

Program for Compliance with the State Officials and Employees Ethics Act PA 93-0617

The State Officials and Employees Ethics Act (“SOEEA”) requires the Illinois public university governing boards in coordination with the Illinois Board of Higher Education to demonstrate they have adopted and implemented for all employees under their respective jurisdiction and control specific personnel policies relating to (a) work time requirements, (b) documentation of time worked, (c) documentation for reimbursement of authorized travel expenses while on official State business, compensation, and the earning or accrual of State benefits for all State employees who may be eligible to receive those benefits (5 ILCS 430/5-5).

Where necessary or appropriate the president may authorize updates to this program of compliance in accord with Board of Trustees *Regulations*, Article IV, Board Legislation, Section 7, which states: “.... The president or designee is fully authorized to adopt necessary standards and implementing procedures in order to effectuate the Board Regulations and maintain them in accordance with applicable laws or regulations. The president or designee shall, at the request of the Board or the Board Chair, issue interpretive memoranda in response to questions of interpretation.”

The following personnel policies are in effect to assure NIU is in appropriate compliance with the State Officials and Employees Ethics Act, all other applicable state laws, and the standards previously established by the Board of Trustees of Northern Illinois University. Any policies stated herein that were not previously in effect are automatically effective by operation of law through authority of the Board of Trustees of Northern Illinois University and provisions of its Bylaws no later than March 4, 2004 to the extent authorized or required by applicable laws.

General Procedures and Designation of Contact Persons

1. Kenneth L. Davidson, Associate Vice President and General Counsel and Board of Trustees Parliamentarian (or designee), is the individual assigned by the President to serve as Ethics Officer for NIU and interfaces with the Office of the Executive Inspector General. The duties of the Ethics Officer are outlined in the State Officials and Employees Ethics Act.
2. Dr. Steven D. Cunningham, Associate Vice President, Administration and Human Resources (or designee), is the individual assigned by the President to provide information and respond to inquiries about NIU personnel policies.
3. The Office of the Executive Inspector General (OEIG) has legal authority to receive and investigate or refer for investigation certain types of non-anonymous reports of serious wrongdoing by public university employees or vendors to universities. Complaints of serious misconduct in this context do **not** include:

A. Certain Legal or Administrative Matters

- (1) Lawsuits – pending or resolved
- (2) Grievances – pending or resolved
- (3) Internal Discrimination Investigations – pending or resolved
- (4) External Discrimination Investigations – pending or resolved (*e.g.*, U.S. Equal Employment Opportunity Commission, Illinois Department of Human Rights, etc.)

B. Purely Management Issues

- (1) Discontent with evaluation or review
- (2) Disputes over job assignments or reassignment of duties
- (3) Disputes over resource allocations
- (4) Minor or isolated incidents of mismanagement
- (5) Faculty research-related issues
- (6) Academic matters relating to admissions, course content, degree requirements, examinations, grades, etc.

C. Student Misconduct - Unless the claim of student misconduct arises out of the student's position as a student employee, and is not covered by one of the other exceptions in this listing.

D. Types of Crimes to be Reported to University Police

In the event of an **emergency situation** requiring an immediate police response, the NIU Department of Public Safety, Illinois State Police, county, or municipal police agency that can provide the fastest response should be contacted. The following are examples of such **emergency situations**:

- (1) Illegal use or possession of a weapon
- (2) Bodily injury or immediate threat of bodily injury
- (3) Narcotics-related activity
- (4) Criminal sexual assault
- (5) Death

E. Attempted Bribery

Illinois law requires state employees to report attempted bribery to the Illinois State Police.

- (1) In general, bribery is an offer or solicitation of property (including money) or personal advantage with the intent to improperly influence a public employee in the performance of any act relating to her/his employment (720 ILCS 5/33-1).

- (2) By law, State employees must report all offers of bribes to the Illinois State Police (720 ILCS 5/33-2).
- (3) Any university employee who has reasonable grounds to believe that an attempt to bribe has been made or suggested shall:
 - (a) Avoid any statement or implication indicating acceptance or non-acceptance of the bribe; and
 - (b) Immediately report the matter, by telephone or in person, to supervisory personnel.

A supervisor must promptly report all incidents of attempted bribery to the Illinois State Police Department of Internal Investigations. Employees shall cooperate fully and completely in all bribery investigations and any matters relating to the investigation. The Illinois State Police Department of Internal Investigations shall immediately notify the local State's Attorney and the OEIG, and initiate an investigation.

Personnel Policies Required by the State Officials and Employees Ethics Act

1. Applicable Board of Trustees Regulations

NIU Board of Trustees *Regulations* II.B.4. and III.A.2.(a)(5), establish policies pertaining to political activity in relation to publicly supported work time or resources. These Regulations read as follows:

“An employee shall not, through his or her position with the Board or university, (a) coerce, command, advise or solicit anyone to pay, lend or contribute money or other thing of value to any partisan party, committee, organization, agency or person for political purposes; (b) use Board or university funds, resources or time for any political candidate or partisan purpose other than educational.”

