

**Ohio Department of Job and Family Services
Office of Workforce Development**

Transcript of Webinar

Ethics and the WIA Program

Date: June 12, 2012

[Numbers in brackets indicate the approximate playtime, or time stamp, in the audio version]

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This webinar is going to last probably about an hour and forty-five minutes, give or take. We have two presentations today. The first presentation, and the main one for this particular session, is being presented by Susan Willeke, who is the Education and Communication Administrator at the Ohio Ethics Commission. And she is going to be presenting a program on Ohio's Ethics Law and what you should know. So at this time, Susan, feel free to start your presentation. [1:23]

SUSAN WILLEKE: Thanks Graig. Good morning everybody. Hope everybody is having a great week so far. I don't know how many of you I may have met at past sessions. I know I've been around the state to some Department of Job and Family Services in different counties. So if I have met you before, it's good to be with you again. For those of you whom I haven't met, let me just say if you had any trepidation that you're very first session in this series is about the Ohio Ethics Law and you thought – Oh man, could we start with something more dry and tedious and technical and legal? – I completely sympathize. I know there is this assumption that this area of the law has to be, kind of, dry and boring and etc., etc.

Well, I have found in my years of doing this work that, those of us who tend to be what I like to call "People Watchers." If we were in a live room, I would get you all to raise your hand if you're somebody who likes to sit on park benches and watch the world walk by, and just watch people. You know, folks like that, people like me, I admit. We tend to be surprised sometimes about how interested we find ourselves in the study of ethics. When you come right down to it, the study of ethics is the study of people.

You know, when you think about all of the different things that make up this arena of ethics, there's a lot of different aspects. When we think about...there we go, I was trying to get that slide. You know, there's a lot of different things that come to your mind when you think about this world of ethics.

I was in Cuyahoga County not long ago, and for those of you that may not be familiar with that, that poor county has really been through the wringer, but there are a lot of good hardworking county employees in that county that have felt the weight of public pressure because of the bad decisions that some elected officials and different public servants have made.

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I was in Cuyahoga County not long ago, and I was doing a speech about the Ethics Law, and I put this slide up and I said, “Hey, you guys, when you think about ethics, what’s the first thing that comes to your mind?” And very often, when I do this session, I get things like, “All I think about, you know – honesty and integrity and morality. Those poor beleaguered folks in Cuyahoga County said to me, “Well, I think about corruption. I think about scandal.” Because they’ve been through it recently.

So I get that this arena of ethics, it encompasses a lot of different thoughts when we think about the Ethics Law or ethics as a whole. You know, when I come right down to the why of the Ohio Ethics Law, why do we actually want this law? It’s much more than what people think at first. I think as human beings, and especially, I think, in particular, those of us in America, we tend to be people of extremes. [3:55]

The way I see these extremes come out in the arena of ethics, comes out like this. For example, I was doing a speech once, and I had an elected office holder approach me. He told me was, kind of, new to his public office, and he wanted to run something by me because he couldn’t stay for my whole speech. So he just wanted to make sure he, kind of, got the gist of this Ohio Ethics Law. I said sure, lay it on me. Whatcha got? He looked around suspiciously, over both shoulders, and then said, “While I’m in my elected office, as long as I don’t, you know, take any envelopes filled with unmarked bills from vendors behind City Hall, I’m pretty good under this law, right?” [4:42]

Well, I don’t know about, kind of, what our thought processes are here, but I’ve got to tell you from my line of thinking, by the time someone is behind a public building in a dark alley accepting fists full of cash, they’ve, kind of, crossed over a line of ethics far enough that they couldn’t see the line of ethics if they turned around to look for it anymore. Unfortunately, this person, this elected office holder, was using that criteria as his starting point. Hey, as long as I’m not accepting bribes, I must be okay under the Ethics Law. To me that’s a pretty far extreme.

The other extreme, the other end of the spectrum, comes up in another way. We hear this question sometimes, frankly, around the holidays. So I got this question in January, right after the holiday seasons have ended for the year, and there was a lady in the class that I was doing in a live classroom. This lady raised her hand and she said to me, “So what you’re telling us is, Susan, what the Ethics Law is all about. What you guys at the Ethics Commission are all hung up on (to use her words not mine) is how many cookies we ate this Christmas from people that we serve. That’s what you’re spending State time and dollars on.”

And I couldn’t help myself, I had to joke back a little bit and I said, “Yes. In fact, later today, I’m on dumpster duty. I’ll be rifling through public servant’s trash bins looking for evidence of cookies and candies that we’ve all eaten from vendors of people that we serve.” Now the truth is, those are not the extremes that really represent the benefit, the need for, the Ohio Ethics Law. [6:13]

You know, when I think about the why of the Ethics Law, it really is much more real life and somewhere right down the middle, where real life meets up with real public service. I’ll bet if we were all live together in a room right now, and I said to you all, could you raise your hand if

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you've ever heard the question – or the comment, I should say – if you've ever heard from someone in the general public: You know, my tax dollars pay your salary. I'm guessing there are people right now at their computers chuckling because, you know, you've gotten that comment before.

Whenever someone says that to a public servant, I always want to say back, okay, you know how many public servants in this room are currently taking advantage of the “I don't have to pay taxes because I'm a state or county employee exemption?” Right? I mean the truth is, yes, you all are public servants, so we have some responsibility. We have some restrictions on us because of the Ethics Law. I grant you that. I think the part that sometimes is overlooked is that, because you are all fellow taxpayers, you also have some rights under this Ethics Law, too. You have the right to expect that governments operate in a certain way. I don't just mean the government you work for, I mean the ones that serve you.

Think for one minute about wherever you call home. The city, the township, the village, the county where you live. You have the right to expect that those public servants are making decisions based on what's right for your community. Not based on how that one individual public servant could either financially benefit, help out their families, their business partners, etc. That's really the whole point of the Ethics Law. [7:55]

So, who falls under the jurisdiction of this statute? Well, certainly, all of us in public service. There is sometimes this misperception that only elected office holders, or, maybe people in management, are subject to the Ohio Ethics Law. That is completely false. Every public servant is subject to the Ohio Ethics Law. That means state employees, county, city, township, villages. It doesn't matter if someone's been hired, elected, appointed, full-time, part-time, management, non-management, union, non-union, doesn't matter.

Every single person in public service in this state is subject to the law. Certainly, that's all those local governments, state government, its police departments, fire departments, community colleges, public colleges, public school districts, police or fire departments, libraries, etc. There's a lot of us in public service.

Now, that part might not surprise you as much. You think, well, people in public service are subject to the Ethics Law. Okay, I get that. If you're glancing at your computer, though, the bottom half of this screen does list folks who are in the private sector who are also subject to one provision of the Ethics Law. The private sector is only subject to one part. You and I as public servants are subject to almost all of it. They are subject to one part, and you can see who these categories of folks are.

One, if, for example, your vendors or you're wanna be vendors. I'm sure many of you are perfectly aware that your county, your township, you city, where you live in, where you work, the state – the ODJFS for example – does business with outside vendors. Totally normal. It happens all the time. But, because those companies are in a business relationship with a governmental entity, they, too, have some restrictions on them in how they interact with public servants. That's one category. [9:49]

Next is those who are regulated by government. Now certainly when I go to speak to a place, like, for example, the Environmental Protection Agency, they have a large regulated community who are subject to this one provision of the Ethics Law. My guess is, though, in your line of work, a lot of folks here are going to fall into that last bullet point. People of a specific interest in matters pending before your agency. Those folks, too, are going to be restricted on how they interact with you. This could be someone who is seeking the program, the job training, etc. Somebody who really has a specific or definite interest in decisions that are made by your office and how it impacts them. They, too, are subject to certain regulations of how they're going to interact with you. Again, to make sure there's no outside influences in how decisions are made in your office.

