**Section 1620.610 Revolving Door Prohibition**

a) *Within* 6 *months* after *the effective date of PA 96-555 (August 18, 2009), each executive branch constitutional officer shall adopt a policy delineating which State positions under his or her jurisdiction and control, by the nature of their duties, may have the authority to participate personally and substantially in the award or fiscal administration of State contracts or in regulatory or licensing decisions. These policies shall be filed with the Commission* and appropriate Executive Inspector General. [5 ILCS 430/5-45(c)]

b) No later than June 1, 2010, and annually thereafter, *each Executive Inspector General shall report to the Commission his or her determination of any additional State positions under his or her jurisdiction, not otherwise subject to the policies required by* Section *5-45(c)* of the Act*, that are nonetheless subject to the notification requirement of* Section *5-45(f) due to their involvement in the award or fiscal administration of State contracts or in regulatory or licensing decisions.* [5 ILCS 430/5-45(d)]

c) *Any State employee in a position subject to the policies required by subsection 5-45(c) or a determination of* Section *5-45(d)* of the Act*, but who does not fall within the prohibition of* Section *5-45(h), who is offered non-State employment during State employment or within a period of one year immediately after termination of State employment shall, prior to accepting such non-State employment, notify the appropriate Executive Inspector General.* [5 ILCS 430/5-45(f)] The employee's notification to the appropriate Executive Inspector General must include:

1) the employee's name;

2) a description of the positions the employee held in State government in the last 12 months, including the title, responsibilities, and employing State agency or agencies;

3) the title, description and responsibilities of the prospective employment position;

4) the name, description, ownership, corporate structure including its parent and any subsidiaries, and contact information of the prospective employer;

5) in the case of self-employment, that is, when the employee will be an independent contractor who receives compensation or fees for services provided, regardless of whether those fees are paid directly or through a third party, the employee's initial submission shall include a list of known clients with which the employee or the employee's business intends to contract. The employee must update this list for a period of one year after termination of State employment when the employee or the employee's company intends to contract with a new client and submit the names of each additional client to both the former employee's Ethics Officer and the appropriate Inspector General.

6) a statement from the Ethics Officer or Officers of the State agency or agencies employing the employee in the last 12 months that identifies any contracts the prospective employer, or its parent or subsidiaries have had with the State agency or agencies in the last 12 months, the amounts of those contracts, any regulatory or licensing decisions made by the State agency or agencies in the last 12 months that applied to the prospective employer or its parent or subsidiary, whether the employee was involved in any regulatory, licensing, or contracting decisions or activities regarding the prospective employer or its parent or subsidiary within the last 12 months, and if the employee was involved, a description of that involvement. If the Ethics Officer is the employee seeking the determination or is unable for any reason to provide this statement, the Executive Inspector General may consider a statement provided by another appropriate employee or officer. The statement from the ethics officer must be submitted to the appropriate Executive Inspector General within 5 calendar days after receiving notification from the employee.

d) *Within 10 calendar days after receiving notification from an employee or officer in a position subject to policies required by subsection (a),* the *Executive Inspector General shall make a determination as to whether the State employee is restricted from accepting such employment by* Section *5-45(a) or (b)* of the Act*. Such a determination must be in writing, signed and dated by the Executive Inspector General, and delivered to the subject of the determination within 10 calendar days.* [5 ILCS 430/5-45(f)]

e) *A copy of such a determination shall also be forwarded to the ultimate jurisdictional authority, the Attorney General and the Commission.* [5 ILCS 430/5-45(g)] If an Executive Inspector General fails to make a determination within 10 calendar days after receiving a notification described in subsections (c) and (d), the EIG shall report this failure to the Attorney General and Commission immediately.

f) *An Executive Inspector General's determination may be appealed to the Commission by the person subject to the determination or the Attorney General no later than the 10th calendar day after the date of the determination.* [5 ILCS 430/5-45(g)]

1) The appeal filed with the Commission shall contain a copy of the Executive Inspector General's written determination and a verified statement that explains the basis for arguing that the determination was in error. Copies of the appeal shall be sent to the relevant Executive Inspector General and shall also be sent to the subject of the determination, if filed by the Attorney General, or the Attorney General, if filed by the subject of the determination.

2) The Attorney General shall serve a complete copy of the Executive Inspector General's revolving door determination file on the appellant with a copy to the Commission within 48 hours after the appeal is filed with the Commission.

3) Any objection to the appeal by the subject of the determination or by the Attorney General shall be filed with the Commission within 5 calendar days after the filing, unless the Commission grants an extension of time.

4) *The Commission shall seek, accept and consider written public comments regarding a determination.* A copy of the appeal will be posted on the Commission's web site and be posted at the Commission's offices, with instructions on how written public comments may be forwarded to the Commission for consideration. *The Commission shall assess, in addition to any other relevant information, the effect of the prospective employment or relationship upon the decisions referred to in* Section *5-45(a) or (b)* of the Act*, based upon the totality of the participation by the former officer or employee in those decisions.* [5 ILCS 430/5-45(g)]

5) The Commission shall decide whether to uphold an Executive Inspector General's determination within 10 calendar days after receiving the appeal. Copies of the Commission's decision shall be sent to the former officer or employee, the Attorney General, the relevant Executive Inspector General, and the ultimate jurisdictional authority.

g) *Any State employee in a position subject to the policies required by* Section *5-45(c) or a determination of* Section *5-45(d)* of the Act*, who is offered non-State employment during State employment or within a period of one year immediately after termination of State employment,* but fails to provide the required notice set forth in subsection (c)*, shall be subject to a fine pursuant to Section* *50-5(e)* of the Act[5 ILCS 430/5-45(f)].

h) Any employee or officer who receives offers of non-State employment during State employment or within a period of one year immediately after termination of State employment and who is concerned about the effect of accepting the employment offer vis-à-vis the revolving door prohibition may seek a determination as provided in this Section.

(Source: Amended at 47 Ill. Reg. 12045, effective July 31, 2023)