

EXHIBIT 5b(i)

Ethics Training Script

Welcome to the 2013 Employee Ethics Certification for Metra employees

The State Officials and Employees Ethics Act, 5 ILCS 430 *et seq.* (“Ethics Act”), specifically section 5-10 on ethics training, requires each officer and employee of Metra to complete, at least annually, an ethics training program. It also requires that new employees complete ethics training within 30 days of the commencement of their employment or appointment. This training program is intended to allow you to meet your obligation to comply with the annual training requirements for 2013.

This training program has been developed in accordance with the requirements of the Ethics Act. It has been developed for this purpose under the direction of the Board of Directors of the Metra.

<end page>

What Happens if You Don’t Complete this Training?

Metra must report to the OEIG and the Executive Ethics Commission those individuals who fail to complete this training as required by law.

Failure to complete training when directed to do so exposes employees to disciplinary action by their employer, up to and including termination of employment. Additionally, the failure to complete ethics training and to submit a signed certification of completion of the training, in accordance with the training’s instructions and the requirements of the Ethics Act, may constitute a violation of the Ethics Act. This could result in possible administrative action by the Executive Ethics Commission, including its levy of a fine of up to \$5,000.

<end page>

Instructions

You must complete this training by []. This training program will not be available after []. If special circumstances prohibit you from completing this training program by this date, please contact Metra’s Ethics Officer, Suzy Choi-Lee, at 312-322-7446.

Throughout this training program, you will be prompted to answer questions concerning a short hypothetical situation. Please answer the questions to the best of your knowledge. After you

answer each question, the program will provide you a full explanation of both correct and incorrect answers.

<end page>

You must complete each section of the 2013 Employee Ethics Training program. The program will not allow you to jump forward through sections you have not viewed. However, you may go back through the program to review information you have already seen and then return to your previous point. If you wish to view the entire Ethics Act statute at any time during the training, please click here:

<http://www.ilga.gov/legislation/ilcs/ilcs5.asp?ActID=2529&ChapterID=2>

<end page>

Contrary to what some may think, this course is not a test. The questions you find in this course are provided solely for the purpose of helping you to understand the course's content. You are not penalized for answering the questions incorrectly.

Please take the time to read and understand the explanation that will be provided to you after you have responded to each question. If, after reading an answer's explanation, you still don't understand, please contact your ethics officer for additional guidance.

<end page>

Acknowledgement of Participation

At the end of this electronic training program, you will be prompted to certify your acknowledgement of participation. You must read and certify your acknowledgement of participation in order to complete your ethics training requirements for 2013. Your certification will be automatically transmitted to the Ethics Officer. You do not need to print out the acknowledgment of participation page, but you are encouraged to do so and retain a copy for your records.

Without interruptions, this training course should take no more than 45 to 60 minutes, on average, to complete. If you do not finish the program in one-sitting, the program will allow you to save your progress and return to complete the training at another time.

<end page>

Accommodation

If you require special accommodations, please contact the EEO at 312-322-8924.

<end page>

Introduction

Effective July 1, 2011, the provisions of Articles 1, 5, 10, 20, 50, and 75 of the State Officials and Employees Ethics Act (5 ILCS/430 et seq.) apply to the Regional Transportation Authority (RTA), the Suburban Bus Division (Pace), the Commuter Rail Division (Metra), and the Chicago Transit Authority (CTA). These entities are referred to collectively as the Regional Transit Boards.

For purposes of the above-mentioned articles of the Ethics Act and these training materials, the terms “employees” and “state employees” include the employees of and appointees to the governing boards of the Regional Transit Boards.

As will be later explained in greater detail, if you have a question concerning an ethics issue related to your Metra employment, you may contact its ethics officer, who is responsible for providing guidance to you in the interpretation and implementation of the Ethics Act.

<end page>

The Ethics Act and other ethics-related laws, rules, and policies, are intended to ensure that the functions of public entities, including Metra, are conducted with fairness, honesty, and integrity. That is, in part, what it means to follow the principles of **ethics**.

Your conduct has an impact on the citizens you serve. Because you are a public employee, it is important that your actions be in the best interests of the public and consistent with applicable laws, rules, policies, and regulations.

<end page>

Like other public employees and officials, you must use the resources of Metra in the most productive and efficient way possible and generally, only for the business purposes of Metra. You must avoid placing your personal or financial interests in conflict with those of Metra. Furthermore, if you have knowledge of unethical or unlawful conduct by employees or appointees of Metra or those who do business with it, you have an ethical obligation to notify the appropriate authorities.

It is your responsibility to become familiar with and obey the laws, rules, policies, and regulations that apply to you as an employee of Metra. If you have a question about either the legality or ethics of a matter related to Metra, you may discuss it with Metra's ethics officer or you may seek private legal counsel.

<end page>

Ethics Officer

By law, Metra has designated an ethics officer. This ethics officer:

- acts as a liaison between Metra and the Executive Inspector General and the Illinois Executive Ethics Commission;
- reviews statements of economic interest and disclosure forms of officers, senior employees, and contract monitors before they are filed with the Secretary of State; and
- provides guidance to Metra employees in the interpretation and implementation of the State Officials and Employees Ethics Act.

The ethics officer for the METRA is:

Suzy Choi-Lee
Senior Attorney, Metra Law Department
ethicsofficer@metrarr.com
547 W. Jackson Blvd, 15th floor
Chicago, IL 60661
(312) 322-7446

For your future reference, you may find a current list of ethics officers for all entities under the jurisdiction of the Office of Executive Inspector General for the Agencies of the Illinois Governor via the Internet at: <http://www.inspectorgeneral.illinois.gov>.

<end page>

Executive Ethics Commission

Established in 2004, the Executive Ethics Commission, in conjunction with the Executive Inspectors General and the Attorney General, is responsible for the oversight of, compliance, implementation, and enforcement of the State Officials and Employees Ethics Act. The commission consists of nine commissioners, appointed on a bipartisan basis, and it exercises jurisdiction over all officers and employees of state agencies under the six executive branch

constitutional officers of the state, as well as the nine state public universities and the Regional Transit Boards (RTA, CTA, Metra, and Pace). The commission also promulgates rules governing investigations of the Executive Inspectors General and holds administrative hearings related to alleged violations of the Ethics Act. For further information about the Executive Ethics Commission, visit its Web site at: <http://www2.illinois.gov/eec>.

<end page>

Office of Executive Inspector General (OEIG)

Established in 2003, the OEIG is an independent state agency. The OEIG's primary function is to investigate fraud, waste, abuse, and violations of laws, rules, and policies in governmental entities. The OEIG investigates allegations of misconduct by the employees, appointees, and elected officials under its jurisdiction. The OEIG also has responsibility for investigating alleged violations by those doing business with entities under its jurisdiction.

The OEIG's jurisdiction includes:

- the Office of the Governor;
- the Office of the Lieutenant Governor;
- the Regional Transit Boards (i.e., RTA, CTA, Metra, and Pace);
- the state public universities; and
- all state agencies and departments of the executive branch of state government, except for those agencies under the jurisdiction of other executive branch constitutional officers, specifically the Attorney General, the Comptroller, the Treasurer, and the Secretary of State (other Inspectors General have jurisdiction over the four executive branch constitutional officers not under the OEIG's jurisdiction, and the state legislature).

For additional information about the Office of Executive Inspector General for the Agencies of the Illinois Governor, visit its Web site at: <http://www.inspectorgeneral.illinois.gov>.

