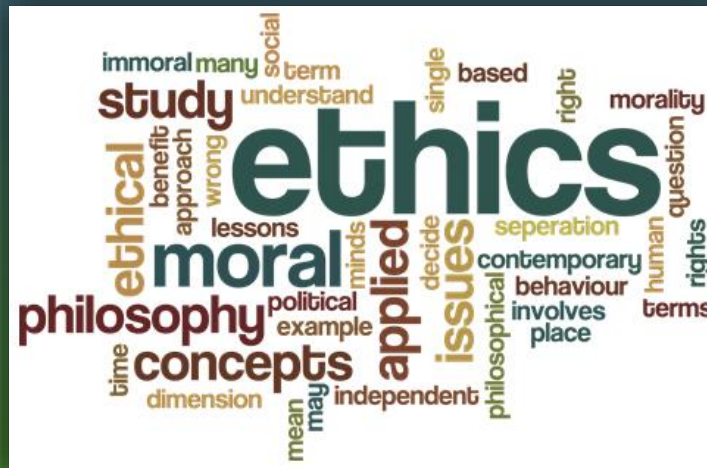


The Ohio Ethics Law

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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, con.

❖ 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, con.

- ❖ 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, con.

❖ 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, con.



❖ 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.



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, con.

❖ 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

- ❖ Sally works for Ashtabula County as a Finance Specialist. Sally knows that her agency will soon be hiring an IT Specialist, and her sister, Susie, would be perfect for the job. Is Susie prohibited from applying for the position?



Scenario #1, con.

- ❖ Susie is not prohibited from applying for the position under The Ohio Ethics Law.
- ❖ Sally must completely abstain from the hiring process.
- ❖ Sally may make no recommendation regarding her sister.
- ❖ Susie must apply for the position in the same manner that any other applicant would.

Scenario #2

- ❖ Gregg works for the Ohio Dept. of Transportation working to plan new roads across the state. Gregg overhears his colleagues discussing a bypass that would go directly behind his property line. “My property value would be diminished by this addition,” Gregg states. How should the team handle future discussions regarding this addition?



Scenario #2, con.

- ❖ Gregg should be completely removed from any discussions, meetings, or decisions regarding the building of this road.
- ❖ Gregg's personal interest in his property value creates a conflict of interest under The Ohio Ethics Law.

Scenario #3

- ❖ You are traveling for your job to a conference out of town. Your agency has paid for your expenses (hotel, mileage, etc). During one of the sessions, a vendor that you regularly work with to establish contracts for your agency offers to take you to McDonald's for a cheeseburger. Is this a conflict of interest?



Scenario #3, con.

- ❖ The Ohio Ethics Commission would probably not view this as a conflict of interest. The cheeseburger from McDonald's is 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, con.

❖ What if the vendor would have offered to take you to lunch across town, in his company vehicle, to the city's best steakhouse?



- This would probably be a conflict of interest. A meal at a popular steakhouse, plus a ride in a company vehicle, could be seen as an item of “substantial value.”

Conclusion

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