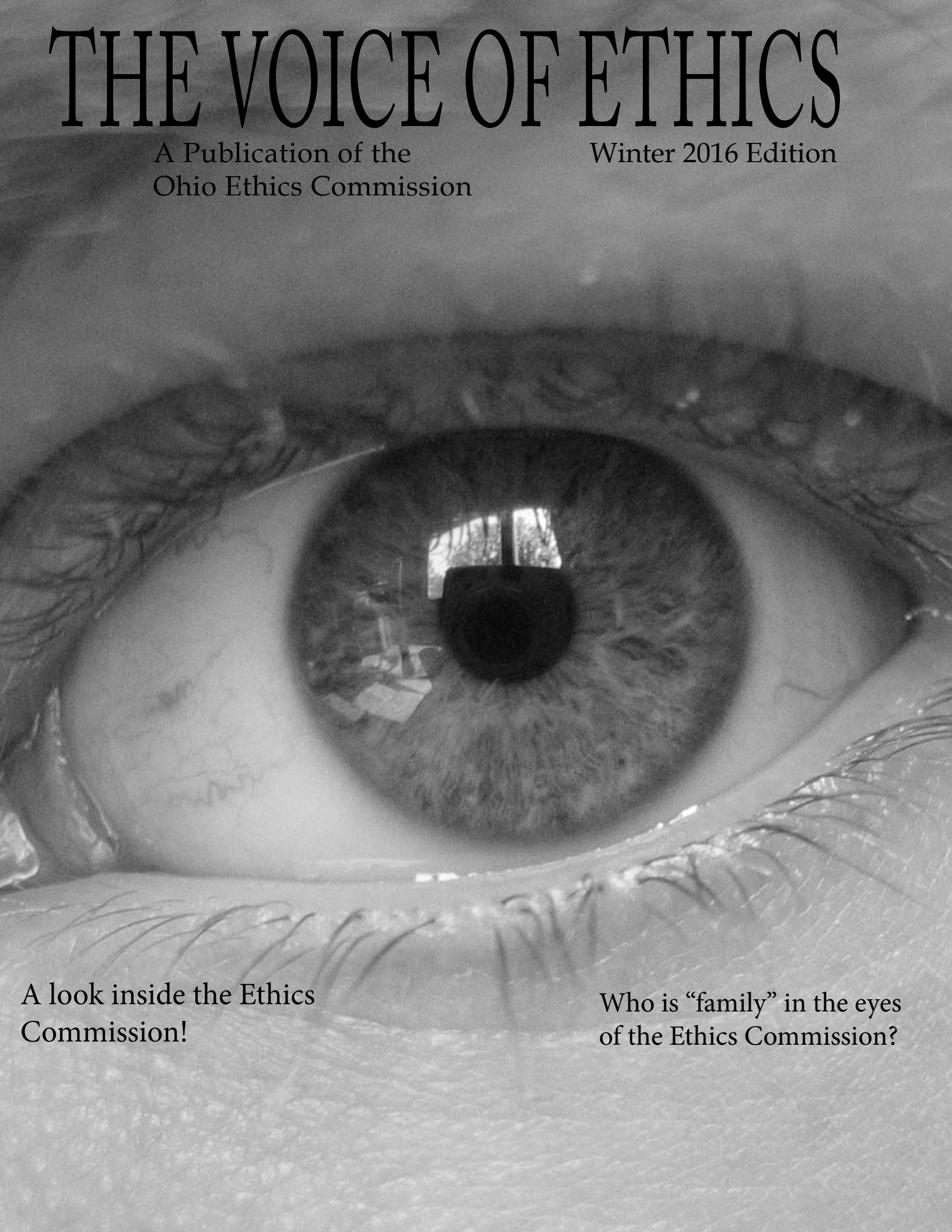
THE VOICE OF ETHICS

A Publication of the
Ohio Ethics Commission

Winter 2016 Edition



A look inside the Ethics Commission!

Who is "family" in the eyes of the Ethics Commission?

Nepotism: Bad Idea, Illegal Practice

What is nepotism?

