



LAKE COUNTY FOREST PRESERVES
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Preservation, Restoration, Education and Recreation

DATE: February 3, 2020
MEMO TO: Jennifer Clark, Chair
Ethics Committee
FROM: Alex Ty Kovach
Executive Director

Agenda Item# 9.2

RECOMMENDATION: Recommend Approval of an Amended Ordinance regulating Ethical Conduct and Political Activities by Elected Officials and Employees, to add a mechanism for reporting and review of allegations of “Commissioner on Commissioner” sexual harassment.

STRATEGIC DIRECTION SUPPORTED: Leadership

FINANCIAL DATA: There is no financial impact.

BACKGROUND: The State Officials and Employees Ethics Act required units of local government, such as the Lake County Forest Preserve District, to adopt an ethics ordinance and a policy to prohibit sexual harassment. The District’s Board of Commissioners has complied with both of these requirements, enacting an Ordinance Regulating Ethical Conduct and Political Activities by Elected Officials and Employees (the "Ethics Ordinance") and anti-sexual harassment provisions in its Personnel Policies.

In 2019, the Illinois General Assembly approved the Workplace Transparency Act (the “Act”), the purpose of which includes “ensuring all workplaces are free of unlawful discrimination and harassment.” In furtherance of that purpose, the Act amended a number of statutes in Illinois, including the State Officials and Employees Ethics Act. Specifically, the Act requires that “each governmental unit that is not subject to the jurisdiction of a State or local Inspector General [that includes the District] shall adopt an ordinance or resolution amending its sexual harassment policy to provide for a *mechanism for reporting and independent review of allegations of sexual harassment made against an elected official of the governmental unit by another elected official of a governmental unit.*” As such, the District must provide for such a mechanism.

In addition, while the Act does not expressly require sexual harassment training for local government elected officials, staff recommends that the Ethics Ordinance be amended to require sexual harassment training for Commissioners at the same time ethics training is provided, every two years. The Act requires annual sexual harassment training for employees. That requirement is being added to the District’s Personnel Policies by a separate ordinance.

The attached ordinance would approve an amended Ethics Ordinance that would (i) add a new “Sexual Harassment” Article to the Ethics Ordinance, providing a mechanism for reporting and independent review of allegations of sexual harassment made against a Commissioner by another Commissioner or other elected official of a governmental unit and (ii) require Commissioners to receive anti-sexual harassment training in conjunction with their biennial ethics training.

The attached ordinance also accomplishes some non-substantive changes that will make administration easier. It moves the existing general anti-sexual harassment provisions governing Commissioners from the Personnel Policies to the new Sexual Harassment Article in the Ethics Ordinance, so all sexual harassment provisions governing Commissioners are included within the same legislation. The new ordinance also moves its substantive requirements to attached “Regulations,” rather than embedding them in the body of the Ordinance, which in the future will make it easier to enact and understand any future amendments to the requirements (the Regulations will be incorporated into the Ordinance by reference).

REVIEW BY OTHERS: Chief Operations Officer, Executive Director, Corporate Counsel.

STATE OF ILLINOIS)
) SS
COUNTY OF LAKE)

**BOARD OF COMMISSIONERS
LAKE COUNTY FOREST PRESERVE DISTRICT
REGULAR FEBRUARY MEETING
FEBRUARY 11, 2020**

MISTER PRESIDENT AND MEMBERS OF THE BOARD OF COMMISSIONERS:

Your **ETHICS COMMITTEE** presents herewith "an Amended Ordinance Regulating Ethical Conduct and Political Activities by Elected Officials and Employees" and requests its approval.

