

Meyers, Robert (COE)

Inv 02-56

From: Leahy, Lina (Park & Rec.)
Sent: Friday, August 16, 2002 11:10 AM
To: Meyers, Robert (COE)
Cc: Leahy, David (Elections); Aligood, John (Park & Rec)
Subject: RE: Election Day Pay

In response to your concerns/comments, I am providing the following additional information:

In response to a memo sent by the County Manager, the Park and Recreation Department sent out a memo to staff with a sign-up sheet explaining the need for staff to provide election support. The memo mentioned that AD leave would be granted for training and days worked and that compensation of \$123.60 per each election worked would be paid. It asked that we sign up for one, two, or all of the election days. I filled in my name on the sheet. I attended a training session with 5 other county employees on August 14th from 9:00 a.m. - 1:00 p.m. conducted by Elections Department staff. A test was given at the end to determine if we passed the training. I, and the 5 others in class, passed.

Everyone who attends training and works election day is granted AD leave. In addition, everyone working receives compensation of \$123.60 for each election. Administrative Leave is an expense covered by the individual's department; the compensation of \$123.60 is an expense covered by the Elections Department.

I would like to ask you to present this matter to the Ethics Commission at their next meeting. If necessary, I can waive the compensation from the Elections Department, but I would not want to waive the Administrative Leave granted by my department. I would also like to know if other members of our family fall under any restrictions imposed by the Ethics Commission.

Thank you for your assistance.

-----Original Message-----

From: Meyers, Robert (COE)
Sent: Friday, August 16, 2002 9:03 AM
To: Leahy, Lina (Park & Rec.)
Subject: RE: Election Day Pay

Lina,

Sorry I haven't responded sooner, but I needed to give your query some additional thought and I wanted to confer with our legal counsel. The only question I have at this point is the process by which you were selected by the Elections Department to work the elections. The obvious concern would be that you might have received special consideration on account of the fact your spouse is the Supervisor of Elections. Assuming this is not the case, I conclude that your supervisor can give you administrative leave for the days in training and the days you actually work. More problematic, however, is receiving compensation for each day that you work. If you were to be paid for these activities, this amounts to transacting business with County. Therefore, you would need a formal opinion issued by the Ethics Commission to permit you to get paid for the days you work for the Elections Department. Unfortunately, the Ethics Commission does not meet again until September 9th, but I should be able to provide you its opinion by fax or by e-mail before the end of the day on September 9th. If this is acceptable to you, then I will present this request for opinion to the Ethics Commission at the next meeting.

If you do not seek a formal opinion from the Ethics Commission, then I would advise against you accepting compensation for the elections because it appears to violate the Code of Ethics and Conflict of Interest Ordinance.

Please let me know what course of action you intend to take.

Thanks,

Robert Meyers

-----Original Message-----

From: Leahy, Lina (Park & Rec.)
Sent: Thursday, August 15, 2002 1:22 PM
To: Meyers, Robert (COE)

Cc: Aligood, John (Park & Rec)
Subject: Election Day Pay

A few weeks ago, I spoke with you via telephone regarding the following situation: My husband is David Leahy, Supervisor of Elections. I was recruited to participate this year in the election process by working at one of the polling places as a Verification Specialist. As a volunteer for this county effort, in addition to receiving AD leave for time spent in training and for days worked for the Elections Department, I will also receive compensation of \$123.60 for each election worked. I intend to work all three election days (9/10th, 10/1st, and 11/5th). This payment is supervised and processed by staff within the Elections Department.

Based on our conversation, it is my understanding that for me to accept payment from the Elections Department for working on the upcoming election days will not be considered unethical or a conflict of interest. Please let me know if this is correct. Thanks.