

THE VOICE OF ETHICS

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Ohio Ethics Commission

November/December 2014 Edition

Holiday Edition



PD-US

A Revolving Door Review

Will the new year bring changes and challenges to your life and career? Retirement? New job opportunities? Starting your own business? If so, you should know that the Ethics Law contains post-employment restrictions to prevent public officials from misusing their influence in a current job or with a former employer. This law helps to ensure that the public is fairly represented in all interactions with the public and private sectors.

These prohibitions, also known as “Revolving Door” restrictions, prohibit a present or former public official or employee from representing someone before any public agency, including his former employer, on any contract, decision or other matter in which the official personally participated in his public capacity. For most, the prohibition applies for one year.

Current or former public official or employee “represents” someone when he makes any type of formal or informal appearances before, or has any kind of written or oral communication with, a public agency on behalf of that person.

The Ethics Law prohibits a current or former official or employee from this representation on contracts or other matters where the official personally participated in the question or issue while at his former public job. Personal participation includes not only making decisions or having approval or disapproval over a matter, but also any recommendations, investigations, or supervising of other public servants on the matter.

Examples of restricted activity are:

- A former city building inspector, who is now employed by a developer, is prohibited from calling a city employee to ask when an inspection he started while he was a city employee will be completed;
- An Ohio EPA employee is prohibited from sending an e-mail, on behalf of an environmental group for which he volunteers, to the environmental court inquiring about the status of a case involving an inspection he completed;

- A former village council member, who is now employed by a law firm, is prohibited from speaking at a state board meeting, on behalf of his client, when the board is reviewing a policy decision made by the village council while he was a council member.

A former employee is not prohibited from all interaction with employees at his or her former public agency. The issue is whether he or she is communicating, formally or informally, on behalf of someone else on a matter in which he or she participated while still at the agency. If he or she is discussing an issue in which he or she never participated while at the agency, or engaging in casual conversation not related at agency projects, there is no prohibition against interacting with people at the former agency.

It’s also important to note that someone with a higher authority, like an agency director or city manager, is likely to have a broader range of “matters” in which he or she participated, such as reviewing projects, supervising those who worked on projects, approving agency processes, plans, etc. In contrast, a front line employee likely has a more narrow set of projects or “matters” in which he or she participates. There are likely many “matters” at the public

agency in which individual front line employees never interact or participate.

A final restriction under the Ethics Law prohibits an official from profiting from a public contract that was authorized either by the official or by a board or committee the official served on at the time the contract was approved. This restriction applies even if the official did not participate in the board action. This ensures that a public official can’t profit from the expenditure of public money. For example, when an official has approved an un-bid contract to a company, the official can’t accept employment from the company for one year where his employment is related to the contract.

For more information regarding Post-Employment restrictions, please review our [Revolving Door fact sheet](#) and [work sheet](#) or contact us at (614) 466 – 7090.



Gifts

The winter months are a time of celebration for many. They are also a time when many exchange gifts. When a person chooses to enter public service, however, he or she must recognize that some gifts and entertainment will be prohibited. To know whether or not a gift may be accepted, both the value and the source of the item must be determined.

The Ethics Law prohibits a public official or public employee from soliciting or accepting anything of value that could have a substantial and improper influence on the performance of his or her public duties. Some items that the Ohio Ethics Commission has identified as having “substantial” value include, tickets to theater or sporting event, vacations, expensive meals and golf outings.



Nominal or very inexpensive gifts such as a coffee mug, tin of popcorn, or t-shirt are not considered substantial. These types of minor gifts

are not prohibited under the Ethics Law, though some public officials or employees may still choose to decline them to avoid even the appearance of impropriety. Some public offices return gifts with a request that the item be donated to a charity to ensure that the integrity of the public office or its personnel is never called into question.

If, however, a public official or employee is offered a substantial gift, such as sports tickets or jewelry, he or she then must identify the giver or source to determine whether it is acceptable. Individuals and other parties that are doing or seeking to do business with, interested in matters before, or regulated by a public agency are improper sources of substantial gifts to the agency’s public employees.