ETHICS COMMITTEE:

Date: 2-3-2020 Roll Call Vote: Ayes: ____ Nays: ____

Voice Vote Majority Ayes: ____ Nays: 0

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**AN AMENDED ORDINANCE REGULATING ETHICAL CONDUCT AND POLITICAL
ACTIVITIES BY ELECTED OFFICIALS AND EMPLOYEES**

Passed and Approved by
the Board of Commissioners
of
the Lake County Forest Preserve District
Lake County, Illinois
the 11th day of February, 2020

Published in pamphlet form by direction
and authority of the Board of Commissioners of
the Lake County Forest Preserve District
Lake County, Illinois
This 11th day of February, 2020

**LAKE COUNTY FOREST PRESERVE DISTRICT
LAKE COUNTY, ILLINOIS**

**AN AMENDED ORDINANCE REGULATING ETHICAL CONDUCT AND
POLITICAL ACTIVITIES BY ELECTED OFFICIALS AND EMPLOYEES**

WHEREAS, the Lake County Forest Preserve District (the “District”) has approved and amended an “Ordinance Regulating Ethical Conduct and Political Activities by Elected Officials and Employees” (the “Current Ethics Ordinance”); and

WHEREAS, the purposes of the recently enacted Illinois Workplace Transparency Act (Public Act 101-0221) include “ensuring all workplaces are free of unlawful discrimination and harassment” and, in furtherance thereof, the Act mandates certain anti-sexual harassment requirements, including a requirement that governmental units such as the District “adopt an ordinance or resolution amending its sexual harassment policy to provide for a mechanism for reporting and independent review of allegations of sexual harassment made against an elected official of the governmental unit by another elected official of a governmental unit”; and

WHEREAS, it is in the District’s best interests to such comply with the Illinois Workplace Transparency Act and to provide for other anti-sexual harassment measures by approving this Ordinance and the “Regulations Governing Ethical Conduct and Political Activities by Elected Officials and Employees” attached to this Ordinance (the “Ethics Regulations”);

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Lake County Forest Preserve District, Lake County, Illinois, **THAT**:

Section 1. Recitals. The recitals set forth above are incorporated as part of this Ordinance by reference.

Section 2. Approval of Ethical Regulations. The Ethics Regulations attached hereto are hereby approved and, by this reference, incorporated herein as substantive provisions of this Ordinance.

Section 3. Repealer. The Current Ethics Ordinance is repealed. Further, all District ordinances, resolutions, orders, motions, or any parts thereof, are repealed to the extent they are inconsistent with all or any part of this Ordinance or the Ethics Regulations.

Section 4. Effective Date. This Ordinance shall be in full force and effect on the date following the tenth day after this Ordinance has been both passed and approved as required by law and published in pamphlet form.

PASSED this ____ day of _____, 2020

AYES:

NAYS:

APPROVED this ____ day of _____, 2020

Angelo D. Kyle, President
Lake County Forest Preserve District

ATTEST:

Julie Gragnani, Board Secretary
Lake County Forest Preserve District

Exhibit No. _____

**REGULATIONS GOVERNING
ETHICAL CONDUCT AND POLITICAL ACTIVITIES
BY ELECTED OFFICIALS AND EMPLOYEES**

ARTICLE 1. DEFINITIONS. For purposes of these Regulations, the following words shall have the following meanings:

“Applicant” means a person who has applied for employment with the Lake County Forest Preserve District, or an existing employee who has applied for transfer or promotion. For purposes of Article 25, "Applicant" does not include an applicant for a temporary position selected by lottery or other similar method by which applicants are hired without individualized review of their qualifications.

“Board of Commissioners” means the Board of Commissioners of the Lake County Forest Preserve District.

"Campaign for elective office” means any activity in furtherance of an effort to influence the selection, nomination, election, or appointment of any federal, State, or local office or office in a political organization, or the selection, nomination, or election of Presidential or Vice-Presidential electors, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person’s official duties.

"Candidate" means a person who has filed nominating papers or petitions for nomination or election to an elected office, or who has been appointed to fill a vacancy in nomination, and who remains eligible for placement on the ballot at a regular election, as defined in section 1 -3 of the Election Code (10 ILCS 5/1-3).

"Collective bargaining" has the same meaning as that term is defined in Section 3 of the Illinois Public Labor Relations Act (5 ILCS 315/3).

“Commissioner” means a member of the Board of Commissioners.

