

BY ELECTRONIC AND INTEROFFICE MAIL

December 30, 2003

Re: IO-03-106

You inquired whether county employees may accept a discount of 20% on classes offered to the public by the Anne Arundel Medical Center Health and Wellness Center. The answer is that under the circumstances you described, county employees may accept the proffered discount. The county, in partnership with the Anne Arundel Medical Center (AAMC), will conduct an Employee Health Program. There will be a "kick-off" event with exercise programs and information made available to county employees. The county will promote this program with informational displays throughout its facilities.

The Health and Wellness Center of the Anne Arundel Medical Center offers a number of classes that are available to the general public. Classes range from yoga to nia to aromatherapy, to massage for couples. They cost on average \$10/hour, although many one-time classes or other events are free. Depending on how many hours are involved in a given class, the total fee may range from about \$10 to about \$400 (for three months of continuing T'ai Chi). The discounts offered to county employees cover a three month period, so, a three month 20 % discount could range from \$2.00 to \$80.00.

In a number of previous opinions, the ethics commission has concluded that in many cases, employees may accept discounts. The opinions collectively have established that county employees may accept discounts when the following criteria are met:

- a. the discount is typically offered to employees of large organizations as a marketing strategy;
- b. the discount is being offered to all county employees on an equal basis; and
- c. employees will still be required to pay an adequate and legal consideration for the discounted services.

Discounts have been permitted for the purchase and service contracts on cell phones (IO-98-17, IO-01-16), home security systems (IO-01-109), and discounted fast food items (IO-00-191, IO-03-15). However, in IO-01-165, the commission advised that public safety officers could not accept the offer of discounted chiropractic services. The reason for that decision was first, that the offer was made only to public safety employees, not all employees. The offer, coming shortly after the 9-11 terrorist attacks, was made out of appreciation for the work of police, fire and other emergency workers. The commission determined that the discount was offered exclusively because of the employees' positions as public safety employees. Therefore, acceptance of the discount would have violated the prestige of office provision of the former §3-104(a). Also, the value of the discount was considerable- up to \$200 or more for each employee who accepted the offer.

The spokesperson for the Health and Wellness Center advised that while discounted classes are not offered to large organizations on a regular basis, similar discounts have been offered to large organizations in the past, especially when those organizations are involved in some sort of partnership arrangement or joint venture of the type planned with the county government. The Center hopes or anticipates that the once an employee takes a discounted class, the employee will continue taking classes at the regular rate.

In addition to satisfying the criteria set forth in this letter, the commission has also concluded that the proffered discount constitutes a benefit to the county by contributing to the improved health awareness and physical fitness of its work force.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director