official capacity and intended to result in personal gain; 2) an act done in an official capacity in excess of lawful authority and intended to result in personal gain; or, 3) an act expressly forbidden by law.

Q. “Frivolous complaint” means a complaint that, when the allegations are taken as true and liberally construed, fails to present even a limited amount of detail; a complaint that lacks an arguable basis either in law or in fact; or, a complaint that is being presented for any improper purpose such as to harass an employee, employee of an officer, or officer. The number of complaints filed may be taken into consideration. A complaint does not have to state a claim in its entirety, legal arguments or citation to legal authority.

R. “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 a government employment or the official position of an officer or employee.

S. “Governmental entity” means any legislative, executive, administrative, judicial, or advisory bodies of the State, state universities and colleges, counties, countywide officials,
townships, cities, villages, incorporated towns, school districts and all other municipal corporations, boards, bureaus, committees, or commissions of this State or another, any subsidiary bodies of any of the foregoing including but not limited to committees and subcommittees thereof.

T. “Leave of absence” means any period during which an employee does not receive:

1. compensation for employment,
2. service credit towards pension benefits, and
3. health insurance benefits paid for by the employer.

U. “Officer” means a person who holds, by election or appointment, including an appointee, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity. The State’s Attorney and the Circuit Clerk are not subject to this Ordinance as they are State, not County, officers. Court Administration, the Associate and Circuit Judges of the 22nd Judicial Circuit are not subject to this Ordinance as they are exclusively regulated by the Illinois Supreme Court. However, the State's Attorney, the Circuit Clerk, and the Chief Judge may adopt this Ordinance pursuant to § 2.64.040(A)(2) herein and, therefore, an officer pursuant to this definition.

V. “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:

1. relating to the support or opposition of any executive, legislative, or administrative action,
2. relating to collective bargaining, or
3. that are otherwise in furtherance of the person’s official duties.

W. “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 § 9-3 of the Election Code (10 Ill. Comp. Stat. 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

X. “Principals” shall mean any of the officers of a business entity and any person or entity with a seven and a half percent (7.5%) or greater ownership interest.

Y. “Probable cause” means facts that would lead a reasonable person to believe that the respondent was committing or had committed the violation.

Z. “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, signing 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 in connection with a campaign for elective office or on behalf of a political organization for political purposes.

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.

AA. “Prohibited source” means any person or entity who:

1. is seeking official action:
   a. by an officer or
   b. by an employee, or by the officer or another employee directing that employee;

2. does business or seeks to do business:
   a. with the officer or
   b. with an employee, or with the officer or another employee directing that employee;

3. conducts activities regulated:
   a. by the officer or
   b. by an employee, or by the officer 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 or employee.

BB. “Relative” means any person related to the individual as spouse (including any analogous relationship recognized by law), parent, child, brother, sister, grandparent, grandchild, first cousin, aunt, uncle, great aunt, great uncle, niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister; the parent or grandparent of the individual’s spouse (including any analogous relationship recognized by law) and the individual’s fiancé or fiancée; or household member.

(Ord. O-201205-12-027, § 2, passed 5-15-2012)

§ 2.64.030 NON-ELECTIVE AND ELECTIVE PROVISIONS.

A. Non-Elective Provisions: §§ 2.64.050 Prohibited Political Activities, 2.64.060 Gift Ban, and 2.64.070 Prohibition on Sexual Harassment. Pursuant to the Article 70 of the
State Officials and Employees Ethics Act, 5 ILCS 430/70, each unit of local government (including a community college district) or a school district shall adopt an ethics ordinance or resolutions regulating the political activities of its employees, employees of officers, and officers as has been adopted in § 2.64.050 Prohibited Political Activities of this Ordinance, the solicitation and acceptance of gifts by its employees, employees of officers, and officers as has been adopted in § 2.64.060 Gift Ban of this Ordinance, and the prohibition of sexual harassment by its employees, employees of officers, and officers as has been adopted in § 2.64.070 Prohibition on Sexual Harassment of this Ordinance. Therefore, pursuant to the Act and this Ordinance enacted by the McHenry County Board, all employees, employees of officers (except the State's Attorney's and the Circuit Clerk's employees), and officers (except the State's Attorney and the Circuit Clerk) are subject to §§ 2.64.050 Prohibited Political Activities, 2.64.060 Gift Ban, and 2.64.070 Prohibition on Sexual Harassment.

B. Elective Provisions: §§ 2.64.080 Nepotism, 2.64.090 Conflicts of Interest, 2.64.100 Future Employment, and 2.64.110 Fraud, Waste, or Abuse. McHenry County desired to adopt an ordinance regulating favoritism in hiring by its employees, employees of officers, and officers as has been adopted in § 2.64.080 Nepotism of this Ordinance, conflicts of interest by its employees, employees of officers, and officers as has been adopted in § 2.64.090 Conflicts of Interest of this Ordinance, political gains through future employment as has been adopted in § 2.64.100 Future Employment of this Ordinance, and prohibiting fraud, waste, and abuse as has been adopted in § 2.64.110 Fraud, Waste, or Abuse. Therefore, pursuant to this Ordinance enacted by the McHenry County Board, all employees are subject to §§ 2.64.080 Nepotism, 2.64.090 Conflicts of Interest, 2.64.100 Future Employment, and 2.64.110 Fraud, Waste, or Abuse. All officers (including, but not limited to, the Auditor, the Circuit Clerk, the Coroner, the County Clerk, the County Recorder, the Chair of the McHenry County Board, the Sheriff, the State's Attorney, and the Treasurer) may elect that he or she and the employees of the officer be subject to §§ 2.64.080 Nepotism, 2.64.090 Conflicts of Interest, 2.64.100 Future Employment, and 2.64.110 Fraud, Waste, or Abuse by adopting this Ordinance in accordance with § 2.64.040 Adoption of Ordinance.

