

The Ohio Ethics Law and Nepotism E-Course Transcript

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The Ohio Ethics Law and Nepotism

Thank you for participating in this e-course, created and presented by the Ohio Ethics Commission.

This brief course will not cover the entire Ethics Law, but rather focus specifically on the prohibitions related to nepotism. We begin with an example.

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(visually resembles an email)

Hollister, Pam Re: Opening

Nancy: I think we're ready to finalize the decision. We initially brought in 8 people for a first interview and then brought 3 in for the second interview. I think all 3 would do fine, so you might want to keep their resumes on file, but I have decided to go with Perry. I realize that may raise some eyebrows since he's my husband, but he really is the best candidate and he did very well in both interviews. Let me know the next steps so we can get him on board by the first pay period next month. Thanks, Pam

Nancy: I think we're ready to finalize the decision. We initially brought in 8 people for a first interview and then brought 3 in for the second interview.

I think all 3 would do fine, so you might want to keep their resumes on file, but I have decided to go with Perry. I realize that may raise some eyebrows since he's my husband, but he really is the best candidate and he did very well in both interviews.

Let me know the next steps so we can get him on board by the first pay period next month. Thanks, Pam

Slide 3

Imagine that you are one of these other equally qualified candidates mentioned in this e-mail. How would you feel if you heard the position was filled with the husband of the person doing the hiring?

Select your reaction



What is your reaction? Imagine that you are one of these other equally qualified candidates mentioned in this e-mail. How would you feel if you heard the position was filled with the husband of the person doing the hiring?

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So, we already know that a public contract exists whenever a public agency spends money, regardless of the amount spent and whether there is a written contract.

That means, then, that public jobs are public contracts. It's public money being spent, just in the form of salaries or benefits.

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In the email we just read, the problem isn't that Pam's husband is applying for a job at her agency. The Ethics Law doesn't prohibit our family members from looking for a job from our public agencies.

The problem is that Pam is blatantly using her public position to get her husband the job.

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Nepotism

ORC 2921.42(A)(1) prohibits:

- Authorizing public contract
- Where they, their families, or business associates would profit
- Which includes public jobs!

It is positively, completely, and utterly illegal for public officials and employees to hire family members into public jobs.

It's even illegal to somehow influence the hiring process for our family members.

As we stated in the last chapter, it's a fourth-degree felony to use our public positions to get public contracts for ourselves, our family members, and our outside business associates.

And one of the most common fourth-degree felonies we see under the Ethics Law is nepotism. Okay, let's move on to our next example!

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Joe: Morning, Amy! How's the coffee today?

Amy: It's terrible, tastes just like used gym socks. Whoever is buying this coffee needs to be thrown out of the coffee club.

I'm thinking about getting a coffee pot and keeping it in my office.

Joe: Well, I'm pretty sure the building confiscates all appliances outside the kitchen. They probably think it's unsafe.

Amy: And so is this! So what's up, Joe?

Joe: Well, I couldn't help but to notice on your department's web site that you're hiring a new fiscal manager to replace Ellen?

Amy: Yes, finally! We've been begging to replace that position for months and finally got it approved.

We're looking for someone with a Masters, someone with business and management experience.

Joe: And you're accepting applications through the end of the week?

Amy: Yep, through Friday. Why do you ask?

Joe: Well, it's just that my daughter recently finished her graduate work in Finance and I thought that maybe you would like to take a look at her resume.

Amy: Sure, I can do that. But keep in mind that she has to apply through the normal process, you know, through HR.

Joe: Oh, I understand and she's on it.

But even though she just finished her Masters, she has already got nine years in the finance industry, four of those managing a staff at an investment company.

Amy: Well great, sure I can take a look.

Joe: I appreciate that, Amy, thank you very much. And since I wouldn't be my daughter's direct supervisor if she gets hired here, I knew it wouldn't be a problem to come and talk to you about it. I just wanted you to know that she'd be a perfect fit for the job. I wouldn't want her to be penalized because I work here. Besides, it's not her fault her old man can't afford to retire!

Amy: I hear that! Well listen, I'll go ahead and take a look at her resume. Soon as I finish this...whatever this is. Say, Joe, does your daughter make a good cup of coffee?

Joe: (laughs)

Amy: Well look, just make sure she gets her paperwork in to HR before the end of the week.

Joe: Will do, thanks Amy!

What is your reaction?

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Imagine that you were also applying for this job. How would you feel about this conversation?

Select your reaction



Imagine that you were also applying for this job. How would you feel about this conversation?

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If you're assuming that the "cure" for nepotism is to completely recuse ourselves if our relatives are seeking public jobs, you're on the right track!

If a member of your family wants to pursue a job with your public agency, great! But you simply cannot be involved.

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Got it, right? A member of your family wants a public job - you stay out of it. Good!

But. What if your relative gets the job - without your help or input - and he or she is legitimately selected as the most qualified candidate and you had nothing to do with it.

Is there anything you still need to be aware of? I'm guessing you know what my answer is going to be, but let's take a look at one more scenario that really does occur in Ohio.

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Okay, Ethics Commission, I have a question! So, my brother was hired here at my agency - yay, by the way! Because my parents can't wait to get him out of the house.

Anyway, my brother applied like anybody else would - online and without any help from me. I promise, I did nothing to help him get the job.

He applied, interviewed, got hired. I wasn't a job reference; in fact, I didn't discuss it with anybody. I'm completely innocent!

But now, my question is, "Where do we go from here?" I am in management at our agency, and normally I would be involved in all typical discussions about staff.

You know, things like promotions, raises, overtime, and even disciplinary actions.

I didn't get my brother his public job, but he's here now. Am I allowed to act like any other manager in regards to his future here at the agency?"

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Imagine that you were her brother's co-worker. How would you feel about his sister having a say in his promotions and overtime?

Select your reaction



What is your reaction? Imagine that you were her brother's co-worker. How would you feel about his sister having a say in his promotions and overtime?

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As taxpayers, you and I have the right to expect that government hiring processes are fair and objective. But your rights as a taxpayer don't end there.

You also have the right to know that subsequent employment decisions like promotion, raises and disciplinary actions are also objective and not influenced by a relative who also happens to work in that public office.

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That means that recusal once again is your friend. If someone in your family gets a public job, legally and without your involvement, give some high-fives! Do a happy dance! Draw a funny picture for their cubicle!

Just stay out of any aspect of any issue relating to your relative's employment for the rest of the time that you both work there.

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Family members

- Spouse
- Sibling
- Parent or step-parent
- Child or step-child
- Grandparent
- Grandchildren

As a quick reminder, for purposes of the Ohio Ethics Law, our family members are our spouse, siblings, parents or step-parents, children or step-children, grandparents or our grandchildren.

Extended family members, such as cousins or in-laws, are considered "family" only when the extended relative lives in our home.

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If you ever have questions regarding your minor children getting public jobs, internships, summer positions, etc.,

I encourage you to visit our website to review a fact sheet that specifically outlines the more stringent nepotism restrictions when it comes to our minor-aged children.

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Ohio Ethics Commission

(614) 466-7090

www.ethics.ohio.gov

Congratulations! You have completed The Ohio Ethics Law and Nepotism

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