<end page>

Official Misconduct and Bribery (Criminal Code of 1961 (720 ILCS 5/33-3))

Public officers or employees commit misconduct when, in their official capacity, they:

- Intentionally or recklessly fail to perform any mandatory duty as required by law
- Knowingly perform an act which they know they are forbidden by law to perform

- With intent to obtain personal advantage for themselves or another, they perform an act in excess of their lawful authority
- Solicit or knowingly accept for the performance of any act a fee or reward which they know is not authorized by law

Public officers or employees convicted of violating any of these provisions forfeit their office or employment. In addition, they commit a Class 3 felony.

For Example:

A Metra employee may be committing official misconduct if he approves a Metra contract, which he knows he does not have the authority to approve. Also, as an example, a Metra employee may be committing official misconduct if he uses Metra property or equipment for unauthorized purposes, such as for his personal use or other non-business purposes.

<end page>

Among other circumstances, **bribery** occurs when public employees ask for or accept property or personal advantage, such as, but not limited to, money or free services, in exchange for taking or not taking (or influencing someone else to take or not take) an official act.

For Example:

It is unlawful for Metra employees to accept something of value, such as a promise of future employment, or travel expenses, in exchange for making business decisions such as the approval or award of a contract, or a hiring decision.

If Metra employees or officials accept a bribe, they could face criminal charges and if convicted, they could go to jail. It is also a criminal violation of the law if Metra employees or officials fail to report a bribe to the local State's Attorney's Office.

<end page>

Testing your knowledge

John, a supervisor for Metra, is responsible for reviewing and approving the monthly invoices submitted by a Metra vendor, Tires Inc. Tires Inc. has been doing business with Metra for over ten years and John has become good friends with the owner, Bill. During the last three months, John noticed that Tires Inc. has been submitting incorrect invoices. For example, Tires Inc. invoiced Metra for three people working on weekend overtime when John knew that only two people actually did the work. There were many other mistakes such as wrong billing rates or billing for hours not worked. When John approached Bill about the billing issues, Bill broke

down and confessed to John that his company is in financial trouble and he needs the extra money to make sure they don't go out of business. Since Bill is a good friend and his company Tires Inc. has done good work for Metra for over ten years, John decides to approve the invoices.

Are John's actions proper?

- A. Yes. As long as the vendor is doing good work, slight mistakes on invoices can be overlooked.
- B. Yes. John is not the one lying on the invoices or taking the extra money, so he is not doing anything wrong.
- C. No. It is improper for John to approve invoices that he knows is incorrect, no matter the reason.

<end page>

The correct answer is C. John must not approve invoices that he knows to be incorrect and fraudulent. The vendor, Tires Inc., is also committing misconduct by submitting incorrect and fraudulent invoices. Instead of approving the invoices, John should bring the incorrect invoices to the attention of the proper supervisors at Metra. By approving these invoices when he knows them to be fraudulent, John is committing official misconduct that can lead to termination and criminal charges filed against him.

<end page>

Testing your knowledge

A Metra employee suggests to a potential vendor during negotiations on an Request for Proposal (RFP) that it would receive a higher score from the employee if the vendor agrees to hire the employee after he retires from Metra in two years.

This action is proper. Yes or No?

No.

Yes.

<end page>

The correct answer is NO. It is unethical and unlawful for Metra employees and appointees to exchange favors for a business decision. Such conduct will result in discipline up to and including termination of employment or appointment and possible criminal prosecution.

<end page>

Testing your knowledge

A Metra supervisor asks her staff member to print out several invitations to a charity event that she is hosting. Since the supervisor found herself busy with meetings all morning, she requested that her staff member print the invitations at her computer. The charity event is not related to Metra business.

Is the supervisor's conduct ethical? Yes or No?

Yes.

No.

<end page>

The correct answer is NO. It is improper for a supervisor to ask an employee to engage in any activity that is not METRA business or is not allowed by Metra policies during the employee's scheduled work times or while using Metra property or resources.

<end page>

Personnel Policies (Ethics Act, Section 5-5)

Metra employees are required to follow the personnel policies of the Metra. Under the Ethics Act, these policies must include elements related to the following:

- Work time requirements
- Documentation of time worked/time sheets
- Documentation for reimbursement for travel on official METRA business
- Compensation
- Earning and accrual of METRA benefits for those eligible for benefits

As a Metra employee or appointee, you are expected to become familiar with and adhere to all Metra policies.

<end page>

Time Sheets (Ethics Act, Section 5-5)

As a Metra employee, you are required to periodically submit time sheets documenting the time spent each day on official Metra business to the nearest quarter hour.

<end page>

Conflict of Interest

It is vital to the proper operation of governmental entities, like Metra, for public employees to avoid not only actual conflicts of interest, but also those situations that may be perceived by others as a conflict of interest.

A conflict of interest occurs when the interests of employees are in conflict with the interests of their employer. This might occur, for example, when the decisions or recommendations employees make, relative to their work duties, either affect or are affected by their personal interests or those of a family member, friend, or associate.

For Example:

An employee has a conflict of interest when she participates in a decision to award a Metra contract to a company owned by one of her relatives.

<end page>

In any instance where you believe you may have a conflict of interest with respect to your position, it is your responsibility to immediately disclose the conflict and take action to remedy it. Disclosure must be made in accordance with any applicable policies of Metra. In the absence of a relevant policy, disclosure should be made to your supervisor and to Metra's ethics officer. Every immediate effort must be made either to eliminate the conflict or to recuse yourself from any official business related to the conflict.

It is unethical for METRA employees and appointees to use information made available to them as result of their job duties and which is not generally known to the public, to benefit themselves, their friends, their family, or associates.

For Example:

It would be unethical and possibly illegal for a Metra employee or board member to provide confidential information about a competitive bidding process for a Metra contract to a friend whose business is participating in that same bidding process.

<end page>

Testing your knowledge

Leonard, a Metra employee in the marketing department, learns that his best friend John's marketing firm is trying to win a contract with Metra. Leonard informs Metra's ethics officer of the relationship and he ensures that he is not involved with the selection process. During work, Leonard happens to come across some information on the bids submitted by other firms that are also seeking the marketing contract with Metra. Leonard knows that if he told John this information, it might give John's company an advantage in the contract selection process, although it would not necessarily guarantee that John's company would be selected. Leonard is not involved in the selection process himself and the information doesn't guarantee that John's company would be selected.

Can Leonard share this information with his friend?

- A. Yes. The information does not guarantee that John's company will win the contract, so there is no harm in sharing the information with him.
- B. Yes. Leonard can tell John the information as long as he's telling him as a friend, and not a Metra employee.
- C. No. It's unethical for Leonard to use information made available to him as a result of his job and which is not generally known to the public, to benefit himself, his friends, his family, or associates.

<end page>

The best response is C. Leonard is prohibited from sharing any confidential information with his friend about this or any other Metra-related confidential information he learns on the job, especially as it relates to awarding of contracts. Even though Leonard was right to inform the ethics officer of his relationship to John and avoid a conflict of interest by not being involved with the selection process, he is also restricted from sharing any information with his friend that is not available to the public.

<end page>

Testing your knowledge

Nicole is an attorney in Metra's Law Department and she has been asked to serve on a committee to select a legal consulting firm. Nicole and her two other committee members evaluated the 8 firms that submitted a proposal and determined that Ace Legal Consulting was the winning bidder. A few days after completing the selection, Nicole was out for lunch and bumped into her friend, Kathleen. Kathleen told Nicole that she started a job with a new company, Ace Legal Consulting, and not only that, she had submitted and won a contract with Metra.