When the holiday season is approaching, the Ohio Ethics Commission specifically receives many questions regarding gifts from vendors. In a 2013 Gift Bulletin, the Commission offered guidance for state and local government agencies. In the bulletin, the Commission reminded public officials and employees that accepting a gift or entertainment of substantial value from an improper source is prohibited. However, the Commission also offered the following guidance:

- The Ethics Law does not prohibit public officials or employees from socializing with anyone;
- If a public official or employee is going to a restaurant with an agency vendor, and the cost of the meal will be substantial, the public servant should pay his or her own bill;
- If a public official or employee is invited to attend an open house hosted by an agency vendor, in most cases, it would be acceptable to attend because the per-person value of an open house is unlikely to be substantial; and
- If a public official or employee is invited to attend an expensive event hosted by a vendor, or an event that includes expensive tickets (such as a sporting event, concert, theater performance), the public servant may either decline the invitation or pay the per-person cost to attend the event. See the Gift Bulletin for more information on reimbursement requirements.

If you have additional questions regarding gifts during the holiday season or throughout the year, visit our [web site](#) or contact us at (614) 466 – 7090.

GIFTS QUIZ

Click here to test your knowledge on gifts and the Ohio Ethics Law!

Ohio Ethics Law Webinars Sign Up Today!

In an effort to reach more people with information regarding the Ohio Ethics Law in an effective and convenient manner, the Ohio Ethics Commission introduced webinars last year. These webinars have been extremely well-received and the Commission has received many requests to continue to offer them. In 2014 alone, almost 1,300 people have electronically attended these informative and interactive electronic learning sessions.

There are two remaining webinars in 2014:

- Thursday, November 20 at 10 a.m. (Post-Employment Restrictions) and
- Thursday, December 18 at 1 p.m. (Overview of the Ohio Ethics Law).

Click [here](#) to register for either of these webinars.

To assist you in scheduling your Ethics Law training needs, the Ethics Commission is also announcing the dates for the 2015 webinars. Feel free to mark your calendars with the date and time that work best for your schedule and then visit our web site in early 2015 to register.

January 29	Thursday	10 AM	Overview
February 24	Tuesday	1 PM	Overview
March 26	Thursday	1 PM	Overview
April 22	Wednesday	11 AM	Conflict of Interest
May 18	Monday	1 PM	Overview
June 11	Thursday	1 PM	Overview
July 17	Friday	11 AM	Overview
August 19	Wednesday	10 AM	Public Contracts
September 1	Tuesday	10 AM	Overview
October 9	Friday	11 AM	Overview
November 9	Monday	10 AM	Post-Employment

E-Courses Continue to Roll Out!

In 2013, the Ethics Commission released several electronic courses as an additional tool in its training toolbox. Since then, the Commission has received very positive feedback regarding the e-courses.

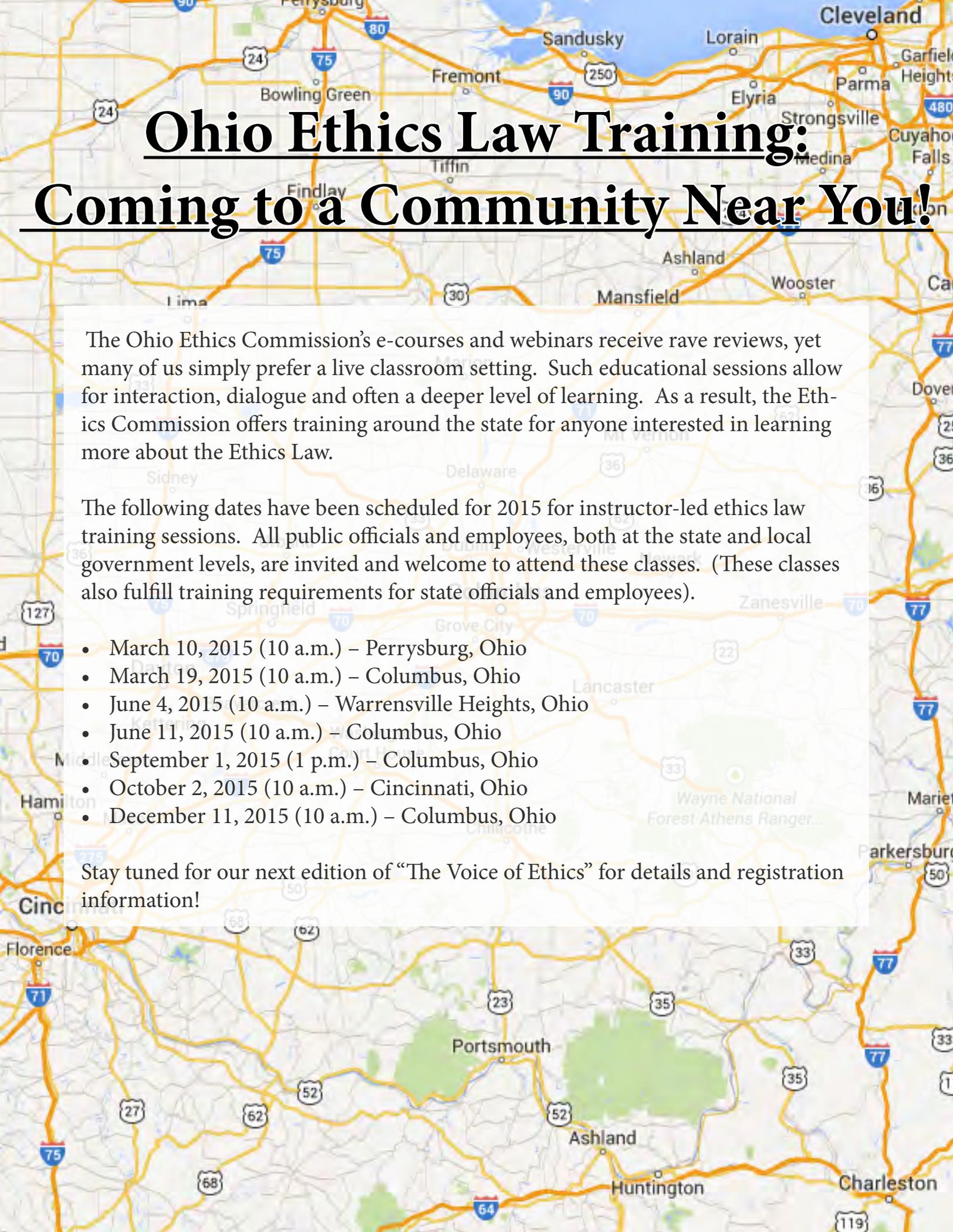
Currently, there are two one-hour courses available that provide the learner with an overview of the entire Ethics Law. Either course provides accurate and current information regarding the Ohio Ethics Law. These courses are equally applicable and appropriate for state and local government employees and officials. Stay tuned in early 2015 for the newest e-course providing an outline and examples of the Ohio Ethics Law!