§ 2.64.040 ADOPTION OF ORDINANCE.

A. Adoption of Non-Elective and Elective Provisions. To adopt this Ordinance in its entirety:

1. A unit of local government (including a community college district) or school district shall pass a written resolution and enter into an Intergovernmental Agreement with McHenry County agreeing to be bound by the terms of this Ordinance in its entirety and provide a copy of said resolution to the State's Attorney, the Ethics Commission, and the Ethics Advisor. A form resolution and intergovernmental agreement are set forth in Table 1 hereto. The Ethics Commission shall cause a copy of said resolution to be transmitted to the members of the McHenry County Board, and the Chair of the McHenry County Board.
2. The State's Attorney, the Circuit Clerk, and/or the Chief Judge may determine in writing that he or she and his or her employees will bind by the terms of this Ordinance in its entirety and provide a copy of said written documentation to the State's Attorney, as applicable, the Ethics Commission, and the Ethics Advisor. A form election is set forth in Table 2 hereto. The Ethics Commission shall cause a copy of said written documentation to be transmitted to the members of the McHenry County Board, and the Chair of the McHenry County Board.

B. Adoption of Elective Provisions. An officer (including, but not limited to, the Auditor, the Coroner, the County Clerk, the County Recorder, the Sheriff, and the Treasurer) may determine in writing that he or she and his or her employees will be bound by the elective provisions of this Ordinance – §§ 2.64.080 Nepotism, 2.64.090 Conflicts of Interest, 2.64.100 Future Employment, and 2.64.110 Fraud, Waste, or Abuse – and provide said written documentation to the State's Attorney, the Ethics Commission, and the Ethics Advisor. A form election is set forth in Table 3 hereto. The Ethics Commission shall cause a copy of said written documentation to be transmitted to the members of the McHenry County Board and the Chair of the McHenry County Board.

C. Discontinuance of Adoption.

1. The State’s Attorney, Circuit Clerk, and the Chief Judge who has previously adopted this Ordinance pursuant to §2.64.040(A)(2) may discontinue the application of this Ordinance by informing the McHenry County Board, the Chair of the McHenry County Board, members of the Ethics Commission, and the Ethics Advisor in writing that he or she no longer wishes to be bound by the terms of this Ordinance.

2. The officer who has previously adopted this Ordinance pursuant to §2.64.040(B) may discontinue the application of the elective provisions of this Ordinance by informing the McHenry County Board, the Chair of the McHenry County Board, members of the Ethics Commission, and the Ethics Advisor in writing that he or she no longer wishes to be bound by the elective terms of this Ordinance.

3. After the State’s Attorney, Circuit Clerk, Chief Judge, or an officer discontinues the adoption of this Ordinance, he or she and his or her employees remain subject to this Ordinance and its penalties provisions for any and all conduct performed prior to said discontinuance.

§ 2.64.050 PROHIBITED POLITICAL ACTIVITIES.

A. No employee, employee of an officer, or an officer shall intentionally perform any prohibited political activity during any compensated time, as defined herein, that is more than de minimis in the context of the activity. No officer or employee shall intentionally use any property or resources of the County of McHenry in connection with any prohibited political activity that is more than de minimis in the context of the use.
B. At no time shall any employee, employee of an officer, or an officer intentionally require any other employee, employee of an officer, or an officer to perform any prohibited political activity:

1. as part of that employee, employee of an officer, or officer’s duties,
2. as a condition of employment, or
3. during any compensated time off (such as holidays, vacation or personal time off).

C. No employee, employee of an officer, or an officer shall be required at any time to participate in any prohibited political activity in consideration for that employee, employee of an officer, or an officer 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 employee, employee of an officer, or an officer 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 permissible for an employee, employee of an officer, or an officer to engage in as part of his or her official duties, or activities that are undertaken by an employee, employee of an officer, or an officer on a voluntary basis that are not prohibited by this Ordinance.

E. No person either:

1. in a position that is subject to recognized merit principles of public employment or
2. 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.

(Ord. O-201205-12-027, § 3, passed 5-15-2012)

§ 2.64.060 GIFT BAN.

A. Except as permitted by this Section, no employee, employee of an officer, an officer, his or her spouse (including any analogous relationship recognized by law), nor his or her household members “at the behest of the employee, employee of an officer, or an officer shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. Except as permitted by this Section, no relative of an employee, relative of an employee of an officer, nor relative of an officer shall, at
the behest of the employee, employee of an officer, or officer, 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.

B. The following exceptions do not violate the gift ban:

1. Opportunities, benefits, and services available on the same conditions as for the general public.

2. Anything for which the employee, employee of an officer, an officer, or his or her relative pays the fair market value.

3. Any contribution that is lawfully made under the Election Code or activities associated with a fundraising event in support of a political organization or candidate.

