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TOWNSHIP TRUSTEES SERVING AS VOLUNTEER FIREFIGHTERS

The Ohio Ethics Commission has sometimes been asked how the Ethics Law applies when a township trustee wishes to serve simultaneously as an elected official and a volunteer firefighter or paramedic for the township. This fact sheet will provide a summary of the related prohibitions and answer some of the common questions related to this issue.

Can a township trustee serve as a volunteer firefighter?

Yes. Statutes outside the Ethics Commission's jurisdiction specifically permit a township trustee to simultaneously serve as an unpaid volunteer firefighter for his or her own township. However, as explained below, the Ethics Laws will prohibit a trustee from participating in some matters affecting the fire department's personnel.

What is meant by "Compatibility of Public Positions?"

The first question that arises when a public official wants to simultaneously serve in more than one public position is whether the positions are legally "compatible." Laws, rules, and policies outside the Ethics Commission's jurisdiction may prevent a public official from simultaneously serving in another public position. Public officials who want to simultaneously serve in two public positions should first seek legal advice from the appropriate legal authorities to determine whether the positions are legally "compatible." Even when the positions have been determined to be compatible, the Ethics Laws prohibit the official from participating, in either public position, with respect to matters that affect the other public entity that he or she serves.

Do the Ohio Ethics Laws prohibit township trustees from serving as paid volunteer firefighters?

Yes. The Ethics Law prohibits all public officials from having an "interest" in public contracts with his or her public agency. The term "public contract" is defined to include public

employment. Therefore, because the trustee would have a prohibited financial interest in a public contract with his or her own township, a township trustee cannot simultaneously serve as a paid volunteer firefighter for his or her own township.

What conflicts would a trustee serving as an unpaid volunteer have?

The Ethics Law prohibits an official who serves in more than one public position from using the authority or influence in either position to benefit himself or herself or the interests he or she serves in the other public capacity. Therefore, a public official who serves with more than one public entity is prohibited from participating, in either public position, with respect to matters that affect the other public entity.

If the official would ordinarily be required in one public position to participate in matters affecting another public entity that he or she serves, the official must be able to fully withdraw from consideration of matters affecting the other public entity. Due to these restrictions, a township trustee who serves as an unpaid volunteer firefighter with his or her township fire department must refrain from acting on any matters that impact individual employees within the fire department, but is not prohibited from participating in decisions that affect the interests of the fire department as a whole.

What type of recusal would be required?

Specifically, a township trustee who serves as an unpaid volunteer firefighter with his or her township fire department would be prohibited from discussing, deliberating about, or otherwise participating in township decisions affecting the employment, compensation, or benefits for the fire chief or other department personnel. This would include matters such as changes in compensation or benefits determined by individual working conditions, the assignment of duties, evaluations, and actions involving promotions, discipline, lay-offs, and termination. However, the trustee would not be prohibited from participating in matters that affect all fire department personnel, uniformly and without a unique or special benefit to the fire chief or other department personnel.

Where can I find additional information?

This information sheet is not an advisory opinion and is not intended to provide advice on specific facts. For additional information regarding this issue or the Ohio Ethics Law in general, please review Advisory Opinions [2000 – 05](#) and [2001 – 01](#) or visit www.ethics.ohio.gov