Accordingly, no political activity prohibited by the State Officials and Employees Ethics Act shall be conducted on university-compensated work time (other than “vacation, personal, or compensatory time off”) or involve the use of university property or resources by any university employee or member of the Board of Trustees of Northern Illinois University.

Nothing in this policy statement prohibits activities that are otherwise appropriate for a university employee or Trustee to engage in as a part of his or her official university duties, or activities that are undertaken by a university employee or Trustee on a voluntary basis as permitted by law.

2. *Work Time Accounting*

NIU policies and procedures provide for periodic reporting and accounting of the accrual and utilization of State benefits. New requirements of the State Officials and Employees Ethics Act relate to work time requirements and documentation of time worked. For each category of NIU employee, the following procedures shall apply:

Work Time Requirements and Reporting

A. Trustees

Members of the Board of Trustees meet at least quarterly for regular business meetings in addition to committee meetings. Trustees will be informed of meetings and coordinate their expected attendance with the Board of Trustees Parliamentarian. Presence and participation of Trustees at Board of Trustees meetings will be recorded in the minutes of the meetings.

B. Employees

Northern Illinois University maintains operations on a 7-day, 24-hour, per week basis. Individual work responsibilities naturally vary according to assignments and roles. Throughout this entire time frame, faculty and staff work schedules and task completion responsibilities are assigned to pursue and maintain the instruction, scholarship, public service and outreach commitments; organizational/administrative functions; and operations required to fulfill the university's mission and functions. By way of example, individuals' responsibilities may include: classroom, laboratory or field instruction, and associated preparation; evaluation and grading; one-on-one instructional interactions; advising and mentoring; research, meetings, office hours, travel, field work; continuing professional education and development to maintain current competencies in relevant fields of knowledge; participation in university organizational and disciplinary professional events; and representing the university throughout a variety of time periods that include evenings and weekends.

Unless otherwise required by unusual circumstances, or adjusted by holiday and summer work week schedules, normal university department office hours are 8:00 a.m. through 4:30 p.m. Monday through Friday with lunch periods designated by individual departments. Work hours pertaining to individual instructional/scholarship, service, and administrative responsibilities extend throughout the 7-day, 24-hour, workweek as necessary to maintain operations and fulfill the university's mission.

Work schedules applicable to all full-time faculty and staff assume a minimum schedule of 37.5 hours of work per week. Expectations for part-time schedules are assigned proportionately. For purposes of compensation rates, the federal Fair Labor Standards Act (FLSA) exempts faculty, professional, and administrative staff from maintaining specific and limited work hours (normally extending well beyond the minimum 37.5 hour standard) as necessary to fulfill their assigned responsibilities.

For purposes of this work time requirements and reporting policy statement, NIU employees are subdivided into three categories (Hourly/FLSA Non-Exempt, Salaried/FLSA-Exempt, and Faculty/Instructional):

1. Hourly/FLSA Non-Exempt Employees

The Hourly employee category includes all hourly-paid civil service, extra help, student, and non-status employees of Northern Illinois University. For these positions, the Documentation of Time Worked requirements of the State Officials and Employees Ethics Act shall be fulfilled through the maintenance of Hourly Time Sheet records. No Hourly employee may engage or be required to engage in prohibited political activity or other non-work-related activities (as defined by applicable Board of Trustees *Regulations* and the State Officials and Employees Ethics Act) that would interfere with the normal execution of their duties and responsibilities, nor involve the use of university property or resources, for any time period during the employee's appointment with Northern Illinois University. Hourly employees must utilize available vacation/personal leave benefits, or declare time off without compensation, for any activity undertaken during their normal work schedule that would fall under the definition of Board of Trustees *Regulations* II.B.4 or III.A.2.(a)(5) or for which vacation, sick leave, FMLA, or any other leave authorized pursuant to Board of Trustee regulations and university policies would apply. The Hourly Time Sheet record (which provides date-specific documentation) will be utilized for the recording of benefit usage or unpaid time taken for such purposes. Such time must be reported on at least a quarter-hour basis and maintained in either paper or electronic format by the applicable fiscal office for a period of at least two (2) years.