Since Nicole has been made aware of her friend's connection to this company, should she bring this information to someone at Metra?

- A. Yes. Nicole should speak with Metra's ethics officer about the possible conflict of interest.
- B. Yes. Nicole should ask her coworker what he would do in this situation and follow his advice.
- C. No. Nicole selected the firm for the contract before she knew about her friend's employment there. She is not required to inform anyone at Metra of this information.

<end page>

The best response is A. Even though Nicole was unaware of her friend's relationship to the company when she made her selection, she must inform the ethics officer as soon as she finds out about a potential conflict of interest. The agency may choose to rebid the procurement based on the applicable rules and regulations. As for Nicole, her main responsibility is making the agency aware of the conflict by first speaking with her ethics officer.

<end page>

Testing your knowledge

Sue, Metra's Chief Financial Officer, authorized her direct report, Juan, to hire his own son as an entry-level accountant who would report to Juan. Juan's son is a recent college graduate and is well qualified for the position with Metra.

This is proper. Yes or No?

- Yes.
- No.

<end page>

The correct answer is NO. Regardless of the relative's qualifications, it is a violation of Metra's Code of Ethics for any Metra employee or appointee to employ, advocate for employment, or supervise any relative in a department in which the employee serves or over which he or she exercises authority, supervision, or control.

<end page>

Prohibited Political Activities (Ethics Act, Section 5-15)

Metra employees and appointees may not participate in any of the following activities during compensated time other than vacation, personal, or compensatory time off. Additionally, employees or appointees may never engage in any of these activities by misappropriating state or Metra property or resources (such as Metra -provided telephones, cell phones, photocopiers, or computers):

- Prepare for, organize, or participate in any political meeting, political rally, political demonstration, or other political event

For example, an employee may not send an email to fellow workers during work hours and/or using a Metra email account, encouraging them to attend a rally for a candidate for public office. Nor may employees use a Metra email account, at any time, to, for example, issue invitations to or advertise a political event to anyone.

- Solicit contributions, including but not limited to purchasing, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event
- Solicit, plan the solicitation of, or prepare any document or report regarding anything of value intended as a campaign contribution
- Plan, conduct, or participate 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
- Survey or gather 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

For example, it is unlawful for Metra employees, during their compensated time (other than vacation, personal, or compensatory time off), to call potential voters on behalf of a candidate to find out whom they might vote for in an upcoming election.

- Assist at the polls on election day on behalf of any political organization, candidate for elective office, or for or against any referendum question
- Solicit votes on behalf of a candidate for elective office, political organization, or for or against any referendum question, or help in an effort to get voters to the polls
- Participate in any recount or challenge to the outcome of any election.
- Initiate, prepare, circulate, review, or file a petition on behalf of a candidate for elective office or for or against any referendum question
- Make a contribution on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office
- Prepare or review responses to candidate questionnaires in connection with a campaign for elective office or on behalf of a political organization for political purposes
- Distribute, prepare for distribution, or mail campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question
- Campaign for an elective office or for or against any referendum question
- Manage or work on a campaign for elective office or for or against any referendum question

For example, it is unlawful for Metra employees to use Metra -provided telephones, **at any time**, to work on someone's campaign for elective office or to perform other prohibited political activities.

- Serve as a delegate, alternate, or proxy to a political party convention

Lastly, a supervisor may not compel a Metra employee to perform prohibited political activities at any time.

Required Practice

Metra employees must not engage in prohibited political activities during compensated time (other than vacation, personal, or compensatory time off) or by misappropriating any Metra resource (such as phones, copiers, letterhead, fax machines, email accounts, etc.).

<end page>

Testing your knowledge

Thomas is volunteering for the reelection of his alderman and needed to make ten copies of campaign literature. He does not have a copier at home so he decides to come into work early and make copies before his shift. He brings in his own paper and makes sure that he does not use any of Metra's paper to make the copies.

Are Thomas' actions a prohibited political activity?

- A. No. Thomas made the copies before his shift started, so he was still on his own time.
- B. No. Thomas not only made the copies before his shift, but he also brought in his own paper to make sure that he wasn't using up Metra resources. Even though he still used the copier and the toner, he only made ten copies, which makes the usage negligible.
- C. Yes. Thomas' actions are a prohibited political activity. The fact that he made the copies prior to his shift does not negate the fact that he misappropriated Metra resources to engage in political activity.

<end page>

The best response is C. Thomas is not only restricted from conducting prohibited political activities while on compensated time, but he is also restricted from engaging in such activities by misappropriating Metra property or resources. Even though Thomas was not on compensated time, he was misappropriating Metra resources to make copies of the campaign literature, which is prohibited.

<end page>

Testing your knowledge

Ricardo is a Metra employee. On a Saturday when he is not working, he heads out to his neighborhood to hand out campaign literature. When he runs out of literature, he attempts to call the campaign office to order more and have it delivered to him. However, his personal cell phone is dead from low battery. He has his Metra cell phone with him but knows that he is not allowed to use it for political activities. Regardless,

Ricardo considers this an emergency and he makes the call to the campaign office using his Metra cell phone. He makes sure to keep the call to under a minute so that his usage is minimal.

Has Ricardo violated the ethics act?

A. No. Even though Ricardo is prohibited from using his work phone for a prohibited political activity, he used it for less than a minute. Even if it is technically a violation, the misconduct is too small to really matter.

B. Yes. Ricardo violated the ethics act by handing out campaign literature. Even though he was not on compensated time, he is known by his neighbors to be a government employee and therefore, he should not be involved in any political activity.

C. Yes. Ricardo violated the ethics act by using a company phone for campaign matters. It does not matter that the call was less than a minute, because his actions were still a violation of the prohibited political activities provision of the ethics act.

<end page>

The correct response is C. Ricardo cannot, at any time, use a company phone for any prohibited political activity. It doesn't matter that the call was for less than a minute, because he should not have misappropriated the company resource for political activities. Option B is incorrect because government employees can engage in political activities, as long as it is not on compensated time or through the use of company resources, and does not violate other laws, rules, or regulations.

<end page>

Testing your knowledge

An employee who works for Metra is directed by her Metra manager to speak with her coworkers and obtain their signatures on a political candidate's petition.

This is an ethical violation. True or False?

True.

False.

<end page>

The correct answer is TRUE. The State Officials and Employees Ethics Act prohibits this and certain other political activities from being done during a Metra employee's compensated time,

other than vacation, personal, or compensatory time off, or at any time when misappropriating Metra property and resources. It is also a violation of the Ethics Act for any official, director, supervisor, or Metra employee to require another Metra employee to perform a prohibited political activity.

Political Contributions on State or Metra Property (Ethics Act, Section 5-35)

As an employee of Metra you may not intentionally solicit, accept, offer, or make political campaign contributions on state or Metra property. Similar prohibitions also apply to public officials, state employees, candidates for elective office, lobbyists (i.e., persons required to be registered under the Lobbyist Registration Act), or any officers, employees, or agents of any political organization.

Metra property includes, for example, buildings or portions thereof that are owned or exclusively leased by Metra. State property includes, for example, buildings or portions thereof that are owned or exclusively leased by the state.

<end page>

<end page>

Testing your knowledge

Alvin is a Metra employee. One day, he receives an email about a campaign fundraiser on his Metra email. He doesn't know the person who emailed the information to him and he never gave his Metra email address to any campaign office, so he simply deletes the email. Over the next two months, he receives several more political emails from the same person. Alvin opens the emails and once it's confirmed that it's another campaign email, which he knows is prohibited, he simply deletes the emails and does not act on them in any way.