So here is the overall look at what the Ethics Law consists of. The truth is, in the time that we have today, we will probably spend the most time on conflicts of interest, and we will touch on public contracts. If there are other areas of the Ethics Law in which you have an interest – for example, if anyone in our listening audience today is thinking of retiring in the next year or two and you're wondering about post-employment restrictions – I encourage you to get on the Ethics Commissions' website to look for fact sheets and information.

But, as I said, in the time that we have together today, we're going to spend the most time on these first two bullet points. Now, this next slide on conflict of interest, I admit, is, kind of, for my entertainment. I just thought this was, kind of, funny. My husband and I were driving somewhere out west and came across this billboard. I immediately thought that's a conflict of interest for Chuck Norris to be beating people up, and then representing injury victims in the court of law. But when we're actually talking about conflicts of interest, for those of us in public service, whether you're at the state or the county level, etc., here's what we're looking at.

[11:43]

I realize that, when you glance at these two bullet points, you're going to think to yourself, well, goodness, they look just alike to me. Because one just says I can't use my authority, my influence to get something of value, and the next one says, I can't accept something of value. It's the same thing, right?

Now, here is how I keep these two bullet points clear in my brain. I always say my meager, fallible, little brain. I have to have visuals sometimes to keep things clear. Here's how I keep these two things clear, because, you know, they both say something of value. I like to think of something's of value in two ways. I like to think of either tangible things of value versus intangible things of value.

Now, I will say that if I have any attorneys with me in my listening audience today, don't think of tangible the way we use it in the legal arena. I'm talking about the way we learned the word tangible in the first grade. Can you see it, feel it, hear it, touch it, consume it, imbibe it, enjoy it, etc.? My guess is, for a lot of us, when we think of public servants getting into trouble for taking "something of value" our brains go to the tangible things of value first.

If we were in a big classroom all together today, I would have you give me examples of things that you've heard of that people have accepted that they probably should not have taken. My

guess is you're going to think of a lot of the same things that I hear across the state. Maybe it's a public servant who took money, who took tickets to a ball game, or maybe tickets to a Broadway show, expensive meals, frankly, work on people's home. Maybe it's, you know, an expensive bottle of wine, some gift of something. That's what I think of when I think of that second bullet point that you're looking at on your screen.

Soliciting or accepting something of value. For those of you who are legalese people – 10203(E). That's that part there. Basically, it's saying we shouldn't be accepting these expensive gift, kind of, things, the more traditional sort of gift. We will talk more about gifts. [13:51]

Even though I recognize that a lot of those things that I've just mentioned are probably not your primary temptation, I would like you all to raise your electronic hand if you've had to turn down a trip to Paris, France in the last week because of your job with the Department of Job and Family Services. My guess is we're not getting too many hands raised, are we there? The truth is – not yet, she says – for the vast majority of us in public service, turning down trips to Europe, or \$100 bottles of wine, or even, frankly, tickets to a professional sporting event, or an OSU game, is not a daily temptation. I grant you that.

I'm guessing that's true for a lot of you in public service. Believe me, I'm right there in that same category with you. You know, it's funny, people historically have sent remarkably few presents to the Ohio Ethics Commission. So I can sympathize with all of you out there who are saying, hey, I'm not in the wined-and-dined category of public service. I'm with you. But having said that, I will talk a little bit more here in a little while about the gifting.

Because we do have questions, sincere questions from good hard working people who have sincere hearts, that work for various departments at Job and Family Services, that will sometimes call us and say, "Hey, I had a client that I was able to help get into a job training program and they've sent me a plate of cookies. Is that a problem? Is that an issue?" So understanding that people sometimes have questions about that, I'll be happy to cover that gift category in a little bit more detail in a little while. [15:16]

Before we do that, I want to talk about this first bullet point first. The 10203(D), this is what we call using our authority – or our influence, still – to get something of value, either for ourselves, our families, or someone that we're in a business relationship with. Now don't let those words authority or influence throw you. A lot of people will say to me, well, you know, Susan, I don't have that much influence or authority in my job. I'm just a – whatever.

First of all, I just want to discourage any of us from ever referring to ourselves as "just a (whatever)." Never use the phrase "just" when you're talking about yourself. I'm just a whatever. No. We all have authority or influence to do our job, so you need to, in your brain, replace those words, authority or influence with "job." I cannot use my job to secure a thing of value for myself, for my family, or for a business associate.

Now. forgive me, for one minute. This is not ODJFS example, but I thought you might find it somewhat amusing. I was speaking in a county once, and actually had a gentleman approach me

who worked for a county health department. He told me he inspected restaurants for his county, through the health department. So one of the things that he came to me, after the session was done, about was, he said, “You know, I don’t take gifts, Susan. I don’t worry about that whole gift thing you talked about in your presentation, because, if I’m inspecting a restaurant I’m not going to take a free cup of coffee or piece of pie from somebody. I don’t want to blur those lines.”

I said, “Hey I totally get what you’re saying. That’s not illegal, a cup of coffee, a piece of pie is pretty minor in the eyes of the Ethics Law. But, hey, I understand why you’re erring on the side of caution.” Then he said to me, “However, after hearing you speak today, I am thinking I need to go a step beyond what I’ve been doing at my public job.” I said, “Okay, tell me more.” He tells me that his parents own two restaurants in the county where he works. Then he says, “And, you know, after hearing your speech today, I’m thinking maybe I shouldn’t be the one inspecting my parent’s restaurants anymore.” And I said – everybody together – “Ya think?” Right, exactly. Now again, I apologize that’s not directly relevant to your work. But as an example, I think it’s a great illustration there. [17:29]

In his mind he thought he was fine because he probably was very sincere when he said, hey, I did the inspection correctly. I did it objectively, I didn’t cut them any slack, it was a perfectly fair inspection, and he may be right about that.

The issue under the Ethic Law is this – the Ethics Law is what we call a uniform standard of conduct. That means: everyone is viewed equally. The law does not say, well, you, we trust public servant number one. Public servant number two, we don’t trust so much. We think number two ought to obey the Ethics Law, and number one, since we trust you, go ahead and inspect your parent’s restaurant. It’s not like that. It’s just a standard of conduct that’s uniform for everyone – that says, if this issue pending before me at my job has a definite and direct impact on my life or finances, those of my family members, or the life or finances of business associates that I have in my private life, then I need to step away.

I need to make sure that I’m not using my authority or using my public job to secure those “things of value” for those people in my life. So, in that example, the health department inspector. His parents are allowed to operate their restaurant; he’s allowed to work for the county. But it should be someone else within that county that conducts that inspection; therefore, secures that “something of value” or, in this case, a passed inspection for those restaurant owners. That’s, kind of, a synopsis of what I mean by those intangible things of value. [19:02]

Now, in the case of, maybe, what you guys do for a living – you know, with you, it might be something like a member of your family is trying to get into a job training program. Somebody in your world is interested in something in the WIA Program. They are certainly welcome to do that, and you, as a public servant, are welcome to give them the fact sheet about it, to show them where on the website they can learn more.