4. Educational materials and educational fact finding missions.

5. Travel expenses for a meeting to discuss business.

6. A gift from a relative.

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 relative, 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:

   a. 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;

   b. 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

   c. 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 employees, employees of an officer, officers, or their relatives.

8. a. Food or refreshments not exceeding $75 per person in value on a single calendar day; provided that the food or refreshments are:

   (1) consumed on the premises from which they were purchased or prepared or
(2) catered.

b. For the purposes of this Section, “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 employee, employee of an officer, or an officer), if the benefits have not been offered or enhanced because of the official position or employment of the employee, employee of an officer, or an officer, and are customarily provided to others in similar circumstances.

10. Intra-governmental and inter-governmental gifts. For the purpose of this Act, “intra-governmental gift” means any gift given to an employee, employee of an officer, or an officer from another employee, employee of an officer, or an officer, and “inter-governmental gift” means any gift given to an employee, employee of an officer, or an officer by an employee, employee of an officer, or an officer of another governmental entity. There is no expectation or requirement that an employee, employee of an officer, or an officer give a gift to any other employee, employee of an officer, or an officer or an employee, employee of an officer, or an officer 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.

C. Each of the exceptions listed in this Section is mutually exclusive and independent of every other.

D. An employee, employee of an officer, an officer, or his or her relative 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 a charity that is exempt from income taxation under § 501(c)(3) of the Internal Revenue Code of 1986, as now or hereafter amended, renumbered, or succeeded.

(Ord. O-201205-12-027, § 4, passed 5-15-2012)

§ 2.64.070 PROHIBITION ON SEXUAL HARASSMENT.

A. All persons have a right to work in an environment free from sexual harassment. No employee, employee of an officer, or an officer shall sexually harass any person, regardless
of any employment relationship or lack thereof while acting within the scope of their employment, during compensated time, or while on the property of the County of McHenry.

B. Sexual harassment, according to the Equal Employment Opportunity Commission and the Illinois Department for Human Rights, and for purposes of this Ordinance, consists of unwelcome sexual advances, requests for sexual favors, other verbal, nonverbal, or physical acts of a sexual or sex-based nature, where:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an employee, employee of an officer, or an officer's employment;

2. an employment decision affecting an employee, employee of an officer, or an officer is based on that employee, employee of an officer, or officer’s acceptance or rejection of such conduct; or

3. such conduct interferes with an employee, employee of an officer, or an officer’s work performance or creates an intimidating, hostile, or offensive working environment.

C. Sexual harassment can occur between men and women or between members of the same gender. This behavior is unacceptable in the workplace itself and in other work-related settings such as business trips, court appearances, and business-related social events.

D. Harassment affects the victim and other employees as well. Each incident of harassment contributes to a general atmosphere in which everyone suffers the consequences. Sexually-oriented or sex-based conduct has no legitimate business purpose. Where such conduct is directed by a supervisor (or someone in a higher management position) toward a subordinate, the former will be held to a higher standard of accountability because of the degree of control and influence he or she has or is perceived to have over the employment conditions and benefits of the subordinate.

E. Prohibited Conduct. Prohibited acts of sexual harassment can take a variety of forms ranging from subtle pressure for sexual activity or contact to physical contact. At times the offender may be unaware that his or her conduct is offensive or harassing to others. Examples of conduct which could be considered sexual harassment include, but are not limited to:

1. persistent or repeated unwelcome flirting, pressure for dates, sexual comments, or touching;

2. sexually suggestive jokes, gestures, or sounds directed toward another or sexually oriented or degrading comments about another;

3. preferential treatment of an employee, employee of an officer, or an officer, or a promise of preferential treatment to an employee, employee of an officer, or an officer, in exchange for dates or sexual conduct; or the denial or threat of denial of employment, benefits, or advancement for refusal to consent to sexual advances;
4. the open display of sexually oriented pictures, posters, calendars, reading materials, or other material offensive to others; and

5. retaliation against an employee, employee of an officer, or an officer for reporting or complaining about sexually harassing conduct.

§ 2.64.080 NEPOTISM.

A. No employee or officer who has adopted this Ordinance pursuant to § 2.64.040(B) and the employees of that officer shall hire, promote or appoint a relative or a candidate whose relative serves in any capacity as an employee, employee of an officer, or officer of the employer unless all of the following conditions apply:

1. The candidate is qualified for the employment or appointment by education or experience as determined in writing by the employer’s human resources department or the McHenry County Human Resources Department;

2. Said employee, employee of an officer, or officer has required in writing that the candidate identify any relative serving as an employee, employee of an officer, or officer of the employer and the employee, employee of an officer, or officer has made his or her own efforts to identify any relative of the candidate serving as an employee, employee of an officer, or officer of the employer;

3. A supervisor/subordinate relationship is not immediately created between relatives;

4. The employment or appointment would not create either an actual conflict of interest or the appearance of a conflict of interest;

6. The position for employment or appointment was publicly advertised for a reasonable period of time;

7. At least two other individuals were interviewed for the position, so long as there were multiple applicants; and,

8. The candidate’s proposed salary complies with the McHenry County Salary Administration Policy, if the candidate is an employee of the County of McHenry or an employee of an officer of the County of McHenry.

