

Revolving Door Frequently Asked Questions

The Revolving Door provisions of the State Officials and Employees Ethics Act (Ethics Act) can be found at 5 ILCS 430/5-45.

Section (f) of the Revolving Door provision states that in making a determination of whether a State employee is restricted from accepting future employment, “in addition to any other relevant information, an Inspector General shall assess the effect of the prospective employment or relationship upon [contract, licensing or regulatory decisions in which the employee was involved], based on the totality of the participation by the former officer, member, or State employee in those decisions.”

Below are answers to some questions often raised about the determination process.

I do not know if I am required to seek a determination, how do I find out?

If you are not certain whether you are required to seek a determination or have general questions concerning the determination process, please speak with your agency’s ethics officer.

I am a state employee and must seek a revolving door determination from the OEIG. How do I start the process?

All necessary Revolving Door forms and their corresponding instructions are available on the OEIG’s website (www.illinoistreasurer.gov/Executive_Inspector_General)

Does answering “yes” to any of the questions posed on the OEIG forms automatically disqualify me from accepting the prospective employment?

No. The OEIG uses your responses to determine the level of involvement between you as a state employee and the potential employer. No one answer is singularly determinative of an outcome.

I am a state employee on the “c” list and I am considering applying for a job with a company that has done business with the state. May I seek a determination now in order to determine whether I should apply for the job?

No. The OEIG does not issue advisory determinations or opinions concerning potential job offers or business arrangements. An actual job offer must be made before the OEIG will process a determination request.

Why do you need to know my date of birth?

For identification purposes.

If I am an employee covered by section “h” of the Revolving Door provisions, must I seek a Revolving Door determination?

No. You do not have to complete the determination form if you hold a position covered in section “h.” However, some employees are unsure if their positions are covered by section “h” and, therefore, going through the determination process is a way for both the employee and the OEIG to confirm the employee’s status.

I am currently a state employee. In addition to my state employment, I wish to work part-time for a non-state entity. Am I required to seek a Revolving Door determination?

The Revolving Door prohibitions are triggered when state employees terminate, or are about to terminate, their employment with the state. The situation you are describing is generally referred to as “secondary employment” and is not covered by the Revolving Door prohibitions. However, depending on the Treasurer’s Office policies, you may need to notify your supervisor of any secondary employment. In addition, certain sections of the Procurement Code, including conflict of interest provisions, may apply to your situation. You may contact your agency’s ethics officer for more information.

I am the son of a State employee who works for the State Treasurer and I currently live with her. I have been offered a job working for a company that does business with the Treasurer’s Office. Do I need to request a determination?

No. The Revolving Door prohibitions do not apply because your parent has not terminated employment with the State. However, other State laws or policies, including conflict of interest provisions, may apply to your situation. If your parent were to terminate employment with the State, the Revolving Door provisions may apply. Your parent should discuss the situation with the Treasurer’s ethics officer for more specific advice.

I work for the state pursuant to a contract; do the Revolving Door prohibitions apply to me?

Maybe. Depending upon your employment relationship with the state, you may be treated the same as any other state employee for purposes of the Revolving Door prohibitions and notification requirements. Section 1-5 of the Ethics Act defines employee as, among other things, including “any person employed full-time, part-time, or pursuant to a contract and whose employment duties are subject to the direction and control of an employer with regard to the material details of how the work is to be performed...” However, if, for example, you are employed through a temporary agency, the temporary agency, not the state, is your employer and the Revolving Door prohibitions do not apply to you.

I am on the “c” list and intend to start my own business, do I have to complete the determination forms? It is a new company and, therefore, could not have done any prior business with the State of any kind.

Yes. The OEIG has the responsibility of determining if there was a prior relationship between a former state employee and any client from whom the former employee expects to receive compensation. If you will be self-employed, your initial submission must include a list of known clients with which you or your business intends to contract. You must update this list during a period of one year after the termination of your state employment each time you or your company intends to contract with a new client. You must submit the names of each additional client to both your former employee's ethics officer and the OEIG.