Has Alvin committed any violations of the Ethics Act?

A. Yes. The mere act of opening a political email is a violation of the Ethics Act.

B. Yes. Alvin didn't ask the person to stop sending the emails and that is a violation of the Ethics Act.

C. [] No. Alvin didn't technically violate the Ethics Act, but he should email the person back and ask that they refrain from sending any further political emails to his work.

<end page>

The correct answer is C. Although Alvin is doing the right thing by deleting the solicitation and not acting on it, Alvin should contact the person and ask that they stop sending political emails to his work email account.

<end page>

Prohibited Offer or Promise (Ethics Act, Section 5-30)

A Metra employee, appointee, or official may not promise **anything of value** related to state government or Metra in consideration for a contribution to a political committee, political party, or other entity that has as one of its purposes the financial support of a candidate for elective office.

In the context of a prohibited offer or promise related to a political contribution, **anything of value** includes, but is not limited to:

- positions in state government or Metra
- promotions
- salary increases
- other employment benefits, including, but not limited to, modified compensation or benefit terms; compensated time off; or change of title, job duties, or location of office or employment. An employment benefit may also include favorable treatment in determining whether to bring any disciplinary or similar action or favorable treatment during the course of any disciplinary or similar action or other performance review
- board or commission appointments
- favorable treatment in any official or regulatory matter
- the award of any public contract
- action or inaction on any legislative or regulatory matter

For Example:

It is unlawful for a Metra employee or appointee to offer an action by Metra or to offer someone a Metra job, or to offer the award of a contract, in exchange for a political campaign contribution.

<end page>

Testing your knowledge

A Metra procurement officer agrees to steer a vendor selection to a particular vendor in exchange for the vendor making a political contribution to the officer's wife who is running for an alderman position.

The Metra employee's conducts are proper. True or false?

- True.
- False.

<end page>

The correct answer is FALSE. It is unethical and a violation of the law for a Metra employee to exchange an official action for anything of value. Such conduct may result in criminal prosecution.

<end page>

Testing your knowledge

An employee who works for Metra is directed by her Metra manager to use her Metra email account during the employee's morning and afternoon breaks to solicit sales of tickets to a political fundraiser.

The employee should do as directed from her manager. True or false?

- True.
- False.

<end page>

The correct answer is FALSE. The State Officials and Employees Ethics Act prohibits this and certain other political activities from being done during a Metra employee's compensated time, other than vacation, personal, or compensatory time off or at any time when misappropriating Metra property and resources. It is also a violation of the Ethics Act for any official, director, supervisor, or Metra employee to require another Metra employee to perform a prohibited political activity.

<end page>

Ban on Gifts from Prohibited Sources (Ethics Act, Sections 10-10, 10-15 and 10-30)

Generally, as a Metra employee, you must not ask for or accept anything of value (other than the compensation you may receive from Metra) in relation to your job. Asking for or accepting a gift may be illegal under the Ethics Act, or prohibited by Metra policies. Furthermore, anything of value, if offered to you **in exchange for an official act**, may be considered a **bribe**.

Gifts that are prohibited under the Ethics Act include a variety of things, some of which you might not ordinarily think of as gifts. Gifts are defined by the Ethics Act to include, among other things, tickets to sporting events, hospitality, specially discounted merchandise or services, entertainment, loans, reimbursement of travel expenses, gratuities, cash, food, drink, and honoraria for speaking engagements.

<end page>

Under the Ethics Act, Metra employees or appointees may not intentionally solicit or accept prohibited gifts from certain individuals or entities that are defined by law as a “prohibited source” or in violation of any federal or state statute, rule, or regulation. It is also unlawful for employees’ or appointees’ spouses or immediate family members living with them to intentionally solicit or accept a prohibited gift from a prohibited source.

A **prohibited source** includes a person or entity that:

- Seeks official action from a Metra employee, Metra, or other employee directing the employee
- Does business or seeks to do business with the employee, Metra, or other employee directing the employee
- Conducts activities that are regulated by the employee, Metra, or other employee directing the employee
- Has interests that may be substantially affected by the performance or non-performance of the official duties of a Metra employee
- Is a registered lobbyist under the Lobbyist Registration Act
- Is an agent of, a spouse of, or an immediate family member who is living with a prohibited source

<end page>

Under the Ethics Act, there are a limited number of specific circumstances under which you may lawfully accept certain items of value from a prohibited source, such as the reimbursement

of travel expenses for a meeting to discuss Metra business when the situation meets specific criteria and when such expenses have been approved in advance by Metra ethics officer.

The list of exceptions is limited to:

- Opportunities, benefits, and services available to the general public on the same conditions
- Anything for which a Metra employee pays market value
- A lawful contribution under the Election Code or the Ethics Act or activities associated with a fundraising event in support of a political organization or candidate
- Educational materials and missions (as further defined below *)
- Travel expenses for a meeting to discuss Metra business (as further defined below **)
- A gift from a relative
- Anything provided on the basis of personal friendship, unless the employee has reason to believe that, under the circumstances, the gift was provided because of the official position of the employee and not because of the personal friendship
- Food, drink, lodging, and transportation related to outside business or employment activities, if the benefits are customarily provided to others in similar circumstances and are not offered because of the recipient's official position
- Intra-governmental or inter-governmental gifts (e.g. gifts between METRA employees or between Metra employees and other government employees)
- Bequests, inheritances, and other transfers at death
- Food, refreshments or any item or items not exceeding a cumulative total of \$25 per person in value in one calendar year from all prohibited sources combined; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. For the purposes of this Section, "catered" means food or refreshments that are purchased ready to consume which are delivered by any means

<end page>

NOTE: Please note that although the State Ethics Act allows for an exception of \$75 in food or drinks per day and any item from any one prohibited source during any calendar year with a cumulative total value less than \$100, Metra follows a much more strict policy. As a Metra employee, **you are prohibited from accepting more than \$25 worth of food, drinks, and gifts (combined) in a calendar year from all prohibited sources combined.** For example, if a Metra employee receives a meal from a prohibited source costing \$20 and also receives an item valued at \$5 from another prohibited source, the Metra employee has reached the \$25 cap for the year and cannot accept anymore gifts from any prohibited source, unless the gift falls under

the exceptions as listed on the previous page. Therefore, if you accepted a lunch from a Metra consultant that cost \$30, you may not be in violation of the State Ethics Act, but you are in violation of Metra's gift ban policy.

<end page>

*Illinois Executive Ethics Commission Rule 1620.700 states that educational materials and missions are those that have a close connection to the recipient's employment; predominately benefit the public and not the employee; and are approved by the employee's ethics officer in advance of the mission or receipt of the materials. If advance approval is not practicable, the missions and materials must be reported to the ethics officer as soon as practicable and must contain a detailed explanation of why approval could not be obtained in advance.

**Illinois Executive Ethics Commission Rule 1620.700 also states that travel expenses of a meeting to discuss Metra business are those that have a close connection to the recipient's employment; predominately benefit the public and not the employee; are for travel in a style and manner in character with the conduct of Metra business; and are approved by the employee's ethics officer in advance of the travel, if practicable. If advance approval is not practicable, the travel must be reported to the ethics officer as soon as practicable and shall contain a detailed explanation of why approval could not be obtained in advance.