"Compensated time" means, with respect to an employee, any time worked by or credited to the employee that counts toward any minimum work time requirement imposed as a condition of his or her employment, but for purposes of these Regulations, does not include any designated holidays, vacation periods, personal time, compensatory time off or any period when the employee is on a leave of absence. With respect to officers or employees whose hours are not fixed, "compensated time" includes any period of time when the officer is on premises under the control of the employer and any other time when the officer or employee is executing his or her official duties, regardless of location.

“Contribution” has the same meaning as that term is defined in section 9-1.4 of the Election Code (10 ILCS 5/9-1.4).

"Compensatory time off" means authorized time off earned by or awarded to an employee to compensate in whole or in part for time worked in excess of the minimum work time required of that employee as a condition of his or her employment.

“Department Director” means an Employee who is designated as the director or head of any department of the District.

“District” means the Lake County Forest Preserve District.

"Employee" means a person employed by the District whether on a full-time, part-time, or temporary basis or pursuant to a contract, whose duties are subject to the direction and control of the District with regard to the material details of how the work is to be performed, but does not include an independent contractor. For purposes of Article 25, "Employee" does not include a temporary employee selected by lottery or other similar method by which applicants are hired without individualized review of their qualifications.

"Family Member" means a person related to an individual as a parent; child; sibling; uncle or aunt; great aunt or great uncle; first cousin; nephew or niece; Spouse; grandparent; grandchild; parent-in-law, child-in-law, sibling-in-law, or grandparent-in-law, whether that in-law relationship is created by marriage or civil union; stepparent; stepchild; stepsibling; half sibling; or fiancé or fiancée.

“Family Relationship” means the relationship between two or more Family Members.

"Gift" means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to, cash, food and drink, and honoraria for speaking engagements related to or attributable to government employment or the official position of an officer or employee.

"Leave of absence" means any period during which an employee does not receive (i) compensation for employment, (ii) service credit towards pension benefits, and (iii) health insurance benefits paid for by the employer.

"Officer" means a person who holds, by election or appointment, an office created by statute or ordinance, regardless of whether the officer is compensated for service in his or her official capacity.

"Political activity" means any activity in support of or in connection with any campaign for elective office or any political organization, but does not include activities (i) relating to the support or opposition of any executive, legislative, or administrative action, (ii) relating to collective bargaining, or (iii) that are otherwise in furtherance of the person's official duties.

"Political organization" means a party, committee, association, fund, or other organization (whether or not incorporated) that is required to file a statement of organization with the State Board of Elections or a county clerk under Section 9-3 of the Election Code (10 ILCS 5/9-3), but only with regard to those activities that require filing with the State Board of Elections or a county clerk.

"Prohibited political activity" means:

(1) Preparing for, organizing, or participating in any political meeting, political rally, political demonstration, or other political event.

- (2) Soliciting contributions, including but not limited to the purchase of, selling, distributing, or receiving payment for tickets for any political fundraiser, political meeting, or other political event.
- (3) Soliciting, planning the solicitation of, or preparing any document or report regarding anything of value intended as a campaign contribution.
- (4) Planning, conducting, or participating in a public opinion poll in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (5) Surveying or gathering information from potential or actual voters in an election to determine probable vote outcome in connection with a campaign for elective office or on behalf of a political organization for political purposes or for or against any referendum question.
- (6) Assisting at the polls on election day on behalf of any political organization or candidate for elective office or for or against any referendum question.
- (7) Soliciting votes on behalf of a candidate for elective office or a political organization or for or against any referendum question or helping in an effort to get voters to the polls.
- (8) Initiating for circulation, preparing, circulating, reviewing, or filing any petition on behalf of a candidate for elective office or for or against any referendum question.
- (9) Making contributions on behalf of any candidate for elective office in that capacity or in connection with a campaign for elective office.
- (10) Preparing or reviewing responses to candidate questionnaires.
- (11) Distributing, preparing for distribution, or mailing campaign literature, campaign signs, or other campaign material on behalf of any candidate for elective office or for or against any referendum question.
- (12) Campaigning for any elective office or for or against any referendum question.
- (13) Managing or working on a campaign for elective office or for or against any referendum question.
- (14) Serving as a delegate, alternate, or proxy to a political party convention.
- (15) Participating in any recount or challenge to the outcome of any election.