But beyond that, if they’re actually seeking to take advantage of one of these programs, they actually want to benefit from these wonderful things that your agency does, that’s when you’re

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going to step back and say, you're on your own now. Hey, I'll give you the phone number where you call, I'll send you the web link of where you get more information, but I can't be the one who advocates for you. I can't work on your case. I can't do anything to influence the outcome of the decision making of this public office. [19:53]

So let's take a look, now, at what we mean by using our authority. When we talk about recusing ourself. Hey, my sister is seeking job training, what does it mean for me to recuse myself? Now, this probably doesn't apply to us – we're not elected office holders – but certainly we would never be part of the final decision making of whether or not my sister gets into that job training program. But it starts before we get to that final decision-making process.

We also would say, I'm not going to discuss my sister's situation, or application, or pursuit with the Department of Job and Family Services. I'm not going to deliberate, whether for or against, her application. I'm not going to make recommendations. I'm not going to review her, or other applications, for example, that are going up against each other. I'm going to stay away from anything about her directly. Inspection, investigations, and here's how we, kind of, wrap that up. Any action that would somehow influence that outcome to benefit, and, this is my example, my sister. I really am going to recuse myself completely from anything related to her desire to take advantage of the programs the Department of Job and Family Services offers.

You know, that may seem obvious at first, but here's what I have found. We human beings tend to see ourselves in the best light, and maybe, well we should. But the reality is, the Ethics Law recognizes we're not objective people. None of – even as much as we want to believe we're objective, we're not. Again, in your own minds, you'd love to answer this through the computer, but, in your own minds, could you nod and smile to yourself if you have the cutest kids in the whole wide world? [21:30] Everybody in the room? Yah, yah, yah everybody here. Everybody with me here is nodding, okay?

Of course you do! Because, you know why? You don't have to be unbiased about people in your world. You don't have to be objective. That's why the Ethics Law recognizes that if there is ever an issue at our public agency, that impact ourselves directly, our family members, or people that we're in a business relationship with, that our responsibility is to step completely away. Because, even if we think we can be objective, it's simply: a) required by law, and b) it's simply a better idea to say I'm going to step away completely from anything that impacts myself, my family, or anybody I'm in a business relationship with in my private life.

All right now, just watch your screen here. What I'm going to do here is, I'm going to scroll through a few examples. I'm going to scroll through – I would read all these, too, I know you're all perfectly capable of reading your screen. These are examples of people who had conflicts of interest, should have recused themselves and did not, and, as a result, did see some legal ramification. [22:36]

WOMAN: Quick question on here.

SUSAN WILLEKE Great!

WOMAN: A participant is asking, can you review an eligibility determination made by another staff worker, and agree that the individual or relative meets eligibility requirements?

SUSAN WILLEKE Great question, and the truth is, even if I'm not the one who did the initial intake, or review – forgive me if I do not use the correct terminology for your line of work – but if I'm not the one who does the initial intake, I understand why that can seem like, well, if I'm just reviewing it with them later and saying, hey, they did it correctly, I can understand why that might seem harmless.

But the truth is, under the Ethics Law, if it really does impact your own relative, you, really are going to say, hey, I'm not the person who should be discussing it. Because I wouldn't review or discuss. Not just deliver it, aside, but I'm not in the mood to discuss it. So if it really is a relative, we really are going to stay away from it 100%. It's a great question. Thanks for that question. I love questions coming through, too, so keep them up everybody. [23:32]

WOMAN: We've got another one.

SUSAN WILLEKE Excellent. Okay, he's asking for clarification. Let me scroll through one or two more here while we get the question. We've seen – I will comment on this – you have on your screen right now. We've seen an increase in questions that people have about consulting or outside jobs. I think it's related to the economy, to be totally honest. People are seeking second jobs right now to make ends meet.

You can see the potential for conflict, can't you? If I do job training intakes, and I help with that line of work at my public job, and in my private life I also have some sort of consulting business. You can see the potential for overlap, but I wouldn't want my private business, that I now have oversight over, at my public job. I'm not saying it's impossible to have those outside consulting or employment opportunities. What I'm saying is, if that is, in fact, your reality, I would just ask that your level of awareness be heightened. Be on the lookout at your public job for anything that impacts clients you have in your outside world. [24:33]

Do you have anything? All right. We're moving on then. One or two more here, just examples we've seen. Now this is one I will also comment on. You know, I was giving a speech not long ago; I think some of you will find this amusing. I was speaking to undergraduate students at The Ohio State University not long ago. It was, kind of a, you know, they had different speakers come in to talk about jobs and what it means to pursue different careers. Someone raised their hand, a young man, and he said, "You know, I've heard that if you get in with public service, if you go to work for the state, or a county, or a city, or whatever, it, kind of, becomes a trap, and you never leave. It's like you're sucked into public service and you never leave."

So I, kind of, chuckled, and I said, "You know, guys, that is a myth. I mean, you have choices." I said public service is not like checking into the Hotel California. Of course, I expected everyone to chuckle, instead all of these 18, 19 and 20 year olds raised their hands in the air in bewilderment, and looked at me very puzzled. And until I saw a couple of them pull out their Androids, and iPhones, and actually start Googling what the Hotel California was. I actually saw a young man show his phone to the kid sitting next to him, and said, "Oh, look, it's a song."

So if you guys don't know what the Hotel California is, I'm going to let you Google it afterwards. But my point is I don't want you to feel like, because you work where you work, that it would be impossible for you to ever accept a job out in the private sector simply because your agency sometimes interacts with those outside companies or consultants, etc. What we would say, though, is, before you are able to apply for a job with one those agencies or companies, etc. that interact with your public office, before you apply for the job, you would need to be removed from any projects, any issues, that impact or work with that.

You can understand why. You can't be negotiating something on behalf of the public at the same time you're negotiating a private job with them. It's just simply an overlap that doesn't represent the public well. So if you are, in fact, looking for work outside of public jobs, that's not illegal. But there does have to be some restrictions that are put in place before hand. [26:42]

All right. Any questions coming in at this point? All right, no problem, no problem. All right.

MAN: I have a question.

SUSAN WILLEKE We have a question in the room, but I'll repeat it if you can't hear it.

MAN: We've had a lot of questions about what is family. Like, is your brother-in-law your family? Is that covered later?

SUSAN WILLEKE Sure. That's an excellent question. We do have a definition of family under the Ohio Ethics Commission's interpretation. What we have done is, we mimic the definition of family as stated by the Ohio Supreme Court. Now you will receive a definition of family later – when Graig does his presentation, you'll get a definition there. I will point this out though, ODJFS's definition of family is broader than the Ethics Commission.

So I will tell you from the Ethics Commission's perspective, we think of family as spouses and siblings, parents, step-parents and grandparents, children, step-children, and grandchildren. Those categories, right there, they are your family no matter what. I don't care if those folks don't live with you. I don't care if they're not financially dependent upon you. I don't care if you've never even met your step-mother, she's your family by definition of the Ohio Ethics Commission.

Now for more extended family members. Your in-laws, and your cousins, and your aunts and uncles, nieces and nephews, all of those folks. The Ethics Commission would only see extended family members as those folks if they are living in your home. So extended family members are considered family by the Ethics Commission, if the extended family members reside with you. If it's your immediate family members, those folks that I mentioned first, your parents, and grandparents, and your spouse, and your siblings, and your children and your step-children, etc. Those folks are always your family; it doesn't matter.

Now as I said, Graig is going to give you an even more expanded definition of family per your policy by the Ethics Commission Standard. That's ours, what we would actually pursue legally. [28:39]

MAN: Got it.

