

LCCS POLICY 223

Ethical Standards of Conduct

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See new Policy #:	

Scope:	All LCCS' Board Members, staff, agents and/or contractors.
Responsibility:	LCCS Management Staff
Purpose:	To provide standards and procedures to ensure that all LCCS Board Members, staff, agents and/ or contractors follow the Ohio Ethics Law and Standards of Conduct.
Legal Cite:	O.R.C. Sections 102.01 et.seq.

POLICY STATEMENT

It is essential that LCCS operate within the law and maintain the community's trust by avoiding conflicts of interest or even the appearance of such a conflict. LCCS' Board Members, employees, agents and contractors involved with purchases and/or the administration or performance of contracts will follow the Ohio Ethics Law and the Standards of Conduct contained in this policy.

PROCEDURE - including required timeframes and documentation

The following standards apply to and govern the conduct and performance of all LCCS Board Members, employees, agents, contractors and the employees of such agents and contractors, who engage in any part of the process of awarding, recommending, approving, performing, monitoring or administering agency contracts or other purchases of goods and/or services.

If any person and/or entity to whom/to which these standards apply is unsure whether a particular course of conduct would violate these standards, they should communicate their concerns and seek an advisory opinion.

The advice or opinion should be obtained **before** the person and/or entity engages in the proposed or contemplated conduct.

LCCS staff should follow the chain of command. In complex or problematic situations, staff should seek guidance from the Executive Director.

STANDARDS OF CONDUCT

Agency appointed members, employees and agents shall not:

- **Solicit or accept gratuities**, favors, or anything of value from anyone doing business with or seeking to do business with the Agency;
- **Participate in the selection**, award recommendation, approval, monitoring or administration of any contract or purchase, if a potential, apparent or real conflict of interest could arise;
- **Solicit or accept employment** from anyone doing business with the Agency unless the employee completely withdraws, with the Agency's approval, from Agency activities regarding or involving the party offering employment;
- **Benefit from, or have any interest in, any contract** or purchase authorized or approved by the Agency within one year of his or her separation from employment with the Agency or profit from a public contract authorized by him or her while employed by the Agency unless the contract was let by competitive bidding to the lowest and best bidder;
- **Vote, authorize, recommend, or in any other way use his or her position to secure approval of an Agency contract or purchase in which the employee, a member of the employee's immediate family, or anyone with whom the employee has a business relationship, has an interest;**
- **While employed by the Agency or during an appointment**, or within twelve months thereafter, act in a representative capacity, in any manner, on behalf of any person or entity on any matter in which the employee personally participated through decision, approval, disapproval, recommendation, the rendering of advice, investigation or other substantial exercise of administrative discretion;
- **Disclose or use**, without appropriate authorization, any information acquired by the employee or agent in the course of the employee's or agent's official duties, that is confidential pursuant to federal or state statute and preserving its confidentiality is necessary to the proper conduct of government business;
- **Receive or agree to receive**, directly or indirectly, **compensation** other than from the Agency with which he or she is employed for any service rendered, or to be rendered, by him or her personally and that is within the scope of his or her employment with the Agency;
- **Receive or agree to receive, additional or greater fees** or costs than are allowed by law to perform the employee's or agent's official duties; and
- **Solicit or accept anything of value or coerce** any political or other contribution in consideration for appointing, securing, maintaining or renewing the appointment of any person to the Agency and/or for preferring or maintaining the status of any Agency employee with respect to compensation, duties, placement, location, promotion or other material aspects of employment.

The signature of any Agency employee on a requisition, invoice or other document requesting or approving the purchase of or payment for purchases of goods or services shall constitute certification that he or she has complied with the requirements and prohibitions contained in these standards.

Employee Discipline for Violation of the Standards

Violation of these standards will result in disciplinary action up to and including termination from employment. Minor first offenses may lead to a written reprimand or a suspension from work. More serious incidents or multiple offenses may result in dismissal.

Any employee who violates these standards shall be subject to disciplinary action. Depending upon the seriousness of the offense and the circumstances surrounding it, the Agency may impose any of the following:

- A written warning;
- A written reprimand;
- A suspension (without pay and/or benefits);
- A reduction (demotion in pay and/or classification); and
- Removal (termination of employment).

In addition to the foregoing penalties, the Agency may also make a referral to the Lucas County Prosecutor or the United States Attorney for further legal action (civil and/or criminal) where the circumstances warrant.

Vendor Penalties for Violation of the Standards

Any contractor, sub-contractor or person seeking purchase or other Agency contracts who violates any of the requirements and prohibitions contained in these standards of conduct is subject to:

- Contract termination;
- Refusal by the agency to enter into any pending or future contract; and
- Criminal prosecution.

All contractors, sub-contractor or persons seeking purchase or other Agency contracts shall promptly notify the Agency of any newly arising conflicts of interest or potential violations of Ohio ethics laws.

Any contractor, sub-contractor or person seeking purchase or other Agency contracts, who violates § 102.03, 102.04, 2921.42 or 2921.43 of the Revised Code may also be criminally prosecuted for such violations.

Board/Appointed Members Consequences for Violation of the Standards

Any Board/Appointed Member who violates these standards shall be subject to the following:

- Notification to the LCCS' Board Chair
- Notification to the Board of County Commissioners
- Depending upon the seriousness of the offense and the circumstances surrounding it, the Commissioners may impose disciplinary action up to and including removal from the LCCS' Board.

In addition to the foregoing, a referral may be made to the Lucas County Prosecutor or the United States Attorney for further legal action (civil and/or criminal) where the circumstances warrant.

This policy will be reviewed with all staff/employees every six months.

CASE PRACTICE GUIDES

Staff should refer to the Social Work Code of Ethics and/or the Ohio Ethics Laws as needed.

RELATED POLICIES and FORMS

LCCS Policy 145 Conflict of Interest
LCCS Policy 216 Competitive Bidding
LCCS Policy 218 Requests for Proposals
LCCS Policy 225 Purchases Involving a Conflict of Interest
Board Code of Conduct