In addition, you will find on the web site several briefer “provision-specific” e-courses. In recognition that many questions arise regarding specific areas of the law, the Ethics Commission has created several short e-courses specific to these topics. These short e-courses serve as a springboard to begin discussion and to enhance understanding of the Ethics Law in your agency. Due to their brevity and specificity, they would be especially appropriate for staff meetings. Of course, each one can also be individually viewed on-demand.

The most recent addition to the list of shorter e-courses is entitled “Sales to Public Agencies.” Public agencies routinely purchase goods or services to ensure the efficient operation of the agencies’ missions – that’s normal and expected. Is it acceptable, however, for public employees and public officials to sell those goods and services to their own, or in some cases, to other public agencies? This brief e-course outlines prohibitions in the Ethics Law regarding public servants and sales to public agencies.

To access any of the Commission’s e-courses, please visit the [E-Learning](#) page of our web site.



A map of Ohio showing major cities and highways. The map is overlaid with a semi-transparent white box containing text. The text is centered and reads: "Ohio Ethics Law Training: Coming to a Community Near You!".

Ohio Ethics Law Training: Coming to a Community Near You!

The Ohio Ethics Commission's e-courses and webinars receive rave reviews, yet many of us simply prefer a live classroom setting. Such educational sessions allow for interaction, dialogue and often a deeper level of learning. As a result, the Ethics Commission offers training around the state for anyone interested in learning more about the Ethics Law.

The following dates have been scheduled for 2015 for instructor-led ethics law training sessions. All public officials and employees, both at the state and local government levels, are invited and welcome to attend these classes. (These classes also fulfill training requirements for state officials and employees).

- March 10, 2015 (10 a.m.) – Perrysburg, Ohio
- March 19, 2015 (10 a.m.) – Columbus, Ohio
- June 4, 2015 (10 a.m.) – Warrensville Heights, Ohio
- June 11, 2015 (10 a.m.) – Columbus, Ohio
- September 1, 2015 (1 p.m.) – Columbus, Ohio
- October 2, 2015 (10 a.m.) – Cincinnati, Ohio
- December 11, 2015 (10 a.m.) – Columbus, Ohio

Stay tuned for our next edition of “The Voice of Ethics” for details and registration information!



OHIO ETHICS COMMISSION
William Green Building
30 West Spring Street, L3
Columbus, Ohio 43215-2256
(614) 466-7090

www.ethics.ohio.gov

Questions? Concerns? Need more information? Contact us!