<end page>

Under the Ethics Act, if Metra employees or appointees receive a prohibited gift from a prohibited source, they do not violate the law if they promptly do any of the following:

- Return the gift to the giver
- Give the gift to a not-for-profit organization, 501(c)(3) organization
- Give an amount of equal value to a not-for-profit organization, 501(c)(3) organization

<end page>

Any gift that is intended to improperly influence your official conduct as a Metra employee or appointee **must not be accepted**. Such a gift may constitute a bribe under state or federal law. Please also be aware that Metra or your department may have restrictions beyond those contained in the Ethics Act, which also apply to your acceptance of gifts. Questions you may

have related to gifts solicited or received in your capacity as a Metra employee or while conducting Metra business may be referred to Metra's ethics officer.

Recommended Best Practice

You should simply decline anything of value offered to you (other than the compensation you may receive from Metra) in relation to your job duties, unless it meets one of the exceptions to the Ethics Act's gift ban and is allowable under Metra policies.

It is advisable that prior to accepting anything of value in connection with your job duties, that you discuss the matter with your ethics officer. Exceptions to the suggestion that you discuss the acceptance of a gift with your ethics officer should be limited to situations where you are fully confident that your acceptance of a gift does not violate any law, rule, policy, or regulation and does not create the perception of wrongdoing.

<end page>

Testing your knowledge

Dave, a manager in Metra's Engineering Division, learns that his friend Terry was recently hired as a lead contract negotiator by Train Manufacturers, Inc., a company that Metra does business with. Terry invites Dave to a company golf outing. The golf outing has a market value of \$60 and the accompanying dinner has a value of \$75, all of which is paid for entirely by Train Manufacturers, Inc. Dave accepts the invitation as a friend of Terry.

Can Dave accept the golf fees and dinner?

A. No. Even though Dave was friends with Terry before she began working for a Metra contractor, the golf outing and meal are being paid for by a Metra vendor, so Dave cannot accept Terry's offer because its value exceeds Metra's limitations on its employees' acceptance of gifts from prohibited sources.

B. Yes. The gift is permitted under the Ethics Act's gift ban provisions.

C. Yes. Dave can accept the invitation because he is representing Metra at the outing.

<end page>

The best response is A. The company is a Metra vendor, so Dave is prohibited from accepting a gift from the company unless it is permitted by the Ethics Act and Metra's more strict limits on

gifts. In this scenario, even though the invitation was from his friend Terry, the outing is being paid for by the friend's company, that is a Metra vendor. Therefore, the gift is not considered to be provided on the basis of a personal friendship under the Ethics Act. Also, even though the Ethics Act allows for exceptions that would normally apply to this situation, Dave, as a Metra employee, must comply with Metra's stricter provision that limits gifts to \$25 per calendar year from all prohibited sources combined.

<end page>

Testing your knowledge

Jeanne is a Metra employee who recently became engaged. Her department decides to throw a surprise engagement party for her during the lunch hour. Her coworkers bring in food and non-alcoholic drinks for everyone to share. One of her coworkers decides to give her a book about wedding planning as an engagement gift. The book is very comprehensive and costs \$125.00 at the bookstore.

Can Jeanne accept this book from her coworker?

- A. No. Jeanne cannot accept the book because it is over the \$100 an item limit exception of the gift ban.
- B. Yes. Jeanne can accept the book because the gift is from her coworker.
- C. Yes. Jeanne can accept the book because the gift was given to her on the basis of a personal friendship.

<end page>

The best response is B. Here, it doesn't matter whether the gift was given on the basis of a personal friendship, or how much the gift costs. Under the gift ban exceptions, both intra-governmental and inter-governmental gifts are allowed. Since Jeanne and her coworker both work for the same governmental agency, they are allowed to accept gifts from one another under the intra-governmental gift ban exception.

<end page>

Testing your knowledge

A Metra employee accepts a \$125 gift card from a vendor for his pending retirement.

Is this a violation of the state gift ban? Yes or No?

Yes.

No.

<end page>

The correct answer is YES. Acceptance of such a gift from such a prohibited source (i.e., from an entity that does business with Metra, or has interests that may be substantially affected by the employee) is generally prohibited under the Ethics Act.

<end page>

Testing your knowledge

In an attempt to avoid violating the Ethics Act's gift ban, a Metra vendor sends gift certificates for a steak dinner for two (valued at \$200) to the Metra employee's young son instead of to the Metra employee directly.

Accepting this gift is a violation of the gift ban. True or False?

True.

False.

<end page>

The correct answer is TRUE. The Ethics Act's gift ban extends beyond the Metra employee and includes the employee's spouse or an immediate family member living with the employee. The Metra employee or appointee violates the Ethics Act by allowing his or her spouse or immediate family member living with the Metra employee or appointee to accept a prohibited gift. Furthermore, the vendor violates the Ethics Act by intentionally offering a prohibited gift.

<end page>

Testing your knowledge

Liz is a Metra employee in the Human Resources department. About two weeks before Christmas, Liz receives an iPad delivered to her office from Wizards, Inc., a Metra vendor, with a note thanking her for the many years of business they had done together. Liz contacts the president of Wizards, Inc., Iain, and tells him that she cannot accept the gift because it does not

fall under an exception to the gift ban. Iain tells Liz that even though his company sent the iPads to all their biggest clients, Liz should accept it as a personal gift from Iain himself. Since Liz and Iain have built a friendship over the many years of doing business together, Iain tells Liz to accept the gift as something provided on the basis of a personal friendship, which is an exception to the gift ban.

Should Liz accept the iPad?

A. Yes, since Iain is offering it based on a personal friendship, she can accept it and not be in violation of the ethics act.

B. No. Even though Iain states that this was based on a personal friendship, Liz knows that the gift was originally sent to her based on their business relationship and her position with Metra. Therefore, she should not accept the gift.

C. No. A gift based on personal friendship is not an exception to the gift ban.

<end page>

The correct answer is B. One of the exceptions to the gift ban is “anything provided by an individual on the basis of a personal friendship.” However, the gift ban also states that if the employee has any reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the employee and not because of the personal friendship, then it is no longer a valid exception. Here, even though Liz and Iain may be friends, the circumstances suggest that the gift was provided because of her position with Metra and the business relationship between the two entities. For example, the iPad was sent from the company itself and not directly from Iain. Also, the gift was sent to Liz at the office along with a note thanking her for the years of business they had done together. There’s also information that Iain’s company sent this gift to other important client of theirs. Based on these circumstances, it’s unlikely that this particular gift was based on their personal friendship. As such, Liz must not accept the gift.

<end page>

Revolving Door (Non-METRA Employment) Restrictions (Ethics Act, Section 5-45)

The Ethics Act contains restrictions that may, under certain circumstances, affect whether you, as a Metra employee (or one of your family members) may lawfully accept employment,

compensation, or fees from another person or entity after you terminate your Metra employment.

No former Metra officer or employee, or spouse or immediate family member living with such person, shall, within a period of one year immediately after termination of employment, knowingly accept employment or receive compensation or fees for services from a person or entity if:

- the officer, member, or employee, during the year immediately preceding termination of employment, participated personally and substantially in the award of Metra contracts, or the issuance of contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary; or
- the officer or employee, during the year immediately preceding termination of transit board employment, participated personally and substantially in making a regulatory or licensing decision that directly applied to the person or entity, or its parent or subsidiary.

There are a limited number of exceptions to the above-listed restrictions. Metra officers and employees and their spouses and immediate family members living with them are permitted to accept employment and compensation or fees for services from:

- (1) the U.S. government;
- (2) the State of Illinois;
- (3) an Illinois municipality, such as a city, a village, or an incorporated town;
- (4) an Illinois unit of local government, such as a county, a township, or a special district; and
- (5) an Illinois school district.