2. Salaried/FLSA-Exempt Employees

The Salaried/FLSA-Exempt category of employment includes all salaried supportive professional staff, administrative, civil service, and other employees appointed for time frames that do not correspond with the academic calendar (i.e., greater than 10-month appointments eligible for vacation accrual). For these positions, the Documentation of Time Worked requirements of the State Officials and Employees Ethics Act shall be fulfilled through completion of the monthly Salaried Employee Benefits Usage Form. No Salaried/FLSA-Exempt employee may engage or be required to engage in prohibited political activity or non-employment-related personal enterprise pursuits (as defined by applicable Board of Trustees *Regulations* and the State Officials and Employees Ethics Act) that would interfere with the normal execution of their duties and responsibilities, nor involve the use of university property or resources, for any time period during the employee's appointment with Northern Illinois University. Additionally, Salaried/FLSA-Exempt employees must utilize available leave benefits (if any), or declare personal time off without compensation, for any activity undertaken during their normal work schedule that would fall under the definition of Board of Trustees *Regulation* II.B.4, III.A.2.(a)(5), or for which vacation, sick leave, FMLA, or any other leave authorized pursuant to Board of Trustees *Regulations* and university policies would apply. Salaried/FLSA-Exempt employees must fulfill their professional responsibilities without limitation with respect to the hours or schedule required. Accordingly, Salaried/FLSA employees have the opportunity to resolve, with supervisory approval, minor interference issues with the normal execution of their regularly assigned duties and responsibilities (since hours of

work for Salaried/FLSA-Exempt employees may extend to throughout the 7-day, 24-hour, workweek). Whenever such activity results in an interference with employment-related responsibilities, and such interference could not be resolved, utilization of available paid leave benefits or declaration of personal time off without compensation must be recorded. The Salaried Employee Benefits Usage Form will be utilized for the recording of benefit usage or unpaid time taken for such purposes. The date(s) and total amount of time taken for these purposes during the reporting period must be recorded in the “Comments” section of the Benefits Usage Form. Such time must be reported on at least a quarter-hour basis and maintained in either paper or electronic format by the applicable fiscal office for a period of at least two (2) years.

3. Faculty/Instructional Employees

The Faculty/Instructional employee category includes all tenured and tenure-track faculty, part-time and temporary faculty, instructors, visiting, affiliate, graduate assistants and any other employees appointed for time frames that correspond with the academic calendar (*i.e.*, 9- or 10-month appointments not eligible for vacation accrual). For these positions, the Documentation of Time Worked requirements of the State Officials and Employees Ethics Act shall be fulfilled through completion of the Salaried Employee Benefits Usage Form. No Faculty/Instructional employees may engage or be required to engage in prohibited political activity or non-employment-related personal enterprise pursuits (as defined by applicable Board of Trustees *Regulations* and the State Officials and Employees Ethics Act) that would interfere with the normal execution of their duties and responsibilities, nor involve the use of university property or resources, for any time period during the faculty member’s appointment with Northern Illinois University. Additionally, Faculty/Instructional employees must utilize available leave benefits (if any), or declare personal time off without compensation, for any activity undertaken during their normal work schedule that would fall under the definition of Board of Trustees *Regulation* II.B.4 or for which vacation, sick leave, FMLA, or any other leave authorized pursuant to Board of Trustees regulations and university policies would apply. Faculty/Instructional employees are FLSA-Exempt and must fulfill their professional responsibilities without limitation with respect to the hours or schedule required. Accordingly, Faculty/Instructional employees are first expected to communicate and resolve, with supervisor/department chair approval, any interference issues with the normal execution of their regularly assigned duties and responsibilities (since academic activities occur at different times throughout the 7-day, 24-hour, workweek). Whenever such activity results in an interference with normally scheduled academic or employment-related responsibilities, and such interference could not be resolved, utilization of available paid leave benefits or declaration of personal time off without compensation must be recorded. The Salaried Employee Benefits Usage Form will be utilized for the recording of benefit usage or unpaid time taken for such purposes. The date(s) and total amount of time taken for this purpose during the reporting period must be recorded in the “Comments” section of the Benefits Usage Form. Such time must be reported on at least a quarter-hour basis and maintained in either paper or electronic format by the applicable fiscal office for a period of at least two (2) years.

It shall be the responsibility of all NIU employees to comply with the provisions of the State Officials and Employees Ethics Act and the work time accountability requirements specified in this policy statement and other applicable regulations/procedures. NIU will maintain compliance with these procedures and employees will be held fully accountable for any proven violations of the State Officials and Employees Ethics Act.

**Documentation for Reimbursement for Travel on Official State Business
Earning of Compensation and Accrual of State Benefits**

Documentation requirements for reimbursement of official university travel expenses must comply with rules of the Higher Education Travel Control Board and relevant NIU Board of Trustees *Regulations*.

Documentation requirements for earning of compensation for services, and accrual of State benefits such as vacation, sick leave, bereavement leave, leaves of absence, holidays, unpaid personal leave, disability and retirement shall be maintained in accordance with applicable university policies, procedures and interpretations which are made a part of this compliance program. Eligible leave time benefit utilization shall be documented on applicable Salaried Employee Benefits Usage Forms and Hourly Time Sheet and Benefit Usage Reports for all NIU employees.