SUSAN WILLEKE Okay? Sadly we have seen issues – I won't name the county, but sadly, we have seen some issues with folks that had conflicts that I would like to think would have been able to see when it comes to sort of intangible conflicts. The one that comes to my mind, and, again, I ask for your patience with me if I don't use all the correct terminology with programs that you all work with.

But I was in a county once, which shall remain nameless, where they were explaining to me that there is a program to assist people with temporary rent assistance. If something has happened in their lives that they don't want to lose their apartment, etc., and they can apply for temporary rent assistance. The county, if you are approved, would send the rent check to the landlord. Which makes sense to me, not to the tenant, so it's not misappropriated. That makes lots of sense to me. So they're explaining this program – this all sounds very good until they explained to me that there is one person for that particular county that primarily oversees this program, and this gentleman owns 20 rental units in the county.

He was, let's just say, on a regular basis, issuing several county checks a month to himself. Now, I hope there is a collective groan across the state of Ohio for all of us listening right now, that we recognize that is a violation of the public's trust in all of us. Again, I'm not saying this guy was an evil human being, but we sometimes put those blinders on.

So that's why I would say sessions like this are so good, because we proactively start thinking about these issues in advance and, hopefully, that never becomes an issue. So I won't ding the county, but if the county is out there listening, then you probably know who you are. So I'm glad it's fixed. [30:28]

All right. Now let's talk a little bit here about the gift thing. I promised that I would talk a little bit about this because, please know, I completely understand that the innocent things happen. Some vendor in the area stopped by with the pens and pencils with their logo on it, and some person that you were able to assist felt grateful for your kindness, your compassion for treating them with dignity, that they bring you a baked good, etc. I'm happy to talk about what the statute says.

Now, I will say, I don't know when Graig gives his presentation after me, perhaps you all have gift policies as well. So, if so, I want to encourage you to listen to Graig's part as well. But what I'm going to give you is the statutory answer. What the criminal law would say public servants can or cannot expect.

Now, the first thing that I will tell you is that, when we talk about what's a thing of value, there is no dollar amount in the Ethics Law. If you guys have one in your policy that's fine. But there's not a dollar amount in the actual criminal statute that makes up the Ohio Ethics Law. So

how do we know what we can or can't accept? Is it a zero dollar? Is it anything you want? Is it your own judgment? There's no dollar amount, how do we know?

Well here's what the Ethics Law actually says. Now here's the only time I'm going to quote this statute for you. I have to make it sound, just once, like I went to college today. Just once, I have to quote the statute so you guys think I'm smart for one minute. Okay? So here we go. Here's what the Ethics Law says, you and I can or cannot accept when we talk about gifts under the Ohio Ethics Law. Here we go. "Public servants, (that's you and me, by the way) all public servants shall not secure, solicit or accept anything of value when that thing of value is of such a character as to manifest a substantial and improper influence upon the public servant in the performance of his or her official duty." There. [32:12]

How ethical do you all feel right now, right? Okay. Of that whole quote from the statutes, here are the only two words I'm going to ask you to remember. Here's your formula. Here's what you will think of when trying to decide if you are, or not, allowed to accept a gift from a client with your agency, from a vendor in the community, etc. Is it substantial and is it improper? Of this two part equation, I would argue that the second half – improper is probably the easier one to determine.

All that means is, who's offering you the gift? When I talked earlier about the private sector who are subject to one part of the Ethics Law, this is where we're getting into that section of the statute. If they are a current vendor to your office, if they are a wanna-be vendor, they're submitting bids and soliciting and negotiation your business, etc. If they are regulated by your office, or they have a vested or some sort of specific interest in how decisions will turn out. For example, the clients of your agency. These folks are, by statute, are considered improper sources. It doesn't make them evil, it doesn't mean we assume they have ulterior motives. All it means is, they would be improper sources of substantial things of value. [33:31]

So, if we don't have a dollar amount, how do we know what's substantial and what's not? Here is what the Ohio Ethics Commission has said in its written interpretation of the Ohio Ethics Law. They've said, this thing of value, whatever it is that we're talking about, whether it is a Mercedes or a piece of gum, this thing of value is not substantial if you could consider it nominal, and they even use the Latin phrase *diminimus* – which, I don't know how many of you are really familiar with Latin, but you know how I like to translate the Latin *diminimus* back in into English? I think of it as the Ethics Commission – we don't care. These are the things the Ethics Commission has said are examples, not substantial, they're nominal. They're diminutive, they're not substantial, and they're not illegal. [34:22]

Frankly we don't care if you take them. Now again if you choose not to accept these things, I respect that. If your agency discourages that, I respect that too. But in the eyes of the law, that with which we can be charged with a crime, here are the things that the Ethics Commission said, yeah, this is not landing anybody in a court of law. Here's some examples. You know, all those promotional items you get at conferences, the coffee cup, the pens and pencils? Now, I will say, I did a speech yesterday that makes me think I need to change one thing on this slide. That top picture, ought to represent in our minds a key chain, not a new car. Just so we're all on the same page here, okay? But you know what I mean. These minor little gift, kind of, things. Again if

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you wanted to decline them, or if your agency says decline them, fine. But under the statute, nobody's getting arrested because they got a pad of paper or a coffee mug with somebody's logo on it, okay? [35:15]

Other examples, frankly, the modest food item. In the eyes of the Ethics Law, if one of your clients brought you a plate of homemade Christmas cookies, that does not start an investigation under the statute of the criminal code. Now, again, if you guys have policies about this, please obey that. I don't want you to get into trouble at work, but nobody at the Ethics Commission is showing up with a SWAT team to make an arrest of anybody who ate a cookie last Christmas. That's not what the Ethics Law focuses on.

WOMAN: Have a question –

SUSAN WILLEKE: Great.

WOMAN: One of our participants is asking if a family member or acquaintance (inaudible 35:50) and deemed eligible by other staff, am I allowed to approve invoices received for services rendered? [35:59]

SUSAN WILLEKE: There is a part of the statute that does talk about ministerial duties. So if it truly, simply, is a matter of pure paperwork, that you really are just in the computer processing many, many, many, many that might not be problematic. Now, I certainly have seen over the year's people who still choose to ask somebody else to do that on their behalf, so there's just no questions. But if it is truly ministerial-like, the advisory opinion we've often given is, we've said if I am in the fiscal office of the Department of Job and Family Services and I have a family member working here, I can process payroll.

It really is simply a matter of routine rote computer processing, yeah, that's not what we're talking about so much. Certainly, anything in helping to make that decisional reviewing, how that process is going to go to get to that point, then that's when we're going to say let's defer.

I'm really glad people are thinking like this. It's so great that you're thinking how do I be cautious? That's marvelous, I really appreciate that. It tells me the, kind of, people that you guys are at this agency and that's great. Anything else from our listening public? [37:00]

WOMAN: No more. I told them to raise their hands if they have questions, and we can answer them anonymously.

SUSAN WILLEKE: That's fine. Okay. Yes, I won't call anybody out. I'll take this off the slide because you might all be getting hungry by now. We'll go to the next one, which will also make you hungry! My point of this slide was just to say, it is true that a one-time meal of modest value is not considered substantial in the eyes of the Ethics Law. Now, again, I respect anyone who declines these kinds of things. But if one time you were out in the community and you ran into the person who repairs your copy machines at your county office and he says, "Oh, here, let me get your bagel and cup of coffee today for breakfast." Truly, again if you want to decline that, that's fine. But again, I just want to make it clear, that's not the, kind of, stuff – I don't

want anybody to get the idea that the Ethics Commission is out there prosecuting people for that kind of violation. That's not what we're talking about.