<end page>

Employment Restrictions and Procedures that Apply to Employees or Appointees Who Participate in Contract, Licensing, or Regulatory Decisions:

Depending on your position and its responsibilities, you may be required to immediately notify the OEIG if you are offered other employment or compensation from certain persons or entities and to seek a determination from the OEIG regarding whether you may lawfully accept such an offer (before its acceptance). Persons subject to these restrictions are often called “c-list” employees in reference to subsection (c) of Section 5-45 of the Ethics Act.

If you are in a position that is subject to these employment restrictions (i.e., if your position is on the “c-list,”) you should be provided written notification that the restrictions apply to your

position. Notification should be provided to you upon your hire, promotion, or transfer into a relevant position; and at the time your duties are changed in such a way as to qualify your position for the restrictions.

These “c-list” employment restrictions apply during a period of one year immediately after termination of employees’ employment. During that time period, Metra employees and their spouses and immediate family members may not knowingly accept employment or receive compensation or fees for services from a person or entity if the employees, during the year immediately preceding termination of employment:

- participated personally and substantially in award of contracts or the issuance of change orders with a cumulative value of \$25,000 or more to the person or entity; or
- participated personally and substantially in a regulatory or licensing decision that directly applied to the person or entity.

<end page>

Any employee in a position which has been identified as having this regulatory, licensing, or contracting authority and who is offered non-Metra employment during Metra employment or within a period of one year immediately after termination of Metra employment must, prior to accepting such non-Metra employment, notify the OEIG. Within 10 calendar days after receiving such notification, the Executive Inspector General must make a determination as to whether the employee is restricted from accepting such employment. An Executive Inspector General’s determination may be appealed to the Executive Ethics Commission no later than 10 days after the date of determination.

Again, there are a limited number of exceptions to these revolving door requirements as they apply to Metra employees. Metra employee are not restricted from accepting employment, compensation or fees for services from the U.S. government, the State of Illinois, or an Illinois municipality, unit of local government, or school district.

<end page>

Additional Employment Restrictions and Procedures that are Independent of an Employee’s Duties:

A limited number of Metra officers, employees, or appointees, in certain positions, are strictly prohibited from knowingly accepting employment or receiving compensation or fees for services from certain individuals or entities during a period of one year after the termination of their official positions. These restrictions apply **regardless of whether the officers, employees, or appointees were involved in regulatory, licensing, or contract decisions.** Persons affected

by these restrictions are commonly referred to as being on the “h-list,” in reference to subsection (h) of Section 5-45 of the Ethics Act, which contains these employment restrictions.

These “h-list” restrictions apply to employment or compensation offers from a person or entity or its parent or subsidiary, that during the year immediately preceding termination of the officer, employee or appointee’s official position, was a party to a Metra contract or contracts with a cumulative value of \$25,000 or more involving the officer, employee, or Metra, or was the subject of a regulatory or licensing decision involving the officer, employee, or Metra.

These more absolute restrictions apply to:

- **members of the general assembly or constitutional officers (such as the governor);**
- **members of a commission or board created by the Illinois Constitution;**
- **persons whose appointments to office are subject to the advice and consent of the Senate;**
- **the head of a department, commission, board, division, bureau, authority, or other administrative unit within the government of the state;**
- **chief procurement officers, state purchasing officers, and their designees whose duties are directly related to state procurement; and**
- **chiefs of staff, deputy chiefs of staff, associate chiefs of staff, assistant chiefs of staff, and deputy governors.**

<end page>

To reiterate, the employment restrictions on these “h-list” positions apply regardless of whether the officer, employee, or appointee participated personally and substantially in the award of the Metra contract or contracts or the making of the regulatory or licensing decision in question. Furthermore, **there is no process for seeking an exception to the employment restrictions on these positions.**

Please note, however, that employment offers from certain governmental units are not covered by subsection (h). If you hold an “h-list” position, you are permitted within the one-year revolving door period to accept an offer or employment or compensation or fees for services from the U.S. government, the State of Illinois, or an Illinois municipality, unit of local government, or school district.

If you find yourself in a situation where you are offered employment or compensation by an individual or business that conducted official business with you or your transit board, you may discuss the matter with Metra’s ethics officer or private legal counsel to ensure that you comply with the law.

The Executive Ethics Commission has the authority to issue a fine to a Metra officer or employee in an amount of up to three times the total annual compensation that would have been obtained in violation of the Ethics Act's revolving door employment restrictions.

<end page>

Testing your knowledge

Steve was recently laid off from his job as an accountant for Metra. About three months before he was laid off, Steve was on an evaluation committee to select a vendor for a Metra contract worth \$75,000. The vendor selected was Numbers Inc. who provides financial audit services for transportation agencies. A month after being laid off, Steve applied for and was selected for an accountant position with Numbers Inc. Since Steve worked for Metra, his skills were exactly what Numbers Inc. was looking for. Steve decides to take the job.

Is Steve in violation of the revolving door provisions by accepting a job with Numbers Inc.?

- A. No. The revolving door doesn't apply if the employee is laid off.
- B. No. Even though Steve participated in awarding a contract to Numbers Inc., he no longer works for Metra so the Ethics Act does not apply to him.
- C. Yes. Steve has violated subsection (a) of the revolving door by accepting a job with a company that he personally and substantially participated in awarding a contract to.

<end page>

The best response is C. ALL employees are subject to subsection (a) of the revolving door provisions of the Ethics Act. Subsection (a) prohibits an employee, or spouse or immediate family members living with the employee, within a period of one year immediately after termination of Metra employment, from knowingly accepting employment or receiving compensation or fees for services from a person or entity if the employee, during the year immediately preceding termination of Metra employment, participated personally and substantially in the award of Metra contracts, or the issuance of Metra contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary. In this scenario, Steve participated in awarding a contract (with a value of \$25,000 or more) to Numbers Inc. during the year immediately preceding his lay off from Metra. Based on this, subsection (a) of revolving door prohibits him from accepting a job with Numbers Inc. for one year after termination of Metra employment, even when the employment was terminated as a result of a lay off.

<end page>

Whistleblower Protection (740 ILCS 174/20.2)

Under the Whistleblower Act, it is generally unlawful for any employer to retaliate or threaten retaliation for an employee's disclosure of information to a government or law enforcement agency if the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation.

Violation of this Act is a Class A misdemeanor.

If an employer retaliates against an employee in violation of the Whistleblower Act, the employee may bring a civil action against the employer that may result in:

- reinstatement of employment and seniority rights;
- back pay, with interest; and
- compensation for any damages including litigation cost, expert witness fees, and reasonable attorney's fees.

<end page>

Testing your knowledge

A Metra manager learns that one of his employees intends to file a complaint about him with the Office of Executive Inspector General alleging that the manager was conducting prohibited political activities at work. The manager is afraid that he will lose his job if this matter is investigated. The manager tells the employee that he will write up the employee for poor work performance as a consequence of her intention to file a complaint against him.

The manager has committed an ethical violation. True or False?

True.

False.

<end page>

The correct answer is True. State law prohibits employers from taking retaliatory action against an employee who discloses or threatens to disclose information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation.

Such retaliation is generally against the law. An officer, state employee, or state agency may

not lawfully take any retaliatory action against you for doing any of the following:

- Disclosing or threatening to disclose to a supervisor or to a public body an activity, policy, or practice of any officer or employee of Metra that you reasonably believe is in violation of a law, rule or regulation;
- Providing information or testifying about any violation of a law, rule, or regulation by any officer or employee of Metra; or
- Assisting or participating in a proceeding to enforce the State Officials and Employees Ethics Act.