Under the Ohio Ethics Law, nepotism is when a public official or employee authorizes a family member's employment or uses his/her position in any way to obtain a public job for a family member.

Such as voting for a family member's hire or finalizing the employment documentation?

Direct hiring is clearly illegal. However, the Ohio Ethics Law also prohibits public officials and employees from indirectly influencing the hiring process for a family member. Examples of such indirect – but equally illegal – influences could include recommending a family member, participating in discussions about the family member's job application, or requesting an interview or job for a family member.

Is nepotism really a problem in Ohio?

Absolutely. In fact, nepotism is the primary Ethics Law violation investigated by the Ethics Commission each year. On average, nepotism comprises almost one-third of the Ohio Ethics Commission's investigative workload.

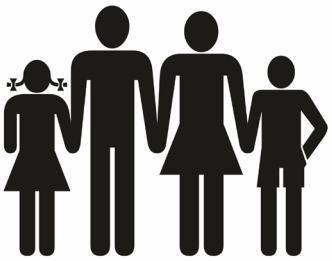
Is nepotism a criminal matter or just bad public policy?

The Ohio Ethics Law, which includes prohibitions against nepotism, is a criminal statute. While public agencies are wise to be aware of the appearance of impropriety that accompanies nepotism, it's important to understand that, in Ohio, the crime of nepotism is a fourth degree felony.

Why does this issue matter so much?

Fair hiring practices are mandatory in government. Public agencies are required to conduct all hiring activity in a fair, open, and impartial manner. Giving precedence or advantages to family members in public hiring is unfair to other applicants who may be equally or even more qualified. Even more importantly, nepotism is unfair to the public; all Ohio citizens have the right to expect that government jobs will be awarded to the most qualified candidate – not merely to the most family-connected candidate.

If I am a public official or employee, can my family member even apply for a public job?



In general, family members of public officials and employees can legally pursue public jobs. The issue is whether or not the applicant's family member who is already in public service can be recused from any aspect of the hiring process. If a public official or employee can be removed from any discussion, review, decision-making, or any other aspect of the hiring process, his/her family member generally can be awarded the public job. In other words, it's not illegal for your family to pursue or get the government job at your agency; it's illegal if you involve yourself in any aspect of the hiring process.

What if I can't recuse myself from the hiring process?

There are situations in which a public official or employee cannot be removed from the hiring discussion or decision-making. Examples could include a township that has only one employee or an agency where the director is designated as the

sole hiring authority. Those situations, however, do not relieve public officials and employees from complying with the criminal law. If the public official or employee cannot recuse himself/herself, then that person's family member cannot be awarded the public job.

Who is my "family?"

For purposes of the Ohio Ethics Law, a "family member" includes the following (regardless of where they live):

- Spouse;
- Children/Step-Children (whether dependent or not);
- Siblings;
- Parents/Step-Parents;
- Grandparents; and
- Grandchildren.

"Family member" also includes any other person related by blood or by marriage (e.g. cousins, aunts, uncles, in-laws, nieces, nephews) if that person resides in the same household as the public official or public employee.

What happens after my family member is hired?

It's important to note that, should your family member legally receive the public job – without your involvement – recusal continues even after he/she is hired. For example, direct supervision, annual evaluations, or participation in discussions of promotions or raises would also be prohibited.

What about indirect benefits my family member could receive from my actions?

There are circumstances in which a public official may participate in matters that indirectly benefit family members. For example, a public official is not prohibited from approving a union contract where a relative is a member of the union (as long as the relative is not a union officer, board member, member of negotiating team, and the public official does not receive health care benefits from the union member). Other exceptions include matters impacting an entire class of employees or participating in general budget discussions that include a family member's compensation. For more information regarding such exceptions, please contact the Ohio Ethics Commission.

Does it matter if my child is a minor?