When we start talking about things that people have seen issues. This is my attempt to represent fine wine and fine dining, okay? I don't know how many of these, for example, remember the Coingate Scandal at BWC a few years back? I'm sure a lot of you remember reading that, or you knew people involved in that. If you were to read the summation of that case you might think, well, gee whiz, you prosecuted people for meals in that case, I thought you just said you don't worry about meals?

Well, I got to tell you, both as an Ethics Commission Manager, and as a tax paying member of the state of Ohio, I see a huge difference between somebody who, one time, had somebody pick up their tab at Panera, and somebody who, on a monthly basis is getting \$120 meals with free flowing wine all over the place. There is a difference in the eyes of the Ethics Law. We recognize that, and we certainly hope that that's the same for you as well. [38:43]

Golf outings? That's an example of something substantial in the eyes of the Ethics Law. I think we mentioned tickets earlier, travel. Now, I realize again that a lot of you are probably thinking I thought we made that clear early on, that no one is sending us to the Florida Keys for our line of work. But again, just be cognizant of things like, well, hey, we can bring your IT person out to our offices in Chicago to see how our processes work to help you figure out if you want to go with our services for your office. Be cognizant of things like that. If they are a potential vendor, they want that business at your office, they can't pick up your tab for air fare, hotel, things like that. That would have to be the agency, frankly, that pays for things like that. [39:25]

I know you're going to look at this one and think, that's ridiculous, Susan. Who would ever take construction on their home from vendors at their office, etc.? Sadly it's happened. We've seen a number of cases of it, sadly, all too recently. Again, I hope that after our time together this morning, this is pretty obvious one that that's not going to be okay in the eyes of the Ethics Law. I think I mentioned theatre tickets as well. Okay?

So, anyway, that substantial – improper, that's your criteria. Yes, in fact, and again I will certainly defer to any policies that you all have in this respect. But in the eyes of the Ethics Law, if you have a client that you treated with dignity and compassion, and they're back on their feet because the job training they received, and they stop by with a hand crochet, you know, pot holder, or a tray of cookies, again, obey whatever policies you have in-house. But in the eyes of the Ethics Law, nobody is going to prison for those kinds of things. I just wanted to make that, kind of, clear in the eyes of the Ethics Law. That's what we mean by those tangible things of value. [40:24]

Okay? Are we good under this arena, the conflict stuff? Does anybody have anything going on their brains out there in the listening audience that you want anonymously to let me know about? Okay. No problem. As we move forward through contracts here, if questions come to your mind, even on the past subjects that we've talked about, conflict, feel free to throw those in the mix. I'm happy to go backwards and talk about conflicts as well.

All right. So, here's the last area of the Ethics Law that I did want to talk about: Public Contracts. Now just so you know, I know a lot of you are probably thinking, you mean like if we did a huge contract to build a new county building? Well certainly it can be that, but it can also be something very simple. I engage in public contracts probably once a week. I travel all over the state of Ohio giving speeches about the Ohio Ethics Law, and anytime I have to go to a big city – Cleveland, Cincinnati, or Toledo – and I have to go downtown, I usually park in a parking garage. Then, just like you would, I get my little parking receipt, I bring it back to the office and say, Hi, I need to be reimbursed out of petty cash for this seven dollars I spent in the parking garage. That's a public contract, too. Anytime public money is spent, that's a public contract. [41:32]

So let's talk about two of the prohibitions. There's five here, I'm only going to, kind of, look at two here this morning. Now, let's pretend that your county office needs to hire a new – I'm stuck on IT for some reason today. Let's say you need to hire an IT company – yeah, because I'm staring at a computer, I think I'm stuck on IT in my brain. All right, let's say your county office needs to hire a new IT company to assist you with a new on-line project that you're working on for your client, let's say. And you're not as pleased as the one used last time, so you want to open the door to other IT companies to come in and help you out with this project. And you think to yourself, well, you know, my sister owns a small IT company and they're building their clientele, they're doing a great job. I think my sister and her company ought to throw their hat in the ring to be considered for this contract with my county Department of Job and Family Services.

This is the area of the law that would say, if your sister wants to throw her hat in the ring, by all means let her go for it. That's great. But you, again, as a public servant, cannot go anywhere near making the decision, the recommendation. You are going to stay far, far, far away from it. All right? Let's say, now, instead of your sister, let's say that you work part-time for an IT company. Same thing, the boss that you work for who owns that IT company can submit a bid to be considered for that contract, but you're going to recuse yourself from both ends of that negotiation. Both as a county employee and as an employee of that IT Company.

You're not going to go anywhere near drafting the bid response, delivering it, being the contact person, negotiating. You are going to stay far, far, far away from it. Now, if that's not possible, if you're the head of the office, and you've got to be part of that decision making, then, in that case, well then, your brother's company or your sister's company, or the boss that you work for in your private life, no, then they're not going to be able to bid for that process. [43:39]

The last one here, if you look at the very first line. Authorization, or use of authority, for the official. That's you. You're a public official. I know that sounds weird, I think a lot of people think of a public official as an elected office holder.

Anybody in public service is a public official by definition of the Ethics Law. So, this would say essentially this: let's say you own an IT company in your private life. Let's do the easy one first, which is on this slide. Can you submit the bid to your county and then authorize your own contract with the county? I think most of us are pretty much going to do what this lady's doing.

Thumbs down. Actually this slide right here, 42A1, those who are found guilty of this are actually found guilty of a fourth degree felony in the eyes of the Ethics Law.

Now, I know you might be thinking, well, gee whiz, in the conflicts stuff, if I approve my sister for the job training program, it was only a misdemeanor with a conflict. Why is this one a felony? In this situation I'm using my public position to get someone in my family access to public money. Not just public benefits, public services, but actual public money. That's why this is moved to a felony.

So, I know I can't authorize my own company, my sister's company, or the guy that I work for. I know that I cannot authorize it. But, can I, under the statute, submit a bid for my own company and then stay out of the decision making process? In general, the Ethics Law would say no. Because the law would say I can't have an interest in the money, essentially, that my agency is spending. I should not be financially benefitting from the money that my agency spends. [45:19]

There is an exception to this area of the law that has a whole bunch of criteria that we could go through, if this is really an interest to you. But in general, I would ask you to assume that you are not going to do business with the very public with which you are affiliated in public service. It's just the easiest way to go. Okay? Okay, I'm going to skip one or two here. [45:40]

Let's just, again, go through our examples of what it means to use our authority to secure these public contracts. Certainly we can't sign it, but somewhere here to the conflicts stuff I grant you. I'm not going to recommend, review the applications, writing the bids specs. I like this example. We once had a fire chief who, in his private life, worked as a commissioned sales representative for a company that makes and sells water pumps – that actually shoots the water off the back of a fire engine. As fire chief, he is asked to draft the bid specs to purchase a new water pump – and I've got people in my room nodding with me.

You all can see where this is going. How did he draft those bid specs? Let's just say the bid specs were written pretty narrowly. What he did was make sure that the only company in the United States that could meet all the criteria was the company that he worked for. His defense to the Ethics Commission was, "Hey, I wasn't the one that actually authorized the contract. I didn't sign it; that was City Counsel." But did he not use his authority, use his job, to help try to secure that public contract for someone he had a business relationship with? The statute would say, yes, he did. So he wasn't allowed to do that. [46:58]

So these last few, no one is suggesting that you cannot fill out a PO, that you cannot complete a travel expense report, or that you cannot be reimbursed from petty cash. No one's saying that you can't do those things. What the law just says is, normal checks and balances must be in place.

