

**Summary of S. 171 - An act related to the adoption of a State Code of Ethics, providing public servants in the three branches of government a clear baseline for ethical conduct in the performance of their duties.**

**Parties subject to the Code of Ethics** (§ 1202). The Code of Ethics applies to all elected or appointed officers, General Assembly Members, state employees, persons on state boards and commissions, and any state agents exercising state authority. When the action in question relates to the core legislative functions or duties of members of the General Assembly, the relevant legislative rules and policies shall apply.

Narrow procedural exceptions apply in the rare cases where licensed attorneys or judicial officers have a conflict of interest that falls under both the Code of Ethics and their respective rules of professional conduct. In those instances, licensed attorneys and judicial officers shall follow the recusal procedures set forth by their relevant professional organization. §1203(b).

**Core provisions of the Code of Ethics** (§ 1203). There are twelve distinct provisions in this section, each of which states a specific ethical expectation for public servants.

Summary of Sections in S. 171 (in order of substance):

1. **Recusal and disclosure for conflicts of interest**: public servants faced with a conflict, or the appearance of a conflict, shall publicly recuse themselves from the matter in question. A public recusal can be accomplished by informing a supervisor or other relevant party. If the public servant believes they may proceed with the matter despite the conflict, they must disclose the conflict in writing in accordance with the policies and procedures set forth by the agency or entity governing the matter in question. Confidential information need not be disclosed.
2. **No directing others to act unethically**: public servants cannot direct others to do what they cannot ethically do themselves.
3. **No participation after recusal due to conflict**: once a public servant recuses because of a conflict, that recusal is full and complete.
4. **Avoiding appearance of unethical conduct**: public servants should reasonably try to avoid even the appearance of ethical impropriety.
5. **No improper preferential treatment**: public servants should not show any favoritism or prejudice to anyone in carrying out state work, unless permitted by law and written policy or rule.
6. **No using state position for improper personal or financial gain**: public servants may not use their positions for improper gain.

7. No using State information for improper financial gain: public servants may not use nonpublic information for improper gain.
8. No using state resources for improper financial gain: public servants must use state equipment and resources only for their intended public purpose, unless expressly permitted by law or written policy or rule.
9. Limitations on gifts to public servants: public servants may not solicit or accept gifts in the course of their state employment. Exceptions to this rule are:
  - a. A devise or inheritance.
  - b. Gifts to be used in an official capacity for official purposes.
  - c. Ceremonial awards valued at less than \$100.
  - d. Rebates, discounts, and promotions available to the general public.
  - e. Printed or recorded material germane to State action or functions.
  - f. Food or beverage incidental to the performance of a state function, or provided at a civic, cultural or political event at which the public servant is attending in an official capacity.
  - g. Food or beverage where the person who is paying is in attendance and the cost does not exceed \$100 per person, per source in a calendar year.
  - h. Admission fees or tickets to a charitable, cultural, political, or civic event, provided by the sponsoring entity, at which the public servant is attending in an official capacity.
  - i. A gift from a private employer assuming the gift is ordinarily provided to others in similar circumstances.
  - j. A loan made on terms not more favorable than loans made in the ordinary course of business.
  - k. Gifts from other public servants. In the case of supervisors-supervisees gifts are limited to holiday or special occasion and gifts valued at less \$100 per occasion, not to exceed \$200 per year.
  - l. Gifts under \$50 per occasion, not to exceed \$150 per year from a single source.
  - m. Gifts from friends or family.
  - n. Gifts otherwise expressly permitted under law.
10. No making unauthorized commitments on behalf of the State: public servants may not commit the State, or any of its resources, unless authorized.
11. Limits on other employment: public servants may not take outside jobs that conflict with State duties; and, after leaving State service, may not turn around and lobby their former agency, or “switch sides” on a matter on which they were working.
12. Must comply with all other relevant laws and rules not included in the Code

**Protections for Whistleblowers** (§ 1204): prohibits retaliation or intimidation against any public servant who submits a complaint to the Ethics Commission regarding ethical misconduct.

**Ethics training and education** (§ 1205): if enacted, all public servants will be required to take training on the Code of Ethics within the first 120 days of the start of their public service, with additional training once every three years thereafter.