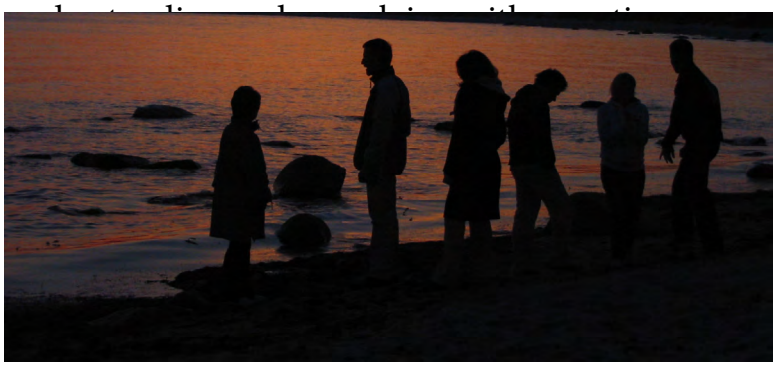
Yes! Your minor child cannot work for the same agency unless you can show four things:

1. The agency's hiring process will be fair and open and will not favor your children;
2. The agency will provide a broad opportunity to qualified and interested applicants to submit applications;
3. All qualified and interested applicants other than your children have already been hired; and
4. Vacancies still exist.

In other words, the only way your minor child can receive a job/internship at your public agency is if all other qualified applicants have been hired but there are still open position. Keep in mind that even if your child is able to be awarded that open position after all other qualified applicants are hired, you still may not participate – in any way – in the hiring deliberation or decision.

Can I receive additional information or details about nepotism?

Yes! On the Ohio Ethics Commission's web site, you will find fact sheets, advisory opinions, and even an e-course regarding nepotism. Feel free to contact the Ohio Ethics Commission at (614) 466 – 7090 if we can assist you in any way in



Training

The Ohio Ethics Commission's training schedule for 2016 is announced! Check out our web site or see below for information on the various options available to learn more about the law. Questions? Contact Susan Willeke at (614) 466- 7090 or susan.willeke@ethics.ohio.gov

On-Site Training

Would you like a speaker to come to your agency or office to conduct a training regarding the Ohio Ethics Law? We conduct "live" ethics education sessions around the state for those who prefer direct interaction and an opportunity to ask questions and engage in dialogue. These presentations vary from 30 minute keynote addresses to one to two hour sessions. Occasionally, the Commission also provides 3 – 4 hour workshops on the Ethics Law and related statutes. We offer training sessions for public agencies at both the state and local government levels.

Because there is no fee for our training sessions, we strive to be good stewards of your tax dollars and reserve travel for speeches with larger groups. If your office/agency is outside the Columbus area, we request a minimum of 75 attendees to conduct a live presentation. To schedule a speaker or to discuss other appropriate options, please contact Susan Willeke at the contact information above.

A New E-Course for 2016!

Our electronic learning options were accessed by thousands of state and local government officials and employees last year and we have received many requests to continue our online program. As a result, our newest e-course "The Ohio Ethics Law: Cultivating Good Governance" is now available! Once again, the course provides an overview of the Ethics Law, but with new videos and interactive learning. A special note to attorneys: this e-course is also approved for one general hour of self-study CLE!

Topic-Specific E-Courses!

Two years ago, we introduced "topic-specific" e-courses to our web site. These courses are approximately 15 minutes long and study specific provisions of the Ohio Ethics Law. They are helpful for someone who wants information about a certain area of the law and have also been used in staff meetings. For example, several agencies reviewed the "Gift" e-course in staff meetings shortly before the holiday season to address any concerns regarding holiday gifts from vendors or regulated community members.
Our initial topic-specific e-courses unveiled in 2014 can still be found on our web site:

- The Ohio Ethics Law and Gifts
- The Ohio Ethics Law and Nepotism
- The Ohio Ethics Law and Post-Employment
- The Ohio Ethics Law and the Private Sector
- The Ohio Ethics Law and Sales to Public Agencies

New topic-specific e-courses created in 2015 are also on our web site:

- The Ohio Ethics Law and Conflicts of Interest
- The Ohio Ethics Law and Public Contracts

In 2016, we will be unveiling the following topic-specific e-courses:

- "The Conference Question"
- The Ohio Ethics Law and Job Seeking
- "Newly Elected Officials: What Should You Know?"