One of my best examples here was a township trustee over in the eastern part of Ohio, who, in his first year as trustee, saw a triple increase in profits at the private convenience store that he owned. Because, throughout that first year as trustee, he made lots of decisions all by himself about purchases that he thought the township office needed. What he was doing, essentially, was

he would submit the request for purchase, he would authorize it, decide where the purchase should come from, make the purchase, bring it back to the office and then reimburse himself out of the petty cash. Normal checks and balances would have to be in place. That's all we're saying with this area of the statute. [48:05]

This is the last thing that I really wanted to talk about under Public Contracts. This is also where that definition of family under the Ohio Ethics Commission's interpretation comes into play. This is the issue of nepotism. I think most of us probably recognize that the actual crime of nepotism is not two people who happen to be related to one another by blood or by marriage, both working for the same county, the same state agency, even the same county office. That's not the crime of nepotism.

The crime of nepotism is when a public servant uses their job, their authority, their influence under the Ethics Law, when they use their job to try to influence how a hiring process occurs. Usually, to benefit their own family. That's nepotism. Certainly it can be that I'm the one that hired directly, but it could be other things. Like, I recommended, that I interviewed, everybody else, etc. This is one that continues to amaze me, that we continue to see problems with nepotism. This is one that just seems so clear to me, that in my brain, I would think this would be an issue we wouldn't have in Ohio anymore. But, I'll tell you what, there is not one year that passes that we do not have cases of nepotism. [49:28]

I'll tell you just last Wednesday, not even a week ago, I was giving a speech at a conference for public fiscal managers and investment managers, school treasurers, all kinds of folks in the fiscal level.

I was speaking at a conference, and there is a school treasurer for a district that shall remain nameless, that approached me after my speech and said, "I'm a little worried about something now that I've heard your speech." I said, "lay it on me. Whatcha got?" The principal of the high school had gone through an entire interviewing process for a new athletic director. Reviewed resumes, interviewed candidates, narrowed down the field to one recommended candidate, had recommended it to the Superintendent – remind you, this is last Wednesday I had this conversation, and told me that this Monday of this week, the Superintendent was going to present the recommended candidate for the board to vote on. Anybody want to take a guess who this candidate was?

MAN: His brother.

SUSAN WILLEKE: It was actually the high school principal's son. His son. He had interviewed everyone, gone through the process and recommended. So this treasurer, for the first time, was questioning this process and how it all came to light. I said, stop this. Stop it now. Stop it before it gets to that board meeting on Monday. Okay, we've got a question. [50:44]

WOMAN: Yes, we have someone else here who is asking: talking about referring a relative to a job order. I called the job rep; they followed correct procedure. But I spent time saying how great my relative is. Was a worker's advocate line crossed?

SUSAN WILLEKE: That line has been crossed. If I am advocating on behalf of my relative, I have crossed the line under the Ohio Ethics Law. The extent of what I could do is tell my family member: here's the phone number, here's the website, here's, even, information. If I give them fact sheets about the WIA and the Jobs – marvelous. That's public record, I'm sure it's on the Internet for the whole world to see. But when I start talking to people in-house about how great they are, what a good candidate they'd be, now I've crossed the line that really does violate a criminal statute under the Ohio Ethics Law.

Again I recognize this may feel harsh to some of you, but think for a moment, or let's say you have a loved one, and he or she is seeking such services. He or she is denied because there wasn't enough funding and, you know, all the people who did get into that program all had people on the inside advocating for them. How fair do you feel that process was to the person that you love? That's why these laws are in place.

It's not meant to hurt people you care about; it's to protect the people that we care about, to say that how these decisions are made should never be because someone had an inside track. I totally get that old saying: it's not what you know, it's who you know. But the minute you and I step into public service, that statement no longer has legal relevance in our world. That's a great question though. Okay? [52:23]

All right. The only other area of this sketch – as I said I'm going to have, skip a few of these in the interest of time. This is one that I wanted to touch base on quickly. I don't know all that you do. I confess that I speak to so many different groups of people. I know that old saying: know your audience, well, when you do 250 speeches a year, you know, there's a certain limitation on how much I can know the details of what you all do. I apologize for that.

But if, in fact, some of you do, in fact, come across information that your statutory authority base is confidential, and I'm getting confirmation that that is true. Just keep in mind that that confidentiality follows us even after we've left the job that we have – even if we leave public service all together. If any of you next week go to work for the private sector, or somebody this week wins the Lottery and you submit you're resignation and say I'm going to be sitting on a beach in Aruba somewhere – this confidentially provision follows them as long as the information that we had access to is protected by statute. We cannot reveal it to the outside world. [53:21]

You know, we've had in my county where I live – probably some of you are going to know where I live when I say this – we've had two sheriffs resign in disgrace in my county in the past several years. In both cases, when this hit the paper about both sheriffs, my husband somewhat jokingly said to me at home, "Thanks for telling me all this was going to happen. These are people that we've known in our community." But in both cases I had to say, I am never going to reveal anything that I know.

Now that's not an issue. For those of you who are thinking, yeah, but I really love my husband or my wife. Yeah! But so do I, I love my husband too. I trust him more than any other human being on the planet. That's never been the issue under the confidentiality provision statute. I

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believe my husband would take our secrets to his grave, but what if someday, heaven forbid, I'm on a witness stand in a court of law, and a Prosecuting Attorney or a Defense Attorney, or a Judge says to me: Susan, have you ever revealed to anybody outside the Ohio Ethics Commission what you knew about your investigative files at the Ohio Ethics Commission? I want to be able to answer with a clear conscience, no. I did not do that, I would not do that.

For those of you with access to confidential files, just be aware this follows us for as long as that information is confidential, and it very well could be the rest of our lives, frankly. All right? Anything else? We have, like, one minute more that I can take questions, or concerns, or thoughts, or insights, or words of wisdom from all of you. [54:50]

WOMAN: If anybody has questions, raise your hand or put it in the questions box.

SUSAN WILLEKE: I will put up here on the screen then our contact information. I'll let you know – I'll tell you, first off, if you have visited our website, you probably can see that it's right out of 1995. We've finally got funding for this summer, we've hired a contractor to help us. You know, when you regulate 600,000 people and there's 20 of us in an office, sometimes some things just don't get done as quickly as we'd like. So you will see in our website that it's sort of an old fashioned, not a great website.

However, having said that, there is great information on the website. We have advisory opinions, we have a lot of great fact sheets, and you can contact us through the website. The only thing that we will not do through our website is accept allegations of wrongdoing. If you have information that you would like to share with the Ethics Commission about someone that you think is violating some of the provisions of the statute that we have covered today, please call us.

The reason that we do not accept it by electronic means is because our investigative files are confidential, as we just covered. We take that very seriously and we are not allowed to reveal who has brought us information, the investigations that we're doing, etc. We've never had our computer hacked into, but, just to be safe, we do not discuss investigations electronically. So I would say just give us a call if you have anything that you want to discuss with us. [56:21]

If, in fact, though you want legal guidance; something that hasn't happened, so it's not investigation, you're not making allegations. You're just thinking to yourself, you know, now that seminar's over – after this webinar is done, a question may occur to you later this week, or next week, or later this year. Contact us. Email us. Call us and say, hey, I want to do the right thing, just not sure what the right thing is to do. You can get free guidance from the Ohio Ethics Commission. That is a deliberate choice on the part of the State of Ohio to invest resources, not just investigating the wrongdoers, but in helping the good public servants who want to do the right thing, make the right choices.