C. Fourteen (14) days prior to hiring or appointing a candidate whose relative serves in any capacity as an employee, employee of an officer, or officer, the employee, or officer who has adopted this Ordinance pursuant to § 2.64.040(B) and the employees of that office making the hiring or appointing decision shall file with the State’s Attorney, the Ethics Advisor, members of the McHenry County Board, and the Chair of the McHenry County Board a
notarized Nepotism Hiring Statement sufficient to show that conditions 1 through 8 above, inclusive, have been met along with any supporting documentation. A form Nepotism Hiring Statement is set forth in Table 4 hereto.

§ 2.64.090 CONFLICTS OF INTEREST.

A. No employee or officer who has adopted this Ordinance pursuant to § 2.64.040(B) and the employees of that officer shall engage in any official act where there is a conflict of interest. Notwithstanding any other law or ordinance, any employee or officer who has adopted this Ordinance pursuant to § 2.64.040(B) and the employees of that office has a conflict of interest if in his or her official capacity, said employee, employee of an officer, or officer discusses, deliberates, acts, or votes on a matter in which the employee, employee of an officer, or officer may be financially interested or personally and directly advantaged in his or her own name or in the name of his or her relative, client, business partner, close associate, or business entity and the appearance of impropriety is created. Unilateral policy decisions that have a general public benefit do not constitute a conflict of interest.

B. Any employee or officer who has adopted this Ordinance pursuant to § 2.64.040(B) and the employees of that officer who becomes aware that he or she may have a conflict of interest that arises in the course of his or her official duties shall notify his or her supervisor, if any, of such conflict of interest. The employee, employee of an officer, the officer, and/or the supervisor shall take the appropriate steps to resolve the conflict of interest.

§ 2.64.100 FUTURE EMPLOYMENT.

No employee or officer who has adopted this Ordinance pursuant to § 2.64.040(B) and the employees of that officer may accept or discuss an offer of employment with any business entity if either:

A. Said employee, employee of an officer, or officer knows that the offer of employment was intended as compensation or as a reward for any official action; or,

B. Said employee, employee of an officer, or officer knows that the offer of employment was intended to influence official action pertaining to the business entity on a matter that the employee, employee of an officer, or officer has or has had decision-making responsibility within a one-year period preceding the of acceptance of employment with the business entity.

§ 2.64.110 FRAUD, WASTE, OR ABUSE

No employee or officer who has adopted this Ordinance pursuant to § 2.64.040(B) and the employees of that officer shall engage in fraud, waste, or abuse.
§ 2.64.120 ETHICS ADVISOR AND TRAINING.

A. The McHenry County Director of Human Resources shall serve as the Ethics Advisor for the County. When the McHenry County Director of Human Resources is unable to serve as the Ethics Advisor for the County, the County Administrator shall serve.

B. The Ethics Advisor shall provide guidance to the employees, employees of officers, and officers of the County of McHenry concerning the interpretation of and compliance with the provisions of this Ordinance and State ethics laws.

C. All employees, employees of officers, and officers subject to this Ordinance must complete, within six (6) months after the adoption of this amended Ordinance, or within three (3) months of newly becoming an employee, employee of an officer, or officer, whichever is later, an Ethics Ordinance Training, whether computer-based or otherwise. The County Administrator, or his or her designee, shall be responsible for overseeing any computer-based training program for McHenry County officers, employees of officers, and employees.

(Ord. O-201205-12-027, § 5, passed 5-15-2012)

§ 2.64.130 ETHICS COMMISSION.

A. Composition and Meetings of the Commission. There is hereby created a commission to be known as the Ethics Commission of McHenry County (hereinafter the “Commission”).

1. The Commission shall be comprised of five (5) members appointed by the Chair of the McHenry County Board with the advice and consent of the McHenry County Board. No employee, employee of an officer, officer, nor any relative of an employee, employee of an officer, or officer shall be appointed as a member of the Commission.

2. All commissioners shall be appointed to three-year terms. Commissioners may be reappointed to serve subsequent terms.

3. The commissioners shall choose a chair from their number. Meetings shall be held at the call of the chair or any three (3) commissioners. A quorum shall consist of three (3) commissioners, and official action by the commission shall require the affirmative vote of three (3) members.

4. The Chair of the McHenry County Board, with the advice and consent of the McHenry County Board, may remove a commissioner in case of incompetence, neglect of duty, or malfeasance in office after service on the commissioner by certified mail, return receipt requested, of a copy of the written charges against the commissioner and after providing an opportunity to be heard in person or by counsel upon not less than
ten (10) days’ notice. Vacancies shall be filled in the same manner as original appointments.

**B. Powers and Duties of the Commission.**

1. The Commission shall have the following powers and duties:

   a. To promulgate procedures and rules governing the performance of its duties, the exercise of its powers, and notice to parties.

   b. To receive written, signed, and verified complaints (stating that the statements set forth in the complaint are true and correct or that the statements are believed to be true upon information and belief), filed within one (1) year of the alleged violation, supported by relevant affidavits and all other documents, books, papers, or tangible evidence.

   c. To receive any written response from employees, employees of an officer, or officers alleged to have violated this Ordinance.

   d. The Chair of the Commission shall dismiss a complaint *sua sponte* at any time if the complaint does not set forth facts that when taken as true and liberally construed are sufficient to legally state a claim under this Ordinance; if the conduct involves a person not bound by this Ordinance; if the complaint is deemed frivolous; or if the complaint is not written, signed, verified, and filed within one (1) year of the alleged violation.

