

Meyers, Robert (COE)

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From: Meyers, Robert (COE)
Sent: Wednesday, May 24, 2000 2:52 PM
To: Devoe, Lawanda
Subject: Response to questions

Lawanda:

I will do my best to respond to the questions you presented to me in your memorandum dated April 19, 2000.

1) Department of Human Services -- All public employees, with the exception of law enforcement personnel and a few other select classifications, have no right to privacy regarding their personnel records. For the average County employee, their social security numbers and medical records are exempt from disclosure, all other materials must be disclosed pursuant to the Public Records Act. The motives for requesting the information are irrelevant; it does not matter whether the records are being accessed for non job-related reasons.

Unauthorized use of County systems is a separate matter entirely. This could in effect be a violation of criminal law.

2) Finance Department -- It is a violation of the County's Code of Ethics and Conflict of Interest Ordinance for County employees to reveal confidential information. As far as the specific question is concerned, an employee must ask the Ethics Commission directly for an opinion. A supervisor may not ask the Ethics Commission for an opinion on behalf of a third party. Please realize that the decision to grant outside employment rests solely with the department. The Ethics Commission can issue opinions on this subject, but the department which employs the individual is not bound by the opinion. Assuming outside employment is approved, there must be written permission and income disclosure by July 1 of the year following the outside employment.

3) GSA -- The County Attorney's Office has taken the position that all perishable items given as gifts should not be accepted, rather such gifts should be donated. The Ethics Commission has never been asked to comment on this practice. Accepting flowers from a claimant who received assistance from a County employee would be a violation of the gift rule. County employees are not permitted to accept gifts for legal duties the employees are expected to perform as part of their job responsibilities.

If a gift is accepted and it is worth less than \$25 it does not have to be reported. The reporting requirement takes effect which the value of the gift equals or exceeds \$25. If a gift is donated and it is worth less than \$25 it does not have to be disclosed. If it is worth more than \$25, it is probably a good idea to keep some record of the fact that it was not kept by the employee.

ITD -- For the most part, gifts given by those outside County government should not be accepted, particularly under circumstances by which these outsiders are doing business with the County or seeking to do business with the County. Gifts given out of friendship or between co-workers are treated differently.

Outside employment is handled by the department. The Ethics Commission can determine whether the outside activities create a conflicting employment situation. Ultimately, it is up to department to decide the matter. The department has the discretion to grant or deny the outside employment, irrespective of the findings of the Ethics Commission.

Office of Improvement -- With respect to the specific question about fundraising activities and using incentives to increase contributions, I would prefer to submit this question to the full Ethics Commission. If the coordinator provides me with more information, I will put the item on the agenda for our next meeting.

Let me know if you have anything else.

Robert Meyers

**MEMORANDUM**

TO: Robert A. Meyers
Executive Director
Commission on Ethics & Public Trust

DATE: April 19, 2000

FROM: Lawanda Devoe *L. Devoe*
Employee Development Specialist 3
Career Development Division
Employee Relations Department

SUBJECT: Ethics Phase IV Train-the-Trainer Workshops

Noted below are responses received from various Departmental Personnel Representatives when asked to provide their input of ethical related issues and concerns that they would like to receive an opinion from the Commission on Ethics. In our efforts to obtain this information we wanted to hear from the front line employees (i.e., laborers, cashiers, and administrators, etc.).

Building Department

Your e-mail was forwarded to me since I am the Training Specialist who will be conducting the Ethics Training for the Building Department. I have not held a training class to date. I am planning to start classes in April. When I was creating my curriculum, I heard that there going to be some possible changes regarding county employees conducting business with the county. I recently read in the County Chronicle an article by Robert Meyers, Executive Director of the Commission on Ethics and Public Trust concerning employees conducting business with county. Presently, I do not have much feedback for you since I have not held any classes. I would appreciate any new information that you receive regarding Ethics.

Department of Human Services

I have concern about employees who have access to confidential/sensitive information about other employees and reveal this information with outsiders or others employees who have no legitimate need to know.

Also, have a concern about employees with access to records, inappropriately using that access for non job related reasons.

Given the level of sophisticated technology used in County government, some inclusion of discussion regarding employees who violate the standards of ethical conduct or unauthorized use County systems for personal reasons.

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Finance

The concern in my department has to do with employees who work in divisions where they are privy to specific information such as in a Tax Collector's Office. They have access to a wide range of real estate information that is not available to the general public. For example; properties that are in foreclosures; Tax Certificates that will be issued before this information is made public. My question is whether it is a conflict of interest for these employees to sell real estate as an outside employment job?

We would greatly appreciate any feedback the Ethics and Public Trust Commission has on this subject.

GSA

On behalf of the Risk Management Division, we believe that the discussion should be more practical as opposed to rules. You need to give some examples of situations that employees actually come in contact with. For example, in our division, we receive many trays of food, cookies etc. during Xmas time from doctors/vendors. Is this acceptable? Or how about a claimant that sends you flowers because you helped him with his claim. These are the type of examples you should use in your classes.

The only comments I have at the moment involve the issues brought up at some of the meetings I attended, where people were still "confused" of their abilities to accept gifts. Maybe that needs to be re-emphasized since it is basically the front line employee that might be subjected to the offers to have things processed quicker, sooner etc. Basically, people should know right from wrong, but some of what is considered "County wrong" should be emphasized again and again.

My concern has been that it has been difficult to get a return call from the Ethics Commission when we do have a dilemma. What exactly is their role in assisting departments and why haven't they been responsive to messages left with them. This has been very frustrating but has been my experience of late. I left three messages once and to date haven't received an answer. On one occasion the person answering the phone heard the question but could not give me an answer and said he would leave the message for someone to call me back. I never heard anything.

The most commonly asked question has to do with receiving a gift less than \$25. What should the employee do, if anything? Our department has a policy of not receiving any gifts. We have asked that the gift be donated. There has been some confusion over filing this information even for gifts received that are less than \$25 and /or have been donated. People are overly cautious.

We have had some questions about conflict of interest. Another question has been about promoting a particular charity or business. Perhaps these areas can be addressed in your up-coming training session.

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Information Technology Department

Areas of continued confusion are what constitutes conflict of interest in acceptance of gifts, outside employment, participation in boards, etc.

Office of Performance Improvement

As coordinator for the County's United Way campaign, I am frequently asked what departments are allowed to do regarding fundraising activities and obtaining prizes to be used as either incentives for increased contributions or for contests. I personally would like these issues clarified regarding potential conflict of interests or ethics violations, and then communicate this information to County employees. Please advise. Thanks.

Post-It® Fax Note 7671		Date	# of pages 3
To R. Meyers	From Lawanda		
Co./Dept.	Co.		
Phone #	Phone #		
Fax #	Fax #		