I hope that you will see the Ethics Commission as that resource, even a champion to help you do what you do so well. I guess, just to conclude here, I've like 30 seconds left according to my clock here. I would just conclude by saying, I've been in public service long enough to

recognize that a lot of you are engaged in careers where you may not get the recognition and expressed gratitude from the State and from its people that you so rightly deserve.

I guess I would just close by saying to you, on behalf of the Ohio Ethics Commission, thank you for your commitment to public service. Thank you for giving a voice and giving options and opportunities to a population that is so often overlooked and is sometimes not represented at the public policy table. So on behalf of those of us who love to call Ohio home, thank you for using your time and your talent to benefit a group of people in Ohio who also deserve the chances that you and I have received.

So with that I will close and thank the Department of Job and Family Services for not only hosting these webinars, but allowing the Ethics Commission to be part of it. It speaks highly to me that this is a topic that you all wanted to include in your repertoire this year. [58:15]

WOMAN: We did have one quick question.

SUSAN WILLEKE: One final question. Yes.

WOMAN: First off, he said thank you, this was good information. How does this apply to non-profit?

SUSAN WILLEKE: The primary area that non-profits are subject to the Ohio Ethics Law, is often when they are receiving grants, etc. That they are going to fall under the same category of, if they are seeking a grant, they are not winning and dining public servants in an attempt to influence the outcome. That's the primary way we see non-profits come under the auspices of the Ohio Ethics Law. For the most part, though, they don't operate under the Ethics Law the way public servants do. Okay? Thanks everybody. Call us if we can be of assistance. I'm going to turn the floor back over to Graig and wish you all a great – one more.

WOMAN: I've got another one. I think it says are ex-spouses included as family?

SUSAN WILLEKE: Well that's a hard question, it's a great question. You meant spouses real spouses?

WOMAN: Exes. Ex-spouses.

SUSAN WILLEKE: Ex-spouses, okay.

WOMAN: Sorry.

SUSAN WILLEKE: In general, in some ways, ex-spouses might not be considered family. Like, for example, for nepotism purposes. The reason that that one is hard though, is because there would be things that we would look at to say, if my ex-spouse gets that job does that financially benefit me in some way with child support, etc.? So what I would say, that's a touchy enough question that if someone has that issue in their lives, I would encourage them to call the Ethics Commission directly and seek one-on-one guidance from one of our advisory

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attorneys. Because it is a harder question to answer. Okay? All right thanks everybody. Have a great week everybody. I'll turn it over to Graig now. Thanks everybody. [59:56]

GRAIG PELLMAN: Susan, thank you very much for that very informative presentation. It's always good to be refreshed on this information. I would like to echo what she said, that if you have any questions regarding this topic please contact the Ohio Ethics Commission.

[1:01:14]

GRAIG: All right, we're ready to continue on this webinar, and as I was talking to the people around the table here, by the nature of those questions, I think that this was a very, very timely and beneficial topic. So, I wanted to thank you for your questions that you offered. Again, if you have any questions, please feel free to contact the Ohio Ethics Commission. The final segment for this webinar is going to be specifically addressing – we have Policy Letter No. 08-13.2: Serving the immediate family members, close acquaintances and other stakeholders in the WIA Program.

First of all, I want to start off with a disclaimer for this presentation. This presentation is an overview only. Please refer to the WIA Policy Letter for additional information and details not covered in this presentation. I would also expand that to any other source documentation that is included in the policy letter. The policy's purpose: to require local Workforce Investment Boards to establish policies and procedures that ensure all individuals enrolled in the WIA Program have been determined eligible, assessed, and are served in an ethical manner that is free from any real or perceived conflict of interest.

The emphasis that I have placed on this PowerPoint slide, that are bold and underlined, I think, are two key pieces of this policy. First of all, we are requiring all local WIB's to have in place established policies and procedures to handle issues regarding potential conflict of interest, as it might pertain to immediate family members, close acquaintances, and other stakeholders. Also, that the standard in this policy is not just real conflict of interest, but also the perception of conflict of interest. That is obviously a higher standard that we ask all local areas to follow with regards to the WIA Program. [1:03:20]

Key features of the Policy. The first key feature is that the policy requires transparent and arms-length eligibility and suitability determination, and service of WIA program applicants. I think the reasons for this are pretty obvious. We want the public to know that, that when an individual comes to the program, they're being treated like everyone else, even if they are related to somebody, either in the local government, or associated with the program.

The other key feature of the policy is that it provides minimum requirements for local WIB policies and procedures. We'll cover that a little bit in the presentation. And also the policy provides technical assistance and advice to local WIA areas with regards to handling this particular topic.

Who are immediate family, close acquaintances, and other stakeholders? I'm going to actually read to you the definitions of each of these. "Close family member" includes parents, children, siblings, spouses and domestic partners. "Immediate and other family" consists of individual's

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parents, including step-parents, spouse, domestic partner, children including step-children, foster children, siblings, grandchildren, grandparents and any immediate relatives by blood or marriage. This includes in-laws, cousins, nieces, nephews, aunts and uncles.

As Susan indicated, this is a broader definition than what is handled by the Ohio Ethics Commission. This is intentional, to help provide clear guidance as to what we're looking for in terms of the application of this policy. [1:05:16]

I would also like to note what a "close relationship" is. What is a close acquaintance? An applicant has a close relationship to WIA staff, management, or other specified stakeholders of the workforce system if and when the applicant's prior and/or present social interactions and/or business dealings with a stakeholder would give a reasonable observer cause to believe that the applicant's access to the program services was based on this relationship as opposed to demonstrable need.

There is no bright line with regards to this, but, again, the test is that perception that's mentioned on the first page of the policy. Is there an appearance issue at stake? That's one of the things we ask you to consider in applying this particular policy in the conduct of serving close family members, close acquaintances, and other stakeholders. How would an individual who's out on the street view this? Not necessarily how we would view that. How would an individual who's not in any way, shape, or form associated with the program view that?

And one of the things that I wanted to say with regards to this, and it's not written into policy, but I think it's a good thing to say, is that you ought to apply a common sense test to this. Again, if it's somebody not associated with the program, how would they look at it. I honestly think that, often, that when we get caught up in our own world of WIA, that we actually have our own views of things and those views are reinforced among stakeholders, and among the people we work with.

And that isn't, in itself, bad, but we need to understand how the person on the street would look at that thing. I often call that person Joe Six Pack. How would an individual that does not work in this stuff daily, day-by-day, view that? Often, we see this in the newspapers, where a person will be caught in some sort of ethical scandal, or ethical issue, and they will provide an explanation as to why things happened the way they did. And, to them, that might make sense, but to the people out that are not part of the public sector, well, they'll look at that explanation and say: You know what, that doesn't make a whole lot of sense to me. And so, I'm asking you to look at it from a broader perspective. Just a moment please. [1:07:37]

[1:07:57]

All right, we're going to continue. Along this way, we always encourage that everyone err on the side of caution when it comes to applying this particular policy. We know that in the conduct of the WIA Program we often look for ways to serve people, and we always want to do that in terms of finding ways to make sure that people get the services they need. This is one of those policies where erring on the side of caution I think is very, very good, because you would certainly not want either a member of your staff, or yourself, or a program, to end up in the newspaper in the wrong kind of way because you didn't err on the side of caution.

Again, this is not about denying people services; this is about following additional procedures so people who are eligible for services are able to access them in a way that avoids any appearance of conflict of interest.