Are there other topics you'd like to see us tackle? If so, email susan.willeke@ethics.ohio.gov to get our creative juices flowing!

Webinars

In 2015, the Commission conducted ten live webinars with approximately 2,000 electronic "attendees" from all across Ohio. The webinars provide an overview of the Ohio Ethics Law and can be especially helpful for smaller offices who cannot host a live training session or public servants who spend much of their work hours in the field.

Because the webinars have proven to be so popular, we are once again offering them in 2016! This year's webinar dates are:

- Tuesday, March 8 – 1 pm
- Monday, April 11 – 10 am
- Tuesday, May 10 – 10 am
- Thursday, June 16 – 11 am
- Wednesday, July 13 – 10 am
- Friday, August 12 – 11 am
- Monday, September 19 – 1 pm
- Wednesday, October 19 – 10 am
- Tuesday, November 15 – 10 am
- Friday, December 16 – 10 am

Click here to register.

Ethics Education - Regional Sessions

Have you ever wondered:

- "What is a conflict of interest? What do I do if I think I have one?"
- "Can I sell things to my own public agency?"
- "Can my child apply for a job at the agency where I work?"

If so, we have a training class for you! The Ethics Commission has scheduled classes around the state and they are open to anyone in the community who would like to know more about the Ohio Ethics Law. All state, county, city, township, and village officials and employees are welcome to attend!

For state officials and employees, these classes fulfill your Ethics Law training requirement under the Governor's Executive Order. As an added bonus for public practice attorneys, these classes have also been approved for 1.5 general CLE hours!

Please join us for these free and interactive discussions on the Ohio Ethics Law! Click here for session details and registration information.

- Thursday, April 14 – 10 am Columbus
- Thursday, April 28 – 10 am Perrysburg
- Thursday, June 2 – 10 am Warrensville Heights
- Thursday, June 9 – 10 am Columbus
- Friday, October 7 – 10 am Cincinnati
- Thursday, October 13 – 10 am Columbus
- Wednesday, December 7 – 10 am Columbus

Continuing Legal Education

This year, the Ohio Ethics Commission will once again sponsor three CLE sessions in conjunction with the Supreme Court of Ohio. These free classes are designed for public practice attorneys and have been approved by the Supreme Court of Ohio Commission on Continuing Legal Education for 2.50 total CLE hours of attorney professional conduct instruction.

For the past several years, the Ethics Commission has conducted two CLE classes in Columbus and another class in "rotating" cities around Ohio. This year, we will be in Northeast Ohio and hope that many public practice attorneys will be able to join us!

Our 2015 dates at locations are:

April 19	9 am	Columbus
June 8	1 pm	Richfield
November 9	9 am	Columbus

Please click here for more information on dates, locations, and registration information.

