



Ethics Update

Issue 49

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Hard work spotlights the character of people: Some turn up their sleeves, some turn up their noses, and some don't turn up at all.

-- Sam Ewig (some guy)

Our new look. . .

Let us know whether you prefer this new high-tech Microsoft Publisher version of the Ethics Update or the old down-home low-tech three-column version. If you would prefer no newsletter at all--keep it to yourself. . .

Oh, and why the dog on the masthead?

Getting to know the ethics law-- moonlighting

The ethics law **does not prohibit** secondary employment (moonlighting). It places **limits** on the types of outside jobs an employee may accept, in order to prevent conflicts between an employee's county job and an employee's second job. The law prohibits employees from:

- working for anybody regulated by, or contracting with the employee's agency ([§7-5-102](#));
- working for anybody who contracts with the county if the employee's duties relate

to that contract ([§7-5-103](#));

- assisting or representing anybody in any matter in which the county has an interest ([§7-5-104](#)).

Individual agencies also have rules for moonlighting and if **stricter** than the ethics law, they will prevail. If you currently moonlight or are thinking about it, read these ethics laws. Talk to your supervisor AND the ethics commission to ensure that your second job complies with the law and your agency's policies. Even if your second job constitutes a

technical violation of the ethics law, you may be entitled to a **waiver** from the ethics commission if the second job will not adversely affect the county's interests.

For example, in [AO-01-41](#) a secretarial employee received a waiver to work as a data processor with a newspaper even though the employee's agency had a contract with the newspaper to print employment opportunities. The ethics commission concluded that this second job would not adversely affect the county's interests.

Answer to the last test-- with an editorial comment or two

Many people tried, but nobody got it quite right. The question was: which employees are **not covered** by the county ethics law: ethics commission, health department, sheriff's office, social services department, state's attorney's office.

The correct answer? The only employees covered by the county law are the mem-

bers of the ethics commission and their staff. All the other employees are covered by the state's ethics law.

This result makes no sense. These folks are county employees. Under the state's ethics law jurisdiction, they have no access to ethics training- unless they file financial disclosure-and no readily available access to personal-

ized ethics commission advice on demand. It's almost as if these employees have slipped through the cracks. Or is that the idea?

State law mandates that every county must have its own ethics commission but over the years, the numbers of employees subject to the county ethics laws has de-

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Answer to the last test

(Continued from page 1)

creased, with the state claiming more of them. First, the state ethics commission claimed health department employees and social services employees. In 2001, the state ethics commission, reversing its previous position, concluded that employees of the sheriff's office and state's attorneys office were state employees subject to state ethics law.

Coincidentally, the

state ethics law was amended in 2001, exempting these same employees from financial disclosure requirements.

Why the exemption? Does the legislature fear that these employees are at risk from criminals or irate citizens? In that case, why not exempt police officials? And elected officials? Or, is there some other reason for letting these employees off the hook?

And speaking of financial disclosure, kudos to the

county council for requesting that applicants for the recent council vacancy voluntarily submit financial disclosure statements.

One of the penalties for refusing to participate in politics is that you end up being governed by your inferiors.

-- Plato, Greek philosopher (424 BC - 348 BC)

Ethics training– fun for all ages

It's baaack. . .

Now that the crabs are about to head to deeper water and the boogie boards have been tucked back into the garage, it's time once more to sign up for ethics training.

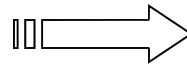
For those of you who would like to attend training with your co-workers (or think your supervisor needs

the training more than you do), call us. We will call your supervisor to set up the training and he/she will **never know** that you are to thank for it. Every employee has the right to attend training and the responsibility to know about the ethics rules.

And, new this fall: an ethics refresher session for

those of you who already took basic training but want more. One hour long, this session will examine one new hypothetical situation from each of the five conflicts of interest provisions of the ethics law.

Training times are available on our website, and right over here:



Training dates:

- Wed., Sept. 9
- Wed., Sept. 23 (refresher)
- Wed., Oct. 7
- Wed., Oct. 21 (refresher)
- Wed., Nov. 18
- Wed., Dec. 2

And now– another test

You are a management level employee in a county department. Your spouse owns a business and wants to bid on a county contract to provide goods and services to various county agencies, including yours. You have no interest in the business, but on occasion, you help your spouse with bookkeeping,

ordering supplies, and other small jobs when necessary.

Questions:

1. May your spouse bid on the contract?
2. May you help prepare the bid documents?
3. If your spouse is awarded the contract, what if any eth-

ics law issues might you encounter?

4. If your supervisor says you have no ethics issues, are you protected?

As always, the first three people to get all the answers right, **win a GEM!** (genuine ethics mug)



*The secret of life is honesty and fair dealing. If you can fake that, you've got it made.**

-- Groucho Marx (1895-1977)

** This is just a joke.*

Recent advisory opinions

The ethics commission has issued five opinions since June:

AO-09-37: Firefighters may only accept travel expenses from a contractor to attend out of state training if the expenses are covered by the contract.

AO-09-38: Council members who use security alarms may participate in legislation that establishes a regulatory scheme for security alarm businesses.

AO-09-41: There are no ethics issues where the spouse of an employee enters into a contract with the employee's department, if the contract is unrelated to the employee's duties and the employee has no financial interest in, or employment relationship with the spouse's business.

AO-09-44: Employees may accept tickets to sports events with a cumulative value of less than \$25 in most circumstances. Discounted tickets may also be accepted if the

discount is available to other similarly situated groups of employees and as long as the recipient employees still pay fair and adequate consideration for the tickets.

AO-09-47: An executive branch appointee may serve, in an *ex officio* capacity, on the board of a private organization in certain circumstances and subject to certain limitations.

AO-09-49: The county executive may not use the pres-

tige of office to endorse a private fundraising project when there is no connection between the charity and any county agency program.

AO-09-50: The ethics law does not prohibit an employee from accepting the offer of a radio station personality to visit the county work-place with free giveaways and conversation with the employees. This is not a controlled donor and the gift was not offered because of the employee's county position.

A [website](#) publication of the

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A thankful heart is not only the greatest virtue, but the parent of all other virtues.

-- Cicero, Roman statesman, stoic philosopher (106 BC - 43 BC)

Deal with the faults of others as gently as your own.

-- Chinese proverb

Election season

For those county employees who are eligible to vote in the upcoming elections in the City of Annapolis, it seems like a good time to remind you that all employees have the **right to fully participate** in political activity. The state's anti-Hatch act, Article 24 §13-103, which can be accessed in the

[Maryland Code](#), guarantees this right to all employees. Additionally, employees **may not be required to participate** in political activity.

This right does not necessarily extend to officials or volunteers on boards or commissions. For example, members of the ethics commission are prohibited by

the Anne Arundel County Charter, [§1001\(d\)](#), from participating in political activity— with the exception of making campaign contributions.

If you are an official or volunteer with the county, check to see if there are any limitations that may affect your rights to participate.