   e. To notify the employee, employee of an officer, or officer that he or she may have a Fifth Amendment right against self-incrimination.

   f. To request and receive any other documents, books, papers, or tangible evidence from any member of the public for purposes of determining whether there is probable cause that an officer or employee has violated the provisions of this Ordinance.

   g. To request and receive additional documents, books, papers, or tangible evidence from officers or employees.

   h. To conduct hearings, including allowing both parties the opportunity to present testimony and evidence, and deliberations on complaints.

   i. To appoint a hearing officer which is an attorney licensed to practice law in the State of Illinois.

   j. To request the attendance of witnesses.
k. To close to the public any meeting of the Commission to the extent authorized by the Open Meetings Act.

l. To determine that there is probable cause of a violation of § 2.64.050 Prohibited Political Activities of this Ordinance and refer the complaint and supporting documentation to the State's Attorney. In addition, the Commission may refer the complaint and supporting documentation to the McHenry County Sheriff or other relevant police department.

m. To determine that there is probable cause of a violation of § 2.64.060 Gift Ban of this Ordinance and may refer the complaint and supporting documentation to the State's Attorney.

n. To determine that there is a violation by clear and convincing evidence after a hearing of §§ 2.64.060 Gift Ban, 2.64.070 Prohibition on Sexual Harassment, 2.64.080 Nepotism, 2.64.090 Conflicts of Interest, 2.64.100 Future Employment, or 2.64.110 Fraud, Waste, or Abuse of this Ordinance and issue recommendations for disciplinary actions and impose fines in accordance with § 2.64.140 Penalties of this Ordinance. The Commission may contract with an attorney licensed to practice law in the State of Illinois to investigate and prosecute before the Commission alleged violations of §§ 2.64.060 Gift Ban, 2.64.070 Prohibition on Sexual Harassment, 2.64.080 Nepotism, 2.64.090 Conflicts of Interest, 2.64.100 Future Employment, or 2.64.110 Fraud, Waste, or Abuse of this Ordinance.

(Ord. O-201205-12-027, § 6, passed 5-15-2012)

§ 2.64.140 PENALTIES.

A. Penalties for a § 2.64.050 Prohibited Political Activities Violation. An employee, employee of an officer, or officer who intentionally violates any provision of § 2.64.050 Prohibited Political Activities of this Ordinance,

1. is guilty of a Class A misdemeanor and may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty-four (364) days and may be fined in an amount not to exceed $2,500 if prosecuted by the State’s Attorney. A violation of § 2.64.050 Prohibited Political Activities of this Ordinance shall be prosecuted as a criminal offense by the State’s Attorney 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.

2. In addition to any other penalty, whether criminal or civil, that may be applicable and subject to any limitations imposed by law or employment agreement(s), including but not limited to collective bargaining agreements and employment contracts,
an employee may be subject to discipline or discharge by his or her employer and an employee of an officer may be subject to discipline or discharge by said officer.

B. **Penalties for a § 2.64.060 Gift Ban Violation.** An employee, employee of an officer, or officer who intentionally violates any provision of § 2.64.060 Gift Ban of this Ordinance,

1. is guilty of a business offense, may be prosecuted by the State’s Attorney, and may be fined in an amount of not less than $1,001 and not more than $5,000 if prosecuted by the State’s Attorney.

2. In addition to any other penalty, whether criminal or civil, that may be applicable and subject to any limitations imposed by law or employment agreement(s), including but not limited to collective bargaining agreements and employment contracts, an employee may be subject to discipline or discharge by his or her employer and an employee of an officer may be subject to discipline or discharge by said officer.

C. **Penalties for Violations of §§2.64.060 Gift Ban, 2.64.070 Prohibition on Sexual Harassment, 2.64.080 Nepotism, 2.64.090 Conflicts of Interest, 2.64.100 Future Employment, or 2.64.110 Fraud, Waste, or Abuse.** An employee, employee of an officer, or officer who violates any provision of §§ 2.64.070 Prohibition on Sexual Harassment, 2.64.080 Nepotism, 2.64.090 Conflicts of Interest, 2.64.100 Future Employment, or 2.64.110 Fraud, Waste, or Abuse of this Ordinance:

1. may be fined in an amount not to exceed $5,000 per offense, with each violation being a separate offense, by the Ethics Commission.

2. In addition to any other penalty, whether criminal or civil, that may be applicable and subject to any limitations imposed by law or employment agreement(s), including but not limited to collective bargaining agreements and employment contracts, an employee may be subject to discipline or discharge by his or her employer and an employee of an officer may be subject to discipline or discharge by said officer.

D. In addition to any other penalty, whether criminal or civil, that may be applicable and subject to any limitations imposed by law or employment agreement(s) including but not limited to collective bargaining agreements and employment contracts, an employee may be subject to discipline or discharge by his or her employer and an employee of an officer may be subject to discipline or discharge by said officer.

E. **Penalties for False Reports.**

1. Any person who intentionally makes a false report alleging a violation of any provision of this Ordinance to the Ethics Commission, the local enforcement authorities, the State’s Attorney or any other law enforcement official is guilty of a Class A misdemeanor and may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than three hundred sixty-four (364)
days, and may be fined in an amount not to exceed $2,500 if prosecuted by the State’s Attorney.