If I become self-employed as an independent contractor or consultant, do I need to request a determination for each new client?

Yes. You need to request a determination for each new client during the year following your termination of state employment. The OEIG must determine if you, while serving as a state employee, participated personally and substantially in the award of state contracts or in the making of a regulatory or licensing decision with respect to each new client.

I served as the chairman of a state commission that awarded a contract to the company that has offered me a job. However, I recused myself from any consideration or vote on the matter; may I take a job with this company?

No. As the head of a state commission, your position is covered by section "h" of the Revolving Door provisions. Therefore, you are prohibited from receiving such compensation for one year after your termination of state employment "regardless of whether [you] participated personally and substantially in the award of the State contract or contracts." Because section "h" employees are strictly prohibited from accepting such employment, they are not required to seek a Revolving Door determination from the OEIG.

My wife recently left her job with a state agency. While with the state agency, she was included on the "c" list. Do I need to request a determination from the OEIG for an employment offer that I just received?

No. Your wife falls under section "c" of the revolving door provision and must request a determination from the OEIG for any employment offer that she receives for one year immediately after her termination. As her spouse, you are not subject to the same requirement. However, pursuant to Revolving Door subsections (a) and (b), as a spouse, it would be a violation of the Revolving Door provision if you accept employment with an entity with which your spouse participated personally and substantially in the award of a contract or regulatory or licensing decision. As such, the OEIG recommends that you, as the spouse, request a determination.

What if I have not been put on the "c" list but I am still involved in contracts, change orders, or regulatory/licensing decisions; do I still need to seek a determination?

You should seek a Revolving Door determination to avoid violating Revolving Door subsections (a) and (b).

What happens after I submit my request for a Revolving Door determination?

The OEIG has 10 calendar days to determine whether you are restricted from accepting the prospective employment or compensation offer. The time period begins to run when the OEIG receives the fully completed Revolving Door Notification of Offer form. During that 10-day period, the OEIG will take steps necessary to make its determination. Such steps may include: contacting you, contacting the ethics officer, contacting your current or former supervisor, or contacting or researching the potential employer. Once a determination has been made, whether favorable or not, the OEIG will send a determination letter, via e-mail (if an email address is provided) and mail, to the person making the request, and via email and regular mail to the Treasurer, the Attorney General, and the Executive Ethics Commission. After the determination has been issued, the person seeking the determination and the Office of the Illinois Attorney General have 10 calendar days during which to appeal the OEIG's determination to the Executive Ethics Commission. In the event the Office of the Attorney General chooses to appeal a determination, the administrative rules state that the Office of the Attorney General shall send a copy of that appeal to the applicant.

Please note that the EEC has concluded that if the last day to perform an act (such as filing an appeal) falls on a Saturday, Sunday, or State holiday, then the time period is extended until the next business day. See In re: Marcia D. Johnson, 12-EEC-012. Additional rules concerning the appeals process may be found at 5 ILCS 430/5-45(g), Ill. Admin. Code Tit. 2, §1620.610, et seq., and on the Executive Ethics Commission website (www.illinois.gov/eec).

If I plan to work for an individual or entity on a volunteer basis, receiving no fees or compensation, do I need to seek a revolving door determination from the OEIG?

No. As long as you continue to fill the position on a volunteer basis and receive no fees or compensation for one year immediately following your termination of State employment, you are not required to seek a Revolving Door determination.

I am a "c" list employee and accepted an offer of non-state employment prior to notifying the OEIG. What should I do?

You should submit your revolving door forms to the OEIG. The OEIG will proceed as normal and make a determination as to your eligibility. Please note the OEIG may decide to investigate your failure to provide timely notification. Such an investigation can result in a fine being levied by the Executive Ethics Commission.

Are there other Revolving Door statutes that might apply to me?

For further questions regarding the Procurement Code, please see the Executive Ethics Commission's website, (www.illinois.gov/eec).