

Ethics Policy

Delaware County Board of Developmental Disabilities

Board Review Date: July 21, 2011
Board Resolution # 11-07-06
Effective Date: July 22, 2011
Reviewing Department Administration

The Ohio Ethics Law prohibits public officials from receiving payments from any party having a contract with the public agency employing the public official. The intent of this is clearly that public officials should not have an unlawful interest in public contracts. The law applies to all public officials including all employees of the Board and Board members.

What is an unlawful interest in a public contract? This would include any expenditure of public funds where an employee or Board member can influence the contract and for which they could receive a benefit or advantage. This includes contracts for services where an employee receives payment directly or through another agency for providing services to an individual such as is done with supported living, family directed resources or services contracted through another agency. It would also include cases where the employee can influence the award of a contract to a member of their immediate family or business associate.

The Board has also determined that any transaction between an employee and an individual with whom the employee works or the individual's family where the employee receives money or assets for whatever reason could be viewed as abuse of the employee's position.

Gifts and courtesies: In addition to greeting cards and handmade crafts or baked items, employees may accept personalized gifts from individuals and their families as celebration of events or holidays as long as:

- value of the gift is less than \$25.00; no more than two gifts per year; gift is not cash
- employee has not asked or implied that a gift should be given

Employees are to avoid making personal loans to individuals where they expect to be paid back. Employees are not to barter (buy or sell items) with individuals.

5126.033 Direct services contract requirements.

(A) A county board of developmental disabilities shall not enter into a direct services contract unless the contract is limited either to the actual amount of the expenses or to a reasonable and allowable amount projected by the board.

(B) A county board shall not enter into a direct services contract that would result in payment to a board member, former board member, employee, former employee, or member of the immediate family of a board member, former board member, employee, or former employee if the person who would receive services under the contract stands to receive any preferential treatment or any unfair advantage over other eligible persons.

(C) A county board shall not enter into a direct services contract for services provided in accordance with section [5126.11](#) or sections [5126.40](#) to [5126.46](#) of the Revised Code under which an individual, agency, or other entity will employ an individual who is also an employee of that county board unless all of the following conditions are met:

- (1) The employee is not in a capacity to influence the award of the contract.
- (2) The employee has not attempted in any manner to secure the contract on behalf of the individual, agency, or other entity.
- (3) The employee is not employed in management level two or three according to rules adopted by the director of developmental disabilities and does not provide service and support administration.
- (4) The employee is not employed by the board during the period when the contract is developed as an administrator or supervisor responsible for approving or supervising services to be provided under the contract and agrees not to take such a position while the contract is in effect, regardless of whether the position is related to the services provided under the contract.
- (5) The employee has not taken any actions that create the need for the services to be provided under the contract.
- (6) The individual, agency, or other entity seeks the services of the employee because of the employee's expertise and familiarity with the care and condition of one or more eligible persons and other individuals with such expertise and familiarity are unavailable, or an eligible person has requested to have the services provided by that employee.

The superintendent of the county board shall notify the employee and the individual, agency, or other entity that seeks the employee's services of the ethics council's determination under section [5126.032](#) of the Revised Code regarding the contract. The council's determination shall be binding on all parties.

The employee who is the subject of the contract shall inform the superintendent of the county board of any employment the employee has outside the county board that is with any individual, agency, or other entity that has a contract with the county board.

The attached "*Request for Ethics Council Review*" shall be completed by employees who intend to provide service to an individual of the Board for which they will be paid beyond their normal salary. This includes direct contract with the Board for the service, employment by another party or agency to provide the service or contract or employment directly with an individual or their family to provide a service. In an emergency situation, the Superintendent may make an interim determination until the Board can review the matter. If an employee of the Board enters into an illegal contract agreement without review and approval of the Ethics Council, the employee is subject to termination and criminal actions called for in the Ohio Revised Code. Contract agencies that employ or contract with Board staff without approval of the Board's Ethics Council are subject to immediate termination of their contract with the Board.

Contract agencies are not to provide gifts to any Board employee or Board member. If a contractor would like to show their appreciation by making a donation or contribution, they should contact the Superintendent who will advise them on appropriate ways to benefit the program and individuals.

Any employee of the Delaware County Board of Developmental Disabilities who has questions on this matter should contact the Superintendent for clarification.

TO:
FROM:
RE:
DATE:

Name of the person or external contract that you are requesting to work with:

Describe the services you will be providing, schedule and duration.

If the work will be done by a member of your family does that member reside in your household regardless of relationship?

Do the contracted duties overlap your employment hours including travel time?

What is the hourly and total compensation you intend to receive?

Why have you been selected for the work? Are there no other qualified individuals who can do the work?

In your employment with the Board, do you provide any services, supports or supervision of the individual? If a project, does this work relate to your duties with the Board? Generally, it is not desirable for staff to provide services to the same individual or projects they serve as part of their duties with the Board.

Who determined the need for the work? Did you suggest or recommend the need for this work to be done to the individual, their family, and other staff planning the individual services or to anyone in a supervisory position?

How were you selected to do the work? Did you approach the individual to do the work? Did someone recommend the individual to you? If yes, whom?

By signing my name below, I submit that the information I have provided here is accurate and true to the best of my knowledge. I have read the Ethics Policy and understand the conditions and limitations placed on me as a public employee of the Board. I understand that if the Ethics Council approves this request based upon the information provided by me and the information is untrue or lacking significant relative information, then the approval is withdrawn and that I will be subject to the penalties of the Ohio Ethics Law.

Signature of employee making request

Date

Print Name