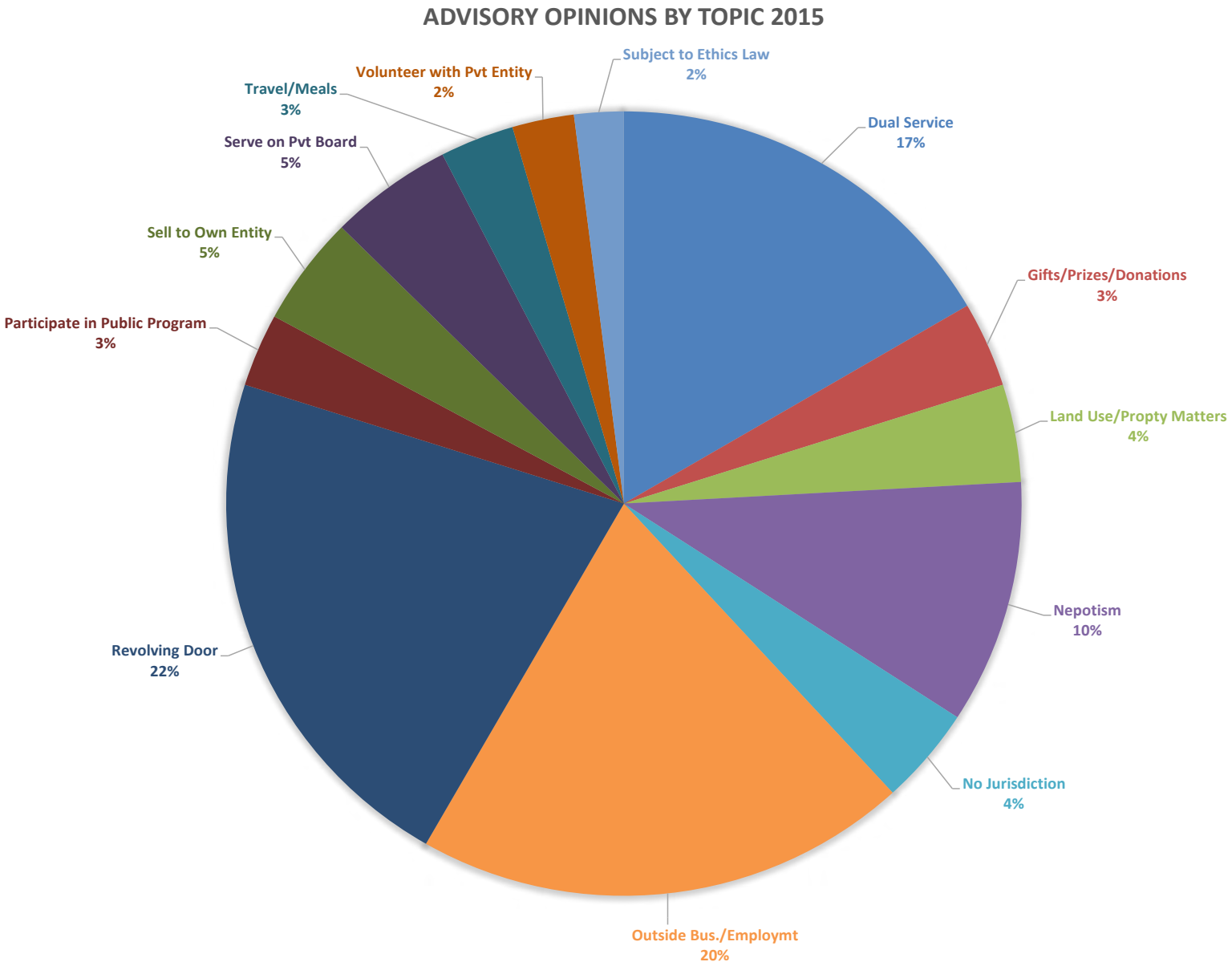
When you electronically register, you will receive an automatic confirmation email. Approximately one week before the class, you will receive a reminder email with handouts.

