



**THE
OHIO ETHICS
LAW**

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PURPOSE

- Provide an overview of The Ohio Ethics Commission and The Ohio Ethics Law
- Explain the components of The Ohio Ethics Law:
 - Conflicts of Interest
 - Public Contracts
 - Post Employment Situations
- Provide scenarios of possible situations faced by public employees

WHAT ARE ETHICS?

- Ethics are defined as:

Moral principles that govern a person's or group's behavior.

- How does this affect your job?



THE OHIO ETHICS COMMISSION

- Promotes ethics in public service to strengthen the public's confidence that Government business is conducted with impartiality and integrity.
- Established in 1973 along with the Ohio Ethics Law.



THE OHIO ETHICS LAW

- Purpose – To ensure that public employees are not influenced by personal interests when spending public dollars or making public decisions.



THE OHIO ETHICS LAW

- The Ethics Law and Ethics Commission Oversee:
 - All state and local public officials and employees (except legislative and judicial members); estimated to be over half a million
 - Private parties and corporations who do business with public offices

THE OHIO ETHICS LAW: A WORKING UNDERSTANDING

- **General Public Protections** – The Ethics Law contains *criminal* restrictions to:
 - Restrict participation in public matters involving direct and definite personal, family and business interests of a public official or employee;
 - Limit compensation for public duties to their public employer;
 - Restrict personal, family, and business interests in public contracts;
 - Prohibit nepotism in public hires and services;
 - Condition former officials and employees' post-employment activity;
 - Control the disclosure of confidential information, and;
 - Provide protections against influence peddling in public agencies for personal benefit.

THE OHIO ETHICS LAW

- **General Rule**

- Whenever the interests of the public official or the public official's family or business associates are present in an issue before the public official, there is an ethics question.



CONFLICT OF INTEREST

- Public employees taking official actions or making decisions in matters that directly affect themselves, family members, or business associates



CONFLICT OF INTEREST

- Must completely abstain from decision making, discussions, voting, or making recommendations when there is a personal interest.
- Examples:
 - Public employee or elected official voting on an issue when it impacts their private property.

CONFLICT OF INTEREST: GIFTS

- Prohibits public employees from soliciting, accepting, or using public position to secure things of value that could have substantial and improper influence on the employee
- Examples
 - Job offers
 - Property Values
 - Money
 - Gifts
 - Compensation
 - Travel, Meals, Lodging

CONFLICT OF INTEREST: GIFTS

- Must consider source and value
 - This determines if substantial and improper influence exists.
 - Substantial Value?
 - No set dollar amount
 - Improper Source?
 - Person, company, or association (public or private) that is doing business, or interested in doing business, or regulated by the public entity.

CONFLICT OF INTEREST: GIFTS

- Examples of Things of Value
 - Raffled Items of Value
 - Laptop
 - Television
 - Meals of substantial value
 - Real estate
 - Payment of debts



CONFLICT OF INTEREST: APPEARANCE

- Even if not of substantial value – public employees should still be aware of appearance of impropriety.
 - Multiple visits to suites for cocktails or food
 - Especially true if alcoholic beverages could influence behavior of representative of public agency.



“I’m not accusing you of anything Your Honor, but the tip jar may create an impression of impropriety.”

CONFLICT OF INTEREST

- Does not prohibit from accepting discounts that are widely offered.
 - Example
 - Cell phone bill discounts for public employees offered by the cell phone provider the agency uses



PUBLIC CONTRACTS

- Prohibits public employees from profiting from contracts that he or she authorizes on behalf of public agency
- Cannot use authority to secure contract where official, family member, or business associate has a private interest.

PUBLIC CONTRACTS

- Nepotism
 - Public officials or employees are prohibited from hiring a family member into a public position.
 - Hiring includes:
 - Having a part in the decision
 - Supervising, either directly or indirectly, the employee
 - Having any influence on the hiring process
 - Hiring is consider a “public contract”



POST EMPLOYMENT

- Revolving door prohibitions on a public official, during public service and for one year afterwards, from representing anyone on any matter in which he personally participated while he was a public official or employee.



SCENARIO #1

- Sophia is a Manager for the City of Memphis' Department of Public Safety. Sophia recruits and hires employees for her city department.
- Sophia's aunt is currently looking for a job in Parks & Recreation. There is a job opening in Memphis' Parks and Recreation Department. Sophia is worried because she works for the city that her aunt cannot.
- Can Sophia's Aunt apply for the position?

SCENARIO #1

- Yes, under the Ohio Ethic's Law, Sophia's Aunt can apply and retain the position.
- Sophia must completely abstain from the hiring and decision making process.



SCENARIO #2

- Courtney, a Public Assistance Eligibility Worker, owns her own business as a personal financial advisor.
- During the course of her employment, she speaks with individuals who she realizes could use some financial advising, for a fee of course.
- Courtney jots down their names and numbers to give them a call after work to see if she can help, and tells a couple of them to like her business page on Facebook, because she's sure she can help them out while doing their eligibility interview.
- Although well-meaning, what implications may this have under The Ohio Ethics Law?

SCENARIO #2

- Courtney is violating The Ohio Ethics Law by using her position as an Eligibility Worker to gain personally by getting customers for her business. This is a conflict of interest.
- Courtney should never retain customer information, or speak to customers about her side business at any point during her job as an Eligibility Worker.

SCENARIO #3

- You are traveling for your job to a training out of town. Your employer has paid for your expenses (hotel, mileage, etc).
- During the conference, a vendor that you regularly work with to establish contracts for your agency offers to buy you a cup of coffee while you chat about the conference?
- Is this a conflict of interest?



SCENARIO #3

- The Ohio Ethics Commission would probably not view this as a conflict of interest. The coffee is probably not of “substantial value”, however there is no certain dollar amount associated with this part of the law.
- Public employees should use their own judgment and always ask before accepting if they are unsure.

SCENARIO #3



What if you won a laptop at the conference? Can you accept?

No, a laptop is an item of substantial value.

You can appreciate the thought, but must not accept the laptop.

CONCLUSION

- Ask questions before acting if unsure
- Who to contact?
 - Human Resources
 - The Ohio Ethics Commission
 - 1-614-466-7090
 - www.ethics.ohio.gov