"Prohibited source" means any person or entity who:

- (1) is seeking official action (i) by an officer or (ii) by an employee, or by the officer or another employee directing that employee;
- (2) does business or seeks to do business (i) with the officer or (ii) with an employee, or with the officer or another employee directing that employee;

- (3) conducts activities regulated (i) by the officer or (ii) by an employee, or by the officer or another employee directing that employee; or
- (4) has interests that may be substantially affected by the performance or nonperformance of the official duties of the officer or employee.

“Sexual Harassment” means any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (iii) such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment. Specific behaviors that may constitute Sexual Harassment include without limitation (i) unwelcome sexual jokes, pressuring another official or an employee to go on a date, sexual innuendos, gender-specific insults, inappropriate references to anatomy, or threats whether spoken or written, (ii) suggestive or insulting sounds (such as whistling or “catcalls”) or suggestive bodily gestures, (iii) showing or displaying pornographic or sexually explicit objects, pictures, or other materials in the course of duties, (iv) unwelcome touching, hugging, kissing, pinching or intentionally brushing of another’s body; coerced sexual conduct; or actual assault, and (v) any statement or action indicating that employment or elected status, position, reputation, or any conditions of employment or elected office are dependent upon granting or refusing sexual favors.

“Spouse” means a husband, wife, or party to a civil union as defined by 750 ILCS 75/1, *et seq.*

ARTICLE 5. PROHIBITED POLITICAL ACTIVITIES.

Section 5-1. Prohibited Political Activities

(a) No officer or employee shall intentionally perform any prohibited political activity during any compensated time, as defined herein. No officer or employee shall intentionally use any property or resources of the District in connection with any prohibited political activity.

(b) At no time shall any officer or employee intentionally require any other officer or employee to perform any prohibited political activity (i) as part of that officer or employee's duties, (ii) as a condition of employment, or (iii) during any compensated time off (such as holidays, vacation or personal time off).

(c) No officer or employee shall be required at any time to participate in any prohibited political activity in consideration for that officer or employee being awarded additional compensation or any benefit, whether in the form of a salary adjustment, bonus, compensatory time off, continued employment or otherwise, nor shall any officer or employee be awarded additional compensation or any benefit in consideration for his or her participation in any prohibited political activity.

(d) Nothing in this Section prohibits activities that are permissible for an officer or employee to engage in as part of his or her official duties, or activities that are undertaken by an officer or employee on a voluntary basis which are not prohibited by these Regulations.

(e) No person either (i) in a position that is subject to recognized merit principles of public employment or (ii) in a position the salary for which is paid in whole or in part by federal funds and that is subject to the Federal Standards for a Merit System of Personnel Administration applicable to grant-in-aid programs, shall be denied or deprived of employment or tenure solely because he or she is a member or an officer of a political committee, of a political party, or of a political organization or club.

ARTICLE 10. GIFT BAN.

Section 10-1. Gift ban. Except as permitted by this Article, no officer or employee, and no spouse of or immediate family member living with any officer or employee (collectively referred to herein as "recipients"), shall intentionally solicit or accept any gift from any prohibited source, as defined herein, or which is otherwise prohibited by law or ordinance. No prohibited source shall intentionally offer or make a gift that violates this Section.

Section 10-2. Exceptions. Section 10-1 is not applicable to the following;

(a) Opportunities, benefits, and services that are available on the same conditions as for the general public.

(b) Anything for which the officer or employee, or his or her spouse or immediate family member, pays the fair market value.

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

(d) Educational materials and missions.

(e) Travel expenses for a meeting to discuss business.

(f) A gift from a Family Member.

(g) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift, and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gift to other officers or employees, or their spouses or immediate family members.

(h) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided 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.

(i) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of an officer or employee), if the benefits have not been offered or enhanced because of the official position or employment of the officer or employee, and are customarily provided to others in similar circumstances.