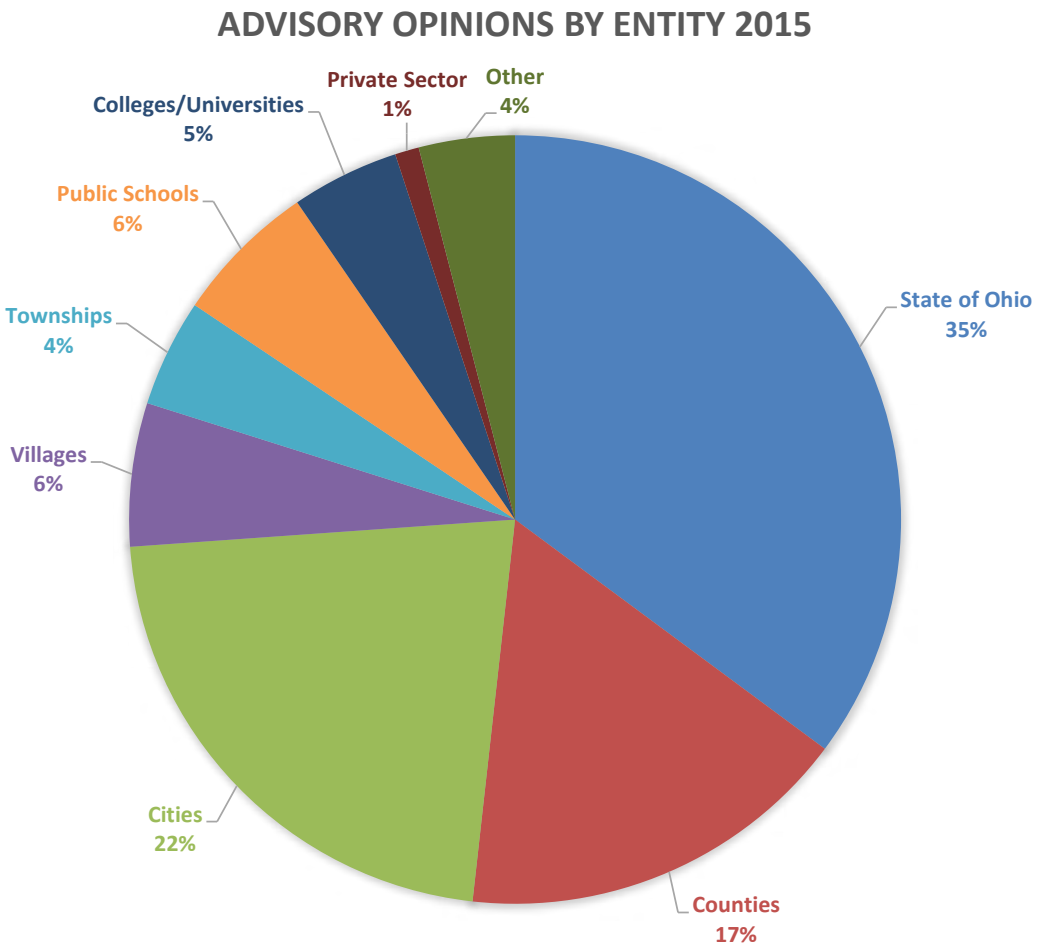
A Review of 2015 at the Ohio Ethics Commission

Advisory Opinions

One of the primary functions of the Ohio Ethics Commission is to render advisory opinions and provide general guidance to those who want to better understand the Ethics Law. The Commission recognizes that a better grasp of the law leads to higher compliance and reduced violations.

In 2015, the two staff Advisory Attorneys responded to 199 written requests for opinions. Each of these requests received a written response within 15 days. The attorneys provided guidance via e-mail to more than 2,200 people and responded to more than 3,200 telephone inquiries. The charts below represent the types of questions the Commission received in