2. The Commission may levy an administrative fine of up to $5,000 against any person who violates this Ordinance, who intentionally obstructs or interferes with an investigation conducted under this Ordinance by the Commission, or who intentionally makes a false, frivolous, or bad faith allegation.

(Ord. O-201205-12-027, § 7, passed 5-15-2012)

§ 2.64.150 SEVERABILITY CLAUSE.

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(Ord. O-201205-12-027, § 8, passed 5-15-2012)
TABLE 1: RESOLUTION BY A UNIT OF LOCAL GOVERNMENT TO BE BOUND BY THE McHENRY COUNTY ETHICS ORDINANCE AND ENTER INTO INTERGOVERNMENTAL AGREEMENT

RESOLUTION TO ADOPT McHENRY COUNTY’S ETHICS ORDINANCE

WHEREAS, pursuant to the Article 70 of the State Officials and Employees Ethics Act, 5 ILCS 430/70, each unit of local government (including a community college district) or a school district shall adopt an ethics ordinance or resolutions regulating the political activities of its employees, employees of officers, and officers, the solicitation and acceptance of gifts by its employees, employees of officers, and officers, and the prohibition of sexual harassment by its employees, employees of officers, and officers; and

WHEREAS, McHenry County adopted such an ordinance through its Ethics Ordinance, as amended from time to time; and

WHEREAS, McHenry County’s Ethics Ordinance also regulates favoritism in hiring by its employees, employees of officers, and officers, conflicts of interest by its employees, employees of officers, and officers, and political gains through future employment; and

WHEREAS, [Governmental Entity] desires to adopt the McHenry County Ethics Ordinance, as amended from time to time, as [Governmental Entity]’s Ethics Ordinance and enter into the Intergovernmental Agreement; and

NOW, THEREFORE BE IT RESOLVED, that [Governmental Entity] hereby adopts the McHenry County Ethics Ordinance, as amended from time to time, as [Governmental Entity]’s Ethics Ordinance and, therefore, adopts the McHenry County Ethics Commission as its Ethics Commission.

DATED at ________________, Illinois, this ___ day of ____________________, 20__.

Name: ____________________________
Title: ______________________________
Employer Name: ____________________

ATTEST:

Name: ____________________________

6/19/19 Draft – Clean Copy
INTERGOVERNMENTAL AGREEMENT BETWEEN THE COUNTY OF McHENRY AND [GOVERNMENTAL ENTITY] FOR ADOPTION OF THE McHENRY COUNTY ETHICS ORDINANCE

This Intergovernmental Agreement (the “Agreement”) is entered into this ______ day of ____________, 20__, by and between the County of McHenry, a body politic and corporate of the State of Illinois, acting by and through its County Board (hereinafter referred to as the “County”) and [Governmental Entity] (hereinafter referred to as the “Governmental Entity”).

RECITALS:

WHEREAS, pursuant to Article 70 of the State Officials and Employees Ethics Act, 5 ILCS 430/70, each unit of local government (including a community college district) or a school district shall adopt an ethics ordinance or resolutions regulating the political activities of its employees, employees of officers, and officers, the solicitation and acceptance of gifts by its employees, employees of officers, and officers, and the prohibition of sexual harassment by its employees, employees of officers, and officers; and

WHEREAS, the County adopted such an ordinance through its Ethics Ordinance, as amended from time to time; and

WHEREAS, the County’s Ethics Ordinance also regulates favoritism in hiring, conflicts of interest, political gains through future employment, and fraud, waste, or abuse; and

WHEREAS, the Governmental Entity adopted by resolution the County’s Ethics Ordinance, as amended from time to time, as the Governmental Entity’s Ethics Ordinance to fulfill its statutory obligations and to further regulate ethical conduct in addition to the conduct set forth in the State Officials and Employees Ethics Act; and

WHEREAS, the Governmental Entity desires to enter into an intergovernmental agreement with the County for the County’s services in carrying out the Governmental Entity’s Ethics Ordinance, including an Ethics Commission; and

WHEREAS, the County and the Governmental Entity are units of local government authorized by the Illinois Constitution, (Ill. Const. Art. VII, Section 10) and Intergovernmental Cooperation Act, 5 ILCS 220/1 et seq., to contract with each other and undertake certain transactions with each other to perform jointly any governmental purpose or undertaking any of them could do singularly.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the County and the Governmental Entity hereto agree as follows:

1. Recitals. The foregoing recitals are hereby incorporated and made part of this Agreement as though fully set forth herein.
2. **Ethics Complaints and Ethics Commission.** The County and the Governmental Entity understand and agree the Governmental Entity has adopted the County’s Ethics Ordinance as the Governmental Entity’s Ethics Ordinance and, therefore, the County shall administer ethics complaints on behalf of the Governmental Entity.

   **A. County’s Obligations.** The County agrees, to the best of its ability, to maintain an Ethics Commission pursuant to the County’s Ethics Ordinance for the benefit and use of the County, the Governmental Entity, and any other unit of local government adopting the County’s Ethics Ordinance.

   **B. Governmental Entity’s Obligations.** The Governmental Entity agrees to use the County’s policies and procedures relating to the Governmental Entity’s Ethics Ordinance, including, but not limited to, the County’s Complaint Form and the County’s contact information. The Governmental Entity further agrees to cooperate with the County in processing all ethics complaints relating to the Governmental Entity. Any ethics complaints received by the Governmental Entity shall be forwarded to the County within forty-eight (48) hours of receipt by the Governmental Entity.