<end page>

Testing your knowledge

Don is a manager in the finance department. One of his employees, Mary, comes to him one day and tells him that she saw Joe stealing a large sum of cash that was collected from the operations crew. Don tells Mary that he will take care of it and directs her to tell no one about what she saw. Don knows that Joe is a great employee who is going through financial problems at home. When Don confronts Joe, Joe breaks down crying and admits to taking the money to pay for his ill mother's hospital bills. Joe agrees to bring back the money he stole.

In the meantime, Mary reports what she saw to the police. When Don finds out, he is upset that she called the police when he told her to tell no one about what she saw. Seeing that Mary is not a team player, Don fires her.

Since Mary did not follow Don's directive to tell no one about what she saw and instead reported Joe to the police, Don is within his rights to fire her. True or false?

True.

False.

<end page>

The correct answer is FALSE. State law prohibits employers from taking retaliatory action against an employee who discloses or threatens to disclose information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation.

Reporting Violations of Law, Rule, Regulation, or Policy

To put an end to misconduct it is important if you witness misconduct or have evidence of it, you report it to the proper authorities. As a Metra employee, it is your ethical duty to report

violations of laws, rules, or regulations by another Metra officer, employee or other relating to Metra business.

To report a **non-emergency violation** of law, rule, or regulation, you should contact the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) via its **toll-free Hotline** at **866-814-1113**. Questions and/or reports of alleged violations may also be submitted via the Internet at: <http://www.inspectorgeneral.illinois.gov>. For those who require it, the OEIG may also be contacted toll-free via a telecommunications device for the disabled (TTD) at 888-261-2734.

You may also contact Metra's Compliance Hot Line at 312-COMPLY1 (312-266-7591) or email compliancecounts@metrarr.com. Anonymous reporting is allowed.

Alleged violations may be reported to the OEIG anonymously. However, in many instances, investigations may be conducted more efficiently if investigators are provided the identity of the person who reported the matter so, if necessary, investigators may ask follow-up questions to obtain additional information.

In the event of an emergency situation requiring an immediate police response, you should contact the Illinois State Police or the county, municipal, or other police agency that can provide the fastest response (for example, by dialing "911"). Examples of emergency situations include those that involve the illegal use or possession of a weapon, bodily injury or threat of bodily injury, or criminal sexual assault.

If anyone attempts to improperly influence your official actions as a Metra employee, particularly if there is an attempt by anyone to have you or another employee act or fail to act in a manner that is unlawful or violates Metra policies, it is your responsibility to immediately report this matter to the appropriate authorities.

In certain instances, a Metra employee's failure to report a violation is in itself a violation of the law, as is the case where an employee fails to report a bribe (720 ILCS 5/33-2).

<end page>

Rights and Responsibilities During Investigations

(Ethics Act, Section 20-70 and EEC Rules, 2 Ill. Admin. Code Section 1620.300(c)(8))

Metra employees who become involved in an investigation conducted by the Office of Executive Inspector General or the Illinois Attorney General have both rights and responsibilities with respect to these important functions. As a Metra employee, you have an obligation to

cooperate in such investigations. This means, among other things, you must participate in interviews as requested, tell the truth, and not withhold information. It is also important that you know of your various rights with respect to investigations.

By law, every Metra employee must cooperate with and provide assistance to the Executive Inspector General and her or his staff in the performance of any investigation. In particular, Metra must, to the extent permitted by applicable laws and the rules governing the conduct of Executive Inspectors General, make its premises, equipment, personnel, books, records, and papers readily available to the Executive Inspector General.

In the course of an investigation, investigators may request information from any person when the information is deemed necessary for the investigation. The executive inspector general may issue subpoenas to compel the attendance of witnesses and the production of documents and other items for inspection and copying.

In particular, the Executive Inspector General may compel any Metra employee to truthfully answer questions concerning any matter related to the performance of his or her official duties. If so compelled, no statement or other evidence there from may be used against an employee in any subsequent criminal prosecution, unless the employee consents. The refusal of any employee to answer questions if compelled to do so shall be cause for discipline, up to and including discharge. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements.

Investigators may also, to the extent permitted by applicable laws and the rules governing the conduct of Executive Inspectors General, inspect and copy any books, records, or papers in the possession of Metra, including those made confidential by law. Investigators must take care to preserve the confidentiality of information contained in responses to questions or books, records, or papers that is made confidential by law.

Requests for production or viewing of documents or physical objects under Metra control must be made in writing by an Executive Inspector General. If the recipient of such a request believes that the release of the subject matter of the request might violate existing rights under state or federal law, the recipient has the right to seek a determination from the Executive Ethics Commission relative to such rights or protections.

<end page>

As a Metra employee, you have various additional rights during investigations, including those resulting from EEC rules (2 Ill. Adm. Code Section 1620.300), which specify:

- If investigators reasonably believe an employee who is the subject of the investigative interview will likely face discipline, the investigators must notify the employee whether the underlying investigation is criminal or administrative in nature.
- If the underlying investigation is **criminal** in nature, the subject interviewee must be presented a form that outlines the interviewee's rights during the interview, including **the right to the presence of an attorney, union representative, or coworker** uninvolved in the investigation.
- If the underlying investigation is **administrative** in nature, the subject interviewee must be presented a form that outlines the interviewee's rights during the interview, including **the right to presence of a union representative, or coworker** uninvolved in the investigation.

It is the policy of the OEIG, however, that OEIG investigators will present the interviewee with an OEIG form outlining the interviewee's rights unless OEIG investigators reasonably believe at the time of an interview that there are no circumstances under which an interviewee will be subject or likely to face discipline or adverse action. The subject interviewee must sign the above-mentioned form, attesting only to the fact that the form was presented to the interviewee and he or she was given the opportunity to read it.

Investigators may not infringe upon a Metra employee's right to seek advice from their ethics officer on the interpretation and implementation of the Ethics Act, or to seek advice from private legal counsel.

The full text of the rules governing OEIG investigations may be found at the EEC's Web site: <http://www2.illinois.gov/eec>.

<end page>

Disclosure of Economic (Financial) Interests (Illinois Governmental Ethics Act, 5 ILCS 420 et seq.)

Various public employees and officials of units of local government, such as the RTA, Metra, CTA, and Pace, are among those individuals required to file annual Statements of Economic Interests, which are intended to disclose publicly certain of their financial interests.

Generally, the requirement to file statements of economic interests applies to compensated employees of RTA, Metra, CTA, and Pace who:

- Are, or function as, the head of a department, division, bureau, authority or other administrative unit or who exercise similar authority

- Have direct supervisory authority over, or direct responsibility for the formulation, negotiation, issuance, or execution of contracts entered into by their employer in the amount of \$1,000 or more
- Have authority for the issuance or promulgation of rules and regulations within areas under the authority of their employer
- Have authority for the approval of licenses and permits by their employer
- Adjudicate, arbitrate, or decide any judicial or administrative proceeding, or review the adjudication, arbitration, or decision of any judicial or administrative proceeding within the authority of their employer
- Have supervisory responsibility for 20 or more employees of their employer

<end page>

The requirement to file statements of economic interests also applies to those who:

- Are appointed to a board or commission of a unit of local government, such as the RTA, CTA, Metra, or Pace, and who have authority to authorize the expenditure of public funds

<end page>

It is the responsibility of the chief administrative officer of each transit board to annually certify to the appropriate county clerk the names and addresses of those individuals who are required to file a statement. If you are subject to the requirement to file a statement of economic interests, on or before April 1 annually, the appropriate county clerk will notify you of the need to file a statement. This notification typically includes a form for filing the statement.

