

THE VOICE OF ETHICS

A Publication of the
Ohio Ethics Commission

Spring 2015 Edition

Seasonal Hiring

Getting to know your Ohio Ethics
Commission's Advisory Attorneys



Advisory Opinions:
What you need
to know



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“My Kid Needs a Job! Any I

After a long arduous winter, what a joy it has been to see the sunshine! Warm morning runs, days at the pool, and evenings spent on the patio – there’s nothing like summertime!

At the Ethics Commission, though, spring and summer are often accompanied by questions regarding family members and seasonal public jobs. Because seasonal hiring is upon us, public officials and employees are wise to review restrictions in the Ethics Law against hiring their family members.

Many families have a strong tradition of public service. Family members serving in the same public agency or municipality is not illegal, but nepotism – hiring or authorizing the hire of a family member – is prohibited. This restriction extends to those in all areas of public service, including state and local governments, such as counties, cities, townships and villages.

Public officials and employees are prohibited from directly hiring a family member into a public job as well as recommending or otherwise using public connections to obtain a job for a family member. The official or employee is required by law to completely remove themselves from participating in any way in the hiring process if one of their family members is competing for a public job.

Understandably, during summer vacation, many high school and college students seek summer jobs. Many of these are seasonal full-time or part-time jobs (such as lifeguards and camp counselors) with cities, villages, school districts, and other public agencies that offer summer programs. However, the Ohio Ethics Law generally prohibits public officials and employees’ minor children from obtaining a job with their agency, municipality or office.

The only way in which an official’s minor child can work for the same agency is if the official can demonstrate four things:

- The hiring process was fair and open;
- Broad opportunity to apply was provided for qualified and interested applicants;
- All qualified and interested applicants who are not related to agency officials or employees have already been hired; AND
- Vacancies still exist.



Lifeguard Positions Open?”

If you have ever wondered why there is such an emphasis on nepotism, remember that public agencies are required to conduct all hiring activity in a fair, open and impartial manner because it's the law, and also because it truly is the right thing to do. Giving precedence or advantages to a family member in public hiring is unfair to other applicants who may be equally or even more qualified. The day may come when your family member applies for a job at a government office somewhere in Ohio; the Ethics Law ensures that he or she gets a fair chance at that job just as much as those applicants who have a relative working in that office.

This [bulletin](#) is a helpful reminder to public officials and employees of these restrictions. Questions after reading it? Call the Ethics Commission and ask to speak with an advisory attorney.



Need Ethics Training in Northeast Ohio?

Are you looking for a “live” Ethics Training venue? Do you learn better when you interact with a trainer? Are you in Northeast Ohio?

If you answered “yes” to these questions, we have two upcoming trainings for you! Public and private sectors are welcome!

June 04, 2015
10:00 A.M. - 12:00 P.M.

Corporate College East
4400 Richmond Rd.
Warrensville Heights, Ohio

[Click here to register!](#)

June 04, 2015
7:00 P.M. - 8:00 P.M.

Lakeland Community College
7700 Clocktower Dr.
Kirtland, Ohio

No registration required for Lakeland session. Please join us!

Advisory O

One of the core functions of the Ohio Ethics Commission is to “render advisory opinions with regard to questions concerning” ethics, conflicts of interest, and financial disclosure for the public officials and employees under its jurisdiction. The Commission’s Advisory section handles those responsibilities. In this article, we will address the most commonly asked questions regarding the Commission’s Advisory authority and processes.

Who can request an advisory opinion?

Anyone can request an advisory opinion provided the question relates to the requestor. In other words, the Commission cannot provide advisory opinions in response to questions about someone else. Anyone who has a question about the possible actions of another person may request general information from the Commission.

Please note that an attorney or other representative can request an opinion for a client. However, the request must clearly state that the person is aware of and has asked the representative to submit the question.

What are the types of opinions?

The Ethics Commission issues three types of opinions:

1. **Formal Opinions** consider situations that may occur in a variety of jurisdictions or apply to a large number of public officials or employees. They are reviewed and approved by the Commission, numbered, and available on the Commission’s Web site.
2. **Informal Opinions** are issued to an individual under the authority of the Commission. They are also reviewed and approved by the Commission. While they are public records, they are not commonly available on the Commission’s Web site.

3. **Staff Opinions** are written by an advisory staff attorney and are not reviewed by the Commission. However, they are based on prior formal or informal opinions of the Commission. While they are public records, they are not available on the Commission’s Web site.

The Commission determines which kind of response is most appropriate for each advisory request.

Why is the Commission’s Advisory authority noteworthy?