3. **Penalties Assessed Pursuant to the Ordinance.** Any penalties assessed for violations of the Governmental Entity’s Ethics Ordinance and collected by the County and/or the Ethics Commission on behalf of the Governmental Entity shall be paid to the Governmental Entity within thirty (30) days of receipt.

4. **Costs Incurred Under the Ordinance.** Any costs incurred by the County as a result of the County’s administration of the Governmental Entity’s Ethics Ordinance shall be charged to the Governmental Entity and the Governmental Entity shall reimburse the County within thirty (30) days of receipt.

5. **Term and Termination.** This Agreement shall be effective and binding upon execution to ________________ (the “Term”) unless terminated earlier pursuant to the terms hereof. Either party may terminate this Agreement upon thirty (30) days written notice.

6. **Insurance.** At the Governmental Entity’s sole expense, the Governmental Entity shall maintain at all times during the term of this Agreement insurance coverage issued by a company or companies qualified to do business in the State of Illinois with a Best’s Rating of A or higher and with a Best’s financial size category of Class XIV or higher, for Commercial General Liability in a broad form, to include, but not limited to, coverage for the following where exposure exists for Bodily Injury and Property Damage, Premises/Operations, Independent Vendors, Products/Completed Operations, Personal Injury, and Contractual Liability with limits of liability not less than $500,000 per occurrence and $1,000,000 in the aggregate; and,

   The Governmental Entity shall provide the County with Certificates of Insurance evidencing the above required insurance, prior to commencement of the Agreement and thereafter with certificates evidencing renewals or replacements of said policies of insurance at least fifteen (15) days prior to the expiration or cancellation of any such policies. The contractual liability arising out of the Agreement shall be acknowledged on the Certificate of Insurance by
the insurance company. The Governmental Entity shall require its insurance company to provide the County thirty (30) days prior notice, in writing, of any cancellation or material change and said notification requirement shall be stated on the Certificate of Insurance.

In addition to being named as an additional insured on the Certificate of Insurance, each liability policy shall contain an endorsement naming the County as an additional insured. A copy of the endorsement shall be provided to County along with the Certificate of Insurance. County shall be named as an additional insured and the address for certificate holder must read exactly as follows:

County of McHenry, a body politic
2200 N. Seminary Avenue
Woodstock, IL 60098

7. **Indemnification.** The Governmental Entity (in such capacity the “Indemnifying Party”) hereby agrees to indemnify and hold harmless the County (in such capacity the “Indemnified Party”) and any of its committees and affiliates and the respective officers, appointees, and employees from and against all claims, demands, liabilities, losses, damages, suits, judgments, costs, and expenses (including reasonable attorneys’ fees and costs) in any manner arising out of or resulting from the County’s administration of the Governmental Entity’s Ethics Ordinance and the performance of the obligations contemplated herein.

8. **Parties Independent.** The County and the Governmental Entity mutually agree that, except as to the County’s administration of the Governmental Entity’s Ethics Ordinance, nothing contained in this Agreement is intended nor shall be construed in any manner or form as creating or establishing a relationship as partners between the parties hereto, or as constituting the County (including its elected officials, agents, employees and representatives) or the Governmental Entity (including its elected officials, agents, employees, and representatives) as agent of the other party for any purpose, or in any manner, whatsoever.

9. **Rights of Third Parties.** Nothing herein shall be construed to create any rights or duties to third parties, it being the parties’ mutual intent that there be no third party beneficiaries to this Agreement. Any allocation of costs, duties and responsibilities described herein is intended only as an allocation of administrative responsibilities between the County and the Governmental Entity to facilitate the most economical use of limited public resources and not as an enlargement or diminution of either party’s underlying duties or obligations lying in statute or common law.

10. **Notice.** All notices and other communications required to be given under the Agreement shall be in writing and shall be deemed to have been given (i) when personally delivered; (ii) three (3) business days after mailing, postage prepaid, by certified mail; or (iii) when delivered (and receipted for) by an overnight delivery service, addressed in each case to the parties at the addresses set forth below:

If to County:
McHenry County
McHenry County Administration Office
c/o Deputy County Administrator

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2200 N. Seminary Avenue  
Woodstock, Illinois  60098

If to Governmental Entity:  ________________________________

                                  ________________________________

11.  Warranties. The parties makes no representations or warranties, expressed or implied, regarding their performance under this Agreement.

12.  Governing Law and Venue. The parties agree this Agreement has been executed and delivered in Illinois and that their relationship and any and all disputes, controversies, or claims arising under this Agreement shall be governed by the laws of the State of Illinois, without regard to conflicts of laws principles. The parties further agree that the exclusive venue for all such disputes shall be the Circuit Court of the 22nd Judicial Circuit of McHenry County, Illinois, and the parties hereby consent to the personal jurisdiction thereof.

13.  Compliance with Laws. Each party hereto covenants and agrees to comply with all applicable federal, state, and local laws, codes, ordinances, rules, and regulations.

14.  Entire Agreement. This Agreement constitutes the entire agreement and understanding of the parties with regard to the subject matter contained herein and supersedes all prior agreements and understandings between the parties dealing with such subject matter, whether written or oral. No agreement hereafter made between the parties shall be binding on either party unless reduced in writing and signed by the party sought to be bound thereby.