Now, I also want to talk to you a little bit about who workforce parties and stakeholders are. Again, we have a definition that we want to follow for you. Individuals not related to WIA agency staff or management that have a direct or indirect management or responsibility for managing the WIA workforce system, including WIA executive staff, supervisors, local elected officials, contractors, WIB and Youth Council members, WIA employees and One-Stop partners. That is the definition of who stakeholders are. I'm going to go ahead and put an additional slide up here that lists all of those.

Last week we were having a conversation in our office about this policy, and one of the things that I like about this policy is, even if you have trouble discerning where a person falls in one of the definitions, you can often find out that they may be covered by a second. For example, if you're not certain whether a person can be defined as an immediate or other kind of family member, you can ask the question: Are they a personal acquaintance?

A person can appear in more than one of these categories. I, for example, have family members that also would be classified as personal acquaintances. Even if they may be further out in the family tree than what the definition provides. We would ask that, whenever you have a situation like this come up, take a look at all three definitions and make sure whether they apply to any one of them. That way, you'll be safe and certain that you're following the proper procedure in terms of following how to serve these individuals.

Stakeholders would include WIA executive staff and supervisors, again, WIA employees, One-Stop partners, WIA sub-recipients and/or contractors. County employees are somebody you ought to take a look at and make sure the relationships are proper in terms of serving them.
[1:10:56]

Also, another thing we want to talk about is with regards to how you deal with individuals that are eligible for services. Again, the purpose of this policy is not to exclude anyone from service, but to provide services in a way that no questions are asked. Applicants must disclose their relationships when they apply for services. When Susan was talking about those scenarios, where an individual of a family member, and what they should do in terms of applying for services. And she made reference that you can give them information on where they go, and how they contact the agency to get services, that's great.

I would also encourage you that, if you have a family member or a close personal acquaintance that's seeking services, that you also mention to them that they're going to need to disclose what that relationship is when they file for eligibility. It's extremely important that all local areas have a means that is easy to understand, that the customers can come in and disclose whatever relationships they may have with individuals within the workforce system. Usually this is through a disclosure form that is part of the paperwork that is usually dealt with when a person is

applying for services. That information must remain in the participant's file while they're being served.

In this policy, we also have minimum requirements for local policies that the local WIB's must pass in terms of dealing with this particular issue. For example, the policy must cover the key stakeholders that we just discussed, key stakeholders and parties. The local WIB Policy must describe the internal process on how customers of this nature are handled. It must, in detail, talk about the approval process of those individuals. Again, so there's transparency. The policy must describe how that information is being tracked. Also, there must be some explanation on how this process is monitored.

There's another one I maybe should have added to this slide, but I'm going to add it now in my presentation. There is also a minimum requirement the local WIB actually train everybody within their local area on how to handle individuals that fall in this category, so they will understand the process. So, if you're an individual who's listening to this presentation, and you did not receive training on how to handle immediate families, friends, close personal acquaintances, or stakeholders seeking services, I would encourage you to go to your supervisor and ask them to make sure that you receive that training. [1:13:55]

Another feature of the policy is the recommendation of inter-WIB MOUs. WIB's are encouraged to develop Memoranda of Understanding to determine eligibility and suitability for the particular groups of people that are up on the screen – local elected officials, local elected officials' close acquaintances, or family members, WIB or Youth Council members, and WIA executive staff or supervisors.

Again, the goal here is that, if an individual outside this system looks at a person receiving services, we would have a very defensible, very easy to understand, set of parameters where it could be explained to somebody that this person receives services like everybody else, and their close relationship did not in any way, shape, or form impact the fact how they were determined eligible, and what kind of services they received.

At the very end of the policy, there are several citations with regards to Federal Laws and Regulations, State Laws and Polices, as well as ODJFS Policies that are used as source material, as a background to our particular policy. I would strongly encourage anybody who deals directly with assessing customers and determining eligibility and providing services, to take a look at the back of the policy and see what those particular documents are.

And as you have time, perhaps delve into those source documents to see what those laws and policies directly say about servicing individuals who are associated with our workforce system. In doing so, you can see how each particular stakeholder – at the federal, state, and local level – interact with regards to insuring that the system is fair and open, and, at the same time, covers any appearance of impropriety with regards to serving these customers. [1:15:58]

Are there any questions with regards to this particular policy that any of you would like to ask? I'm going to give us just a few minutes because we certainly want to be able to answer them.

There was a question that came in about defining what a domestic partner is. I want to be very, very candid with you. I do not have a legal definition of what a domestic partner is. I think a common definition of that is if two individuals are living together in the same household, in a partnership, I think that the way things currently are, that can be two unmarried individuals, is the most common definition that we often think of in terms of domestic partnership. But they would be individuals who would be living in the same household, and be sharing, maybe, responsibilities or finances and things of that nature.

That is a common definition of domestic partnership, but I want to be honest with you, I don't have a legal definition. Again, this is where I think you can look at, are those individuals close acquaintances? Well, obviously they are, so even if you don't have a firm definition of domestic partner, obviously, they're close acquaintances and therefore this policy would apply. So I would just take a look at it from that particular perspective. [1:17:38]

WOMAN: We have another question also.

GRAIG: Okay.

WOMAN: Someone is asking why doesn't the state give us a template for this policy?

GRAIG: I think what they're asking for, Ron, is if we actually have an (inaudible) text.

RON: We can look at samples of different policies.

GRAIG: Yes, we can certainly. If you want to email me, whoever wrote that, and if you would like to see some samples from other areas, we would be glad to research that and get you some samples. I don't believe we have a template. The policy itself did outline what it is we expect, in terms of what has to be, at a minimum, included in the policy. But if you want us to research some best practices in that regard and send those to you, and you want to compare them against your local WIB policy for possible improvement, we'll be glad to do that.

And again, the policy provides minimum requirements for that policy, but local areas have the right to even go beyond what is in our state policy with regards to what is expected. And, in fact, I would encourage the local areas to take a look at whatever the local needs are with regards to that and make any additions to the minimum requirements necessary. So, again, any appearance of impropriety or appearance of conflict of interest would be dealt with. [1:19:09]

Any other questions? Okay. I want to finish by noting that I have placed on the screen, and it's on the last slide of your handout, the WIA Q&A email account. I know we covered a lot of material today and certainly would, again, encourage you if you have any questions regarding the first presentation, to contact the Ohio Ethics Commission. But if, after we conclude today, you have subsequent questions, please feel free to write us and we'll try to get back to you with an answer.

But again, I just want to sort of go back to something I said earlier. When you're looking at this policy, a good common sense approach at applying this will solve a lot of ills. And if there's

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anything in the policy you think needs further clarification, let us know. If you look at immediate family member and close personal acquaintance, at how those overlap, you should be able to have most of your questions answered.

Ron, is there anything else you would like to say before we conclude this particular webinar?

RON: No, just send in any questions that occur.

GRAIG: Okay. Hearing no other questions, we're going to conclude this particular webinar. The next webinar that we are going to sponsor we have not issued the invitation yet, but will be on Tuesday, July 24th and we will be addressing the issue of serving people under the American's with Disability Act, and also serving individuals who have Limited English Proficiency.

And again, this is part of the series that we are offering that over the course of the next several months. And again, if you are interested in pursuing the Certificate of Completion, we need to know that you actually participated by contacting us. And we'll make sure that your attendance is properly recorded.

I want to thank everybody for their participation in this webinar, and we look forward to seeing you next month. Thank you very much.