(j) Intra-governmental and inter-governmental gifts. For the purpose of this Act, "intra-governmental gift" means any gift given to an officer or employee from another officer or employee, and "inter-governmental gift" means any gift given to an officer or employee by an officer or employee of another governmental entity.

(k) Bequests, inheritances, and other transfers at death.

(l) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100.

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

Section 10-3. Disposition of gifts. An officer or employee, his or her spouse or an immediate family member living with the officer or employee, does not violate these Regulations if the recipient promptly takes reasonable action to return a gift from a prohibited source to its source or gives the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code as now or hereinafter amended renumbered, or succeeded.

ARTICLE 15. ETHICS ADVISORS.

Section 15-1. The District's Deputy Executive Director or, if that position is vacant or eliminated, the District's Director of Administration shall serve as the Ethics Advisor for the District.

Section 15-2. The Ethics Advisor shall have the following duties:

(a) To provide guidance to the Officers and Employees of the District concerning the interpretation of and compliance with these Regulations and State ethics laws.

(b) To conduct research in the field of governmental ethics and to assist with the development of educational programs as deemed necessary to effectuate the intent of these Regulations.

(c) To provide for ethics training, with the goal of providing each Officer and Employee an ethics training program every two years, or more frequently as determined by the Ethics Advisor.

Section 15-3. The President of the District shall appoint, with the advice and consent of two-thirds of the Board of Commissioners present at a public meeting, an Outside Ethics Advisor, who may be compensated pursuant to a contract approved in accordance with applicable laws and requirements. The District shall identify the identity and contact information for the Outside Ethics Advisor on the District's website.

Section 15-4. Any Officer or Employee may submit any question, written or oral, concerning these Regulations or its interpretation or requirements, including whether any past or potential conduct by any Officer or Employee complies with these Regulations or State ethics laws. The Officer or Employee posing such a question shall submit it initially to the Ethics Advisor. After the Ethics Advisor has completed his or her review of the question and consulted with the Officer or Employee, the Officer or Employee may also seek further review of his or her question, by the following people in the following order:

- (a) the Executive Director and, if approved by the Executive Director after reviewing the question, the Corporate Counsel of the District;
- (b) the President of the District; and
- (c) the Outside Ethics Advisor.

However, if an Officer or Employee reasonably believes that (i) his or her question potentially calls into question whether the conduct of the Ethics Advisor, Executive Director, Corporate Counsel, or President violated these Regulations or State ethics laws or (ii) the Ethics Advisor, Executive Director, Corporate Counsel, or President cannot objectively review the question, then the Officer or Employee may bypass that person in the review process outlined above.

ARTICLE 20. ETHICS TRAINING.

Section 20-1. Every Officer and Employee shall complete an ethics training program once every two years, as directed by the Ethics Advisor. The Officers' ethics training program will include sexual harassment prevention training. Employees shall complete annual sexual harassment prevention training in accordance with the District's Personnel Policies and Procedures Manual.

ARTICLE 25. HIRING AND RECOMMENDATIONS.

Section 25-1. Initial Hires. The District shall not hire an Applicant as an Employee if the Applicant is a Family Member of a Commissioner or Department Director. This Section may be waived by the District's Finance and Administrative Committee if it determines that it is in the best interest of the District to hire an Applicant, taking into account the District's personnel needs, the qualifications of the Employee, the ability of the District to avoid any workplace conflict arising out of the Applicant's or Employee's Family Relationship, or any other relevant factors.

Section 25-2. Commissioner and Employee Recommendations. A Commissioner shall not attempt to influence the hiring, transfer, or promotion of any Applicant or Employee. A District Employee shall not attempt to influence the hiring, transfer, or promotion of any Applicant or Employee who is a Family Member of the District Employee. A Commissioner shall not be deemed to have attempted to influence hiring, transfer, or promotion, merely because an Applicant refers to or identifies his or her acquaintance, friendship, or personal or business relationship with a Commissioner during the application or hiring process, with or without the Commissioner's knowledge. Further, a Commissioner may, without violating this Section:

(a) make a recommendation or other statement concerning an Applicant or Employee, if the Executive Director asked the Commissioner to participate in the selection or hiring process related to the potential hiring, transfer, or promotion of that Applicant or Employee; or

(b) refer the Applicant or Employee to the Director of Administration so the Applicant or Employee may discuss the status of the Applicant's or Employee's application with the Director of Administration.