COUNTY OF McHENRY:     [GOVERNMENTAL ENTITY]:

By: ________________________________  By: ________________________________
Its: ________________________________  Its: ________________________________

ATTEST:                    ATTEST:

By: ________________________________  By: ________________________________
Its: ________________________________  Its: ________________________________
TABLE 2: ELECTION BY THE STATE'S ATTORNEY, THE CIRCUIT CLERK, OR THE CHIEF JUDGE TO BE BOUND BY THE McHENRY COUNTY ETHICS ORDINANCE

ELECTION TO ADOPT McHENRY COUNTY’S ETHICS ORDINANCE

TO: State's Attorney, Ethics Commission, and Ethics Advisor

Option 1: I, the McHenry County [State's Attorney] [Circuit Clerk], hereby adopt the McHenry County Ethics Ordinance, as amended from time to time, for me and for the Office of the [State's Attorney] [Circuit Clerk], including my staff, and, therefore, adopt the McHenry County Ethics Commission as our Ethics Commission.

Option 2: I, Chief Judge of the 22nd Judicial Circuit of McHenry County, Illinois, hereby adopt the McHenry County Ethics Ordinance, as amended from time to time, for me and for the Associate and Circuit Judges of the 22nd Judicial Circuit, and Court Administration and, therefore, adopt the McHenry County Ethics Commission as our Ethics Commission.

DATED at ________________, Illinois, this _____ day of __________________, 20__.

Name: ___________________________
Title: ___________________________
TABLE 3: ELECTION BY AN OFFICER TO BE BOUND BY THE McHENRY COUNTY ETHICS ORDINANCE

ELECTION TO ADOPT McHENRY COUNTY’S ETHICS ORDINANCE

TO: State’s Attorney, Ethics Commission, and Ethics Advisor

I, the McHenry County [Auditor] [Coroner] [County Clerk] [County Recorder] [Sheriff] [Treasurer], hereby adopt the elective provisions of the McHenry County Ethics Ordinance, §§ 2.64.080 Nepotism, 2.64.090 Conflicts of Interest, and 2.64.100 Future Employment, as amended from time to time, for me and for the Office of the [Auditor] [Coroner] [County Clerk] [County Recorder] [Sheriff] [Treasurer], including my staff, and, therefore, affirm the McHenry County Ethics Commission as our Ethics Commission.

DATED at ________________, Illinois, this ______ day of ____________________, 20__.

Name: ____________________________
Title: ______________________________

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TABLE 4: NEPOTISM HIRING STATEMENT

STATE OF ILLINOIS
COUNTY OF McHENRY

NEPOTISM HIRING STATEMENT

I, ________________________________, swear under oath as follows:

1. I am an officer or employee making a hiring or appointing decision on behalf of the following governmental entity:

   Employer Name: ____________________________
   Employer Address: ____________________________
   Employer Telephone: ____________________________

   (hereinafter the “Employer”).

2. I recommend the Employer hires or appoints the following candidate:

   Candidate Name: ____________________________

   (hereinafter the “Candidate”).

3. The Employer’s Human Resources Department or the McHenry County Human Resources Department has determined in writing (attached hereto) that the Candidate is qualified for the employment or appointment by education or experience.

4. I have required that the Candidate identify in writing whether or not his or her spouse (including any analogous relationship recognized by law), parent, child, brother, sister, grandparent, grandchild, first cousin, aunt, uncle, great aunt, great uncle, niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, half-sister; the parent or grandparent of his or her spouse (including any analogous relationship recognized by law) or his or her fiancé or fiancée; or household member serves in any capacity as an officer or employee of the Employer.

5. I have independently made efforts to identify whether or not the Candidate’s spouse (including any analogous relationship recognized by law), parent, child, brother, sister, grandparent, grandchild, first cousin, aunt, uncle, great aunt, great uncle, niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, half-sister; the parent or grandparent of his or her spouse (including any analogous relationship recognized by law) or his or her fiancé or fiancée; or household member serves in any capacity as an officer or employee of the Employer.
6. The Candidate and/or I have identified his or her following relative(s) serves as an officer or employee of the Employer:

A. Relative’s Name: ______________________________
B. Relative’s Name: ______________________________
C. Relative’s Name: ______________________________

7. To the best of my knowledge, employing or appointing the Candidate will not create a supervisor/subordinate relationship between the Candidate and his or her spouse (including any analogous relationship recognized by law), parent, child, brother, sister, grandparent, grandchild, first cousin, aunt, uncle, great aunt, great uncle, niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, half-sister; the parent or grandparent of his or her spouse (including any analogous relationship recognized by law) or his or her fiancé or fiancée; or household member.

8. The potential for the familial relationship to create an adverse impact on work performance is outweighed by the Candidate’s qualifications.

9. The employment or appointment of the Candidate will not create either an actual conflict of interest or the appearance of a conflict of interest.

10. The position for employment or appointment was publicly advertised for ________ period of time, which is reasonable.

11. The Employer interviewed ________ other individuals for the employment or appointment position.

12. If the Employer is McHenry County, the Candidate’s proposed salary complies with the McHenry County Salary Administration Policy.

__________________________________________
Signature of Officer or Employee
STATE OF ILLINOIS

COUNTY OF McHENRY

Signed and sworn to before me on this _________ day of ___________________, 20__ by _________________________________.

(Seal)                                                   Signature of Notary Public