The opinions described above all provide immunity to the individuals who receive them. Anyone who receives a written advisory opinion from the Commission can “reasonably rely” on the opinion. Based on the facts and circumstances covered by the opinion, the requestor is immune from:

1. criminal prosecutions;
2. civil suits; and
3. removal from his or her office or position.

In other words, if you receive an advisory opinion from the Commission, you receive immunity for the facts and circumstances described in the



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opinion provided that you:

1. Have fully disclosed all relevant facts; and
2. Comply with the guidelines applied in the opinion.

Individuals in similar situations to those described in a previous opinion can also rely on the opinion and receive the same immunity.

Are previously issued Advisory Opinions public record?

Yes. All of the formal advisory opinions issued by the Commission dating back to 1974 are available at this [link](#). Staff and informal advisory opinions dating back to 1986 are available from the Commission. To receive a copy of a staff or informal opinion, please contact the office.

How do I request an opinion?

[Click here](#) for information on how to request an advisory opinion.

How long does it take to receive an answer?

Many questions can be addressed through past advisory opinions which are available on the Commission's web site or can be emailed to requestors, often on the same day as the question was posed. The commission has recently streamlined its advisory processes and now staff opinions are usually provided to requestors within seven days. Formal and informal opinions generally take longer as they must be reviewed by the Commission members at a commission meeting. For more information, please contact an advisory attorney.

What if I just need general information and not a written opinion?

The Ethics Commission encourages anyone

with questions about the law or opinions of the Commission to call or e-mail an advisory attorney for assistance. Staff cannot provide advisory opinions over the telephone or in response to an e-mail, but it can provide general information or guidance. Staff can also direct callers or e-mail requesters to relevant advisory opinions, information sheets, or other helpful resources.

What if the action has already been taken? Can I still request an opinion?

The Commission cannot provide advisory opinions in response to questions about actions that have already been taken. If you have a question about an action that has already been taken, you can request general information from the Commission. If you believe that someone may have violated the ethics law and you want to file an allegation, [click here](#) for more information.



To accept good advice is but to increase one's own ability.
— Johann Wolfgang von Goethe

Get to Know

John Rawski and Karen King are the Ohio Ethics Commission's Staff Advisory Attorneys. In those positions, John and Karen draft advisory opinions about the Ohio Ethics Law and respond to thousands of telephone and email inquiries about the law every year.

John has been a Staff Attorney for the Ohio Ethics Commission since February 1988. He graduated from Clarion State College in Pennsylvania, with a Bachelor's Degree in Education and received his law degree from Capital University.

Karen joined the Commission in 2005 after serving as an Assistant Attorney General. She received her Bachelor's Degree in English from Denison University and is a graduate of the University of Cincinnati, College of Law.



Karen King

What attracted you to the Ethics Commission?

I have always been interested in government law and knew early on I wanted to work in the public sector. I was especially attracted to the Commission's mission: to promote ethics in public service and to strengthen the public's confidence that Government business is conducted with impartiality and integrity.

After 10 years with the Ethics Commission's Advisory Section, is there anything that surprises you?

It surprises me that nepotism is still number one on our list of common questions (and investigations). We have issued many opinions on nepotism over the years advising public officials and employees that they cannot hire their family members. But it still remains one of the most common questions and investigative matters the Commission handles.

In addition to nepotism, what are other commonly received questions about the Ethics Law?

We get a lot of questions from financial disclosure filers on how to fill out the form. We also get questions from public officials and employees who want to work part-time in the private sector. And, we get questions about post-employment restrictions that apply to public officials and employees when they leave their public positions.

What is the most rewarding aspect of your job?

It's rewarding interacting with other public officials and employees who respect the law and want to do the right thing.

Know the Advisory Attorneys

John Rawski



What attracted you to the legal field?

My interest in history. I always saw that our nation's history and culture is affected to a great extent by the development and application of law. That attracted me not only to the legal field but to government service.

Why is the advisory capacity of the law important to the mission of the Ohio Ethics Commission?

Without an application of the Ethics Law to specific facts, the state laws simply remain a collection of words. The fact that the Ethic Laws are interpreted by a state agency provides a uniform state-wide application.

Have you noticed any trends or changes in advisory requests over the years?

I started with the Commission in the late 1980's. I find it interesting that advisory opinions that had created some controversy at the time – such as the travel/meals/lodging opinions from late 1989 and early 1990 – are now well-established Ethics Law precedent.

If you could offer one over-arching piece of advice to public officials and employees, what would it be?

Just ask yourself a simple question – is there any way that a decision that I have to make will affect myself, a family member, or a business associate? If you think the answer may be yes – then, ask our office for advice.

And remember, just because things were done a certain way in the past, or that everyone else is doing something a certain way, does not make it the right way to do things.



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Questions? Concerns? Need more information? Contact us!