The information required for disclosure via a statement of economic interests includes, for example, but is not limited to:

- The name and means of ownership that an individual may have in any entity doing business with a unit of local government, in which the ownership interest is in excess of \$5,000 (including, for example, real estate or stock, but not including a time deposit in a bank nor any debt instrument)
- The name and address of any professional organization in which the individual is an officer, director, associate, partner, or proprietor from which the individual derived income in excess of \$1,200 during the preceding calendar year
- The identity (e.g., the address or legal description) of any capital asset such as real estate from which a capital gain of \$5,000 or more was realized during the preceding year

- The name of any entity doing business with a unit of local government from which income in excess of \$1,200 was derived by the member during the preceding calendar year

If you have a question about a statement of economic interests, you may seek the advice of METRA's ethics officer.

<end page>

Truthful Oral and Written Statements

It is vital to the integrity of Metra that all oral and written statements made by you, in your official capacity as a Metra employee, be made in what you believe to be an honest and truthful manner. This requirement applies to all means of communications and applies to documents, including, but not limited to:

- Time sheets
- Employment or appointment applications
- Statements of economic interests
- Letters, emails, and reports

Falsification of official documents or untruthful statements made in the conduct of Metra business are unethical, may violate Metra policies or law and may subject a Metra employee to administrative action up to and including fine and termination of employment, and in some instances may result in criminal prosecution.

<end page>

Testing your knowledge

Justin is a Metra employee has a fixed work schedule of 8 AM to 4:30 PM every day with a thirty minute lunch. Justin is always on time to work and is considered to be a hard worker who is very dedicated to his job at Metra. One day, there is an unexpected delay on the highway and he doesn't arrive at work until 8:30 AM. Normally, he would ask his supervisor for permission to work an extra thirty minutes at the end to make up for his tardy, but he is not able to stay late on this day. Justin knows that he already voluntarily put in three extra hours of work on this week, so he doesn't see any harm in working thirty minutes less on this day. Over the entire week, he would have put in his required 40 hours. Justin decides to mark on the timesheet that he started work at 8 AM so that it reflects that he worked a full day.

Are Justin's actions proper?

- A. Yes, John will have worked his required 40 hours a week for that week, so it doesn't matter that he only worked 7.5 hours on one day.
- B. No. Justin can leave after working 7.5 hours, but he should not have marked the timesheet saying that he started work at 8 AM when he did not start until 8:30 AM.
- C. No. Since Justin is required to work an 8 hour day, he cannot leave after working only 7.5 hours unless he is approved to make up the different in some manner. Also, his timesheet should always reflect the real time he started and finished work.

<end page>

The correct answer is C. Since Justin is on a fixed schedule where he is required to work a certain number of hours every day, he cannot decide to work a shorter day unless he is approved to do so. Justin should talk to his supervisor about being late and what options he has for making up that time. Also, the timesheet should always reflect the real time that he started and finished work. By writing that he arrived to work at 8 AM when he didn't arrive until 8:30 AM, Justin is being dishonest and committing fraud. Also, since he only worked 7.5 hours but claimed to work 8, which he will receive pay for, he is also committing a theft of time.

<end page>

METRA Policies

It is important that Metra employees adhere to those applicable laws, rules, policies, or regulations that are unique to Metra. These policies include, but are not limited to the following:

- Conflict of Interest Policy;
- Revolving Door Policy;
- Confidentiality of Information Policy;
- The Gift Ban Policy;
- Internet Acceptable Use Policy;
- Policy Against the Solicitation of Campaign Contributions;
- Whistleblower Policy;
- Nepotism Policy; and
- Ethics Ordinances.

<end page>

These policies may contain, for example:

- Restrictions concerning the solicitation or acceptance of gifts, which may be more stringent than the general gift ban contained within the State Officials and Employees Ethics Act; *

- Prohibitions on certain political activities, which may be more restrictive than those prohibitions contained within the State Officials and Employees Ethics Act;
- Rules governing purchasing procedures;
- Special time reporting or other personnel-related rules;
- Hiring practices; and
- A code of conduct.

***Please note Metra’s internal policies prohibit the receipt of more than \$25 worth of food, drinks, and gifts (combined) in a calendar year from all prohibited sources combined.**

<end page>

It is important that the business of Metra is always conducted in accordance with all applicable laws, rules, policies, and regulations. Many laws and rules, including the Ethics Act, are applicable to Metra employees even in instances where an employee is a part-time or contractual employee.

It is also important that you familiarize yourself with all the laws, rules, and policies which apply to you, and that you abide by them. If necessary, you may ask your ethics officer, or private legal counsel for guidance concerning those laws and rules that apply to you.

<end page>

Testing your knowledge

Because of an employee’s outstanding job performance, and fearing that the agency may lose the employee to another employer, the Department Head authorizes a raise for the Metra employee without going through the proper procedures.

This is an ethical violation. True or false?

True.

False.

<end page>

The correct answer is TRUE. It is unethical to violate Metra’s policies and procedures, regardless of the reason.

<end page>

Testing your knowledge

A Metra employee arrives at work 30 minutes late because of a traffic accident on the highway. The employee has never been late to work before and the accident was not his fault. Since this is a one-time matter, the employee signs in on his time sheet at his assigned start time, ignoring the 30 minute delay.

This is an ethical violation. True or false?

- True.
- False.

<end page>

The correct answer is TRUE. It is unethical and unlawful to provide false information in a time report used as a basis for compensating a Metra employee, regardless of the reason.

<end page>

Testing your knowledge

While at home, a Metra employee uses his Metra-provided lap top computer to access pornographic images via the Internet, email, and/or by accessing files on a portable storage device (e.g., a jump drive or portable hard drive), which he has connected to his Metra lap top computer.

The employee is not breaking any rules since he is at home. True or false?

- True.
- False.

<end page>

The correct answer is FALSE. Intentionally accessing such material via Metra resources is wrong and such violations will result in disciplinary action, up to and including termination of employment, and may, depending upon the circumstances, result in referral of the matter to appropriate authorities for possible criminal prosecution.

<end page>

Penalties

Penalties for violations of ethics-related laws, rules, and policies by Metra employees are dependent upon the specific circumstances. Penalties may include administrative action up to and including termination of employment. In addition, the Executive Ethics Commission may levy administrative fines in the case of violations of the Ethics Act. Illegal acts, such as bribery, or official misconduct, may result in referrals to the appropriate authorities for criminal prosecution.

<end page>

Ethics Questions or Concerns

Metra employees who have questions or concerns about a work-related ethics issue may contact the Metra's ethics officer. Under the Ethics Act, ethics officers, among their other duties, serve to provide guidance to employees in the interpretation and implementation of the Ethics Act, which guidance employees may in good faith rely upon.

<end page>

Conclusion

Congratulations! You have come to the end of the 2013 Employee Ethics Training. **To complete your training, please fill out the acknowledgement of participation section and click on the submit button to complete your ethics certification.**

<end page>

Acknowledgement of Participation

I certify that I have carefully read and reviewed the content of, and completed 2013 Ethics Training for Employees of Metra. Furthermore, I certify that I understand my failure to comply with the laws, rules, policies, and procedures referred to within this training course may result in disciplinary action up to and including termination of Metra employment/appointment, administrative fine, and possible criminal prosecution, depending on the nature of the violation.

Agree. By pressing this button, you are agreeing to the above statement.

[SUBMIT BUTTON]