Ethics Education

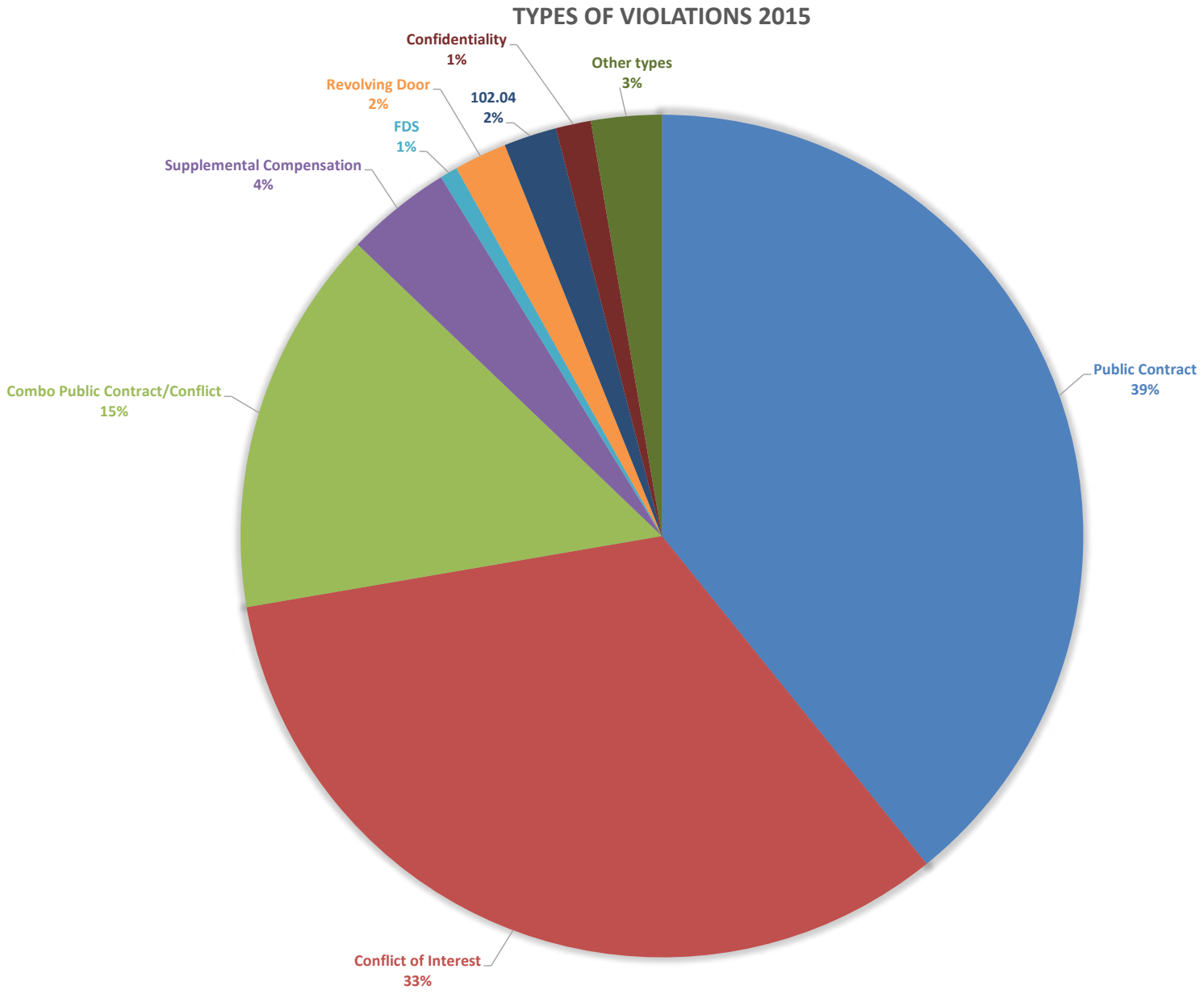
The Ohio Ethics Commission believes advice and education are the key tools to helping public officials and employees understand and comply with the law. Therefore, the Commission provides numerous training options each year, in both classroom and electronic styles. Each year, the Commission receives positive feedback that its training efforts are helpful and appreciated.

In 2015, the Education Section offered 206 "live" presentations to more than 15,000 people. In addition, thousands of public officials and employees took advantage of the online learning opportunities on the Commission's web site for convenient and cost-effective training. The online courses included full courses that provide an overview of the entire Ethics Law, as well as "topic-specific" courses. These brief e-courses include topics such as gifts, nepotism, and conflicts of interest. These e-courses enhance understanding of specific provisions of Ethics Law that commonly generate questions. Finally, ten live webinars attracted nearly 2,000 on-line attendees last year.

Investigations

The Commission's Investigation section investigates alleged violations of the Ohio Ethics Law and related statutes and refers cases supported by substantial evidence for prosecution or alternative resolution.

Last year, the Investigative Staff responded to 770 telephone investigative inquiries and processed 396 written requests or allegations of wrongdoing. The Commission handled 166 investigations in 2015 with 68 being closed, including settlement and censure cases.



Entities investigated:

- Cities/Villages – 44 percent of total investigative caseload
- Townships – 13 percent of total investigative caseload
- Public Schools – 11 percent of total investigative caseload
- Charter Schools - 11 percent of total investigative caseload
- Counties – 8 percent
- Vendors - 4 percent of total investigative caseload
- State Government – 4 percent of total investigative caseload
- Public Universities - 4 percent of total investigative caseload

Violations investigated:

- Public Contracts (includes nepotism) – 49 percent
- Conflicts of Interest (includes gifts) – 35 percent
- Public Contract and Conflict of Interest Combination – 10 percent

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Questions? Concerns? Need more information? Contact us!