ARTICLE 27. SEXUAL HARASSMENT PREVENTION.

Section 27-1. Sexual Harassment by a Commissioner is prohibited.

Section 27-2. An elected official of a governmental unit, including a Commissioner, who believes he or she is the victim of Sexual Harassment by a Commissioner may:

(a) report such Sexual Harassment (which, at the reporting Commissioner's written request, will remain confidential) to the Ethics Advisor, the Executive Director, or the President of the District,

(b) report such Sexual Harassment to either the District's Corporate Counsel or Outside Ethics Advisor, in which case Corporate Counsel or the Outside Ethics Advisor shall cause to be prepared an objective written report, including any findings and recommendations, to the District's President, unless the President is the victim or perpetrator of the alleged Sexual Harassment, in which case the report will be made to the District's Vice-President, unless the Vice-President is the victim or perpetrator of the alleged Sexual Harassment, in which case the report will be made to the Chair of the District's Finance Committee, and

(c) with or without his or her own attorney, exercise whatever rights he or she has under state and federal law, which may include (i) reporting such Sexual Harassment to the Illinois Inspector General, the Illinois Department of Human Rights, or the Equal Opportunity Employment Commission, (ii) seeking whatever civil relief he or she is entitled to through any available judicial or administrative action or remedy, or (iii) if the Sexual Harassment arises to criminal activity, seeking criminal charges through any law enforcement agency with jurisdiction.

Section 27-3. A Commissioner shall not retaliate against any person for reporting allegations of Sexual Harassment. Persons reporting Sexual Harassment may have certain "whistleblower" protections against retaliation under the Illinois Whistleblower Act, the Human Rights Act, the State Officials and Employees Ethics Act, and the Illinois Administrative Procedure Act.

Section 27-4. If a Commissioner commits Sexual Harassment, such action could result in (i) civil remedies, including money damages or injunctive relief, against the Commissioner and the District and (ii) depending on the nature and severity of the actions, criminal liability for the Commissioner. An elected official's false accusations of Sexual Harassment could result in fines under these Regulations and lead to civil remedies against that official.

Section 27-5. Employees' rights and obligations regarding Sexual Harassment are governed by the District's Personnel Policies and Procedures Manual.

ARTICLE 30. PENALTIES.

Section 30-1. Penalties.

(a) A person who intentionally violates any provision of Article 5 of these Regulations may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(b) A person who intentionally violates any provision of Article 10 of these Regulations is subject to a fine in an amount of not less than \$1,001 and not more than \$5,000.

(c) Any person who intentionally makes a false report alleging a violation of these Regulations to the local enforcement authorities, the State's Attorney or any other law enforcement official may be punished by a term of incarceration in a penal institution other than a penitentiary for a period of not more than 364 days, and may be fined in an amount not to exceed \$2,500.

(d) A violation of Article 5 of these Regulations shall be prosecuted as a criminal offense by an attorney for the District by filing in the circuit court an information or sworn complaint, charging such offense. The prosecution shall be under and conform to the rules of criminal procedure. Conviction shall require the establishment of the guilt of the defendant beyond a reasonable doubt. A violation of Article 10 of these Regulations may be prosecuted as a quasi-criminal offense by an attorney for the District, or, if an Ethics Commission has been created, by the Commission through the designated administrative procedure.

(e) In addition to any other penalty that may be applicable, whether criminal or civil, an officer or employee who intentionally violates any provision of Article 5 or Article 10 of these Regulations, is subject to discipline or discharge.

ARTICLE 35. INTERPRETATION.

Section 35-1. These Regulations do not repeal or otherwise modify the District's Personnel Policies and Procedures Manual; however, to the extent such Manual is less restrictive than these Regulations, the provisions of these Regulations shall apply and control.