



STATE OF CONNECTICUT
DEPARTMENT OF EMERGENCY SERVICES & PUBLIC PROTECTION
OFFICE OF THE COMMISSIONER

**CONNECTICUT DEPARTMENT OF EMERGENCY SERVICES AND
PUBLIC PROTECTION**

ETHICAL CONDUCT POLICY

Revised September 2014

STATEMENT OF PURPOSE

This policy is adopted pursuant to Connecticut General Statutes Section 1-83(a)(2), which mandates that each state agency develop an ethics statement relating to its operations. Ethical conduct is of critical importance to our relationship with the public, other agencies, our peers, and persons regulated by or doing business with the Department of Emergency Services and Public Protection ("DESPP"). In protecting and serving the public and representing the State of Connecticut in its business dealings with others, employees of the DESPP hold positions of trust and integrity that require adherence to the highest ethical standards. Therefore, it is important that all DESPP employees understand that DESPP standards of ethical conduct may be higher or stricter than what they may have been accustomed to in other employment contexts.

APPLICATION

The provisions of this policy apply to all employees of the Department of Emergency Services and Public Protection. All current and future DESPP employees shall be given a copy of this policy. It will be the responsibility of each employee to be familiar with the policy and comply with its provisions. This policy is intended as a guide to ethical conduct for DESPP employees. It is not intended to supersede the State Ethics Code, other applicable statutory provisions or Executive Orders.

All employees are expected to avoid situations that violate the provisions of this policy or the State Ethics Code or give the appearance of impropriety. Any employee who needs guidance on the application of this policy or a provision of the State Ethics Code should contact the agency's Ethics Liaison Officer, Attorney Janet Ainsworth, at (860) 685-8150 or the Office of State Ethics ("OSE") at (860) 263-2400.

PROHIBITED ACTIVITIES

A. Outside Employment

No DESPP employee may accept outside employment that is in substantial conflict with the proper discharge of their official duties or employment, that will impair independence of judgment as to official duties, or that will require or induce disclosure of confidential information gained in state service. All employees are required to submit a Request to Engage in Outside Employment form (DESPP-259-C) and receive authorization from the Commissioner or her designee prior to accepting outside employment or engaging in any private business operation.

Employees are expected to comply with all applicable Administrative and Operations Manual provisions and Human Resources policies concerning outside employment.

B. Contracts with the State

No DESPP employee or a member of their immediate family or a business with which (s)he is associated may enter into a contract with the state valued at \$100 or more, unless the contract has been awarded through an *open and public process*. This provision does not apply to contracts of employment as a state employee, contracts with public institutions of higher education to support collaboration with such institution to develop and commercialize any invention or discovery, or contracts made by court appointment.

C. Use of Position

No DESPP employee may, for the financial gain of him or herself, their spouse, child, child's spouse, parent, brother, sister or a business with which he or she is associated; use his or her public office or position.

No DESPP employee may participate in a process whereby a state contract is or may be awarded to a vendor with whom the employee has a business or family relationship, or use his or her position or influence to obtain employment for a member of his or her family, or principals or employees of a business with which he or she is associated. The employee must withdraw from the process as soon as the conflict is known or discovered.

No DESPP employee, directly or indirectly, may use their official authority to coerce, command, or require another state employee to improperly obtain an appointment for any person to a position within state service or to act in violation of the state personnel rules and regulations with respect to appointment and promotion.

Family members or others having special relationships with current employees are not prohibited from seeking employment with DESPP, but influence may not be exerted to give such person an advantage. DESPP employees also may not supervise relatives. Employees should be aware that signing personnel forms, performance appraisals, vouchers, reimbursement forms and the like may constitute a violation of this policy (and of the State Ethics Code).

D. Use of State Information, Equipment or Materials

No DESPP employee may use or distribute state information or use state equipment or materials for other than state business purposes unless specifically authorized under the applicable collective bargaining agreement or by the A & O Manual.

No present or former DESPP employee may, for the financial gain of him or herself, their spouse, child, child's spouse, parent, brother, sister or a business with which he or she is associated, disclose or use confidential information. State employees may not take advantage of insider information for financial gain.

II. GIFTS AND GRATUITIES

A. No DESPP employee shall directly or indirectly solicit or accept any gift, gratuity or anything of value from a "regulated donor." "Regulated donors" include:

- Registered lobbyists or their representatives (check the OSE website for a complete listing),
- Individuals doing business or seeking to do business with DESPP,
- Individuals or entities that are regulated by DESPP (including but not limited to arrestees, license and permit applicants), or
- Contractors who are on the Connecticut Department of Administrative Services prequalification list (check the DAS website for a complete listing).

By statute, "anything of value" includes, but is not limited to, a gift, loan, political contribution, reward or promise of future employment. Gift is specifically defined in Connecticut General Statutes Section 1-79(e). Among the most common exclusions from the definition of gift are items valued at less than \$10 (not to exceed an aggregate of \$50 per year from a single source) and food/beverage valued at less than \$50 per person per year where the donor or his or her representative is in attendance at the occasion where the food/beverage is being consumed.

Connecticut General Statutes Section 29-9 prohibits any state police officer from, directly or indirectly, receiving any reward, gift or gratuity for the

purpose of influencing his or her behavior in office. An employee who violates this statute may be subject to a fine of not more than one hundred dollars or imprisonment not more than six months or both and/or administrative sanctions, up to and including termination.

- B. No DESPP public official or employee shall knowingly accept, directly or indirectly, any gift costing one hundred dollars or more from a public official or state employee who is his or her subordinate or supervisor nor shall any DESPP public official or employee knowingly give a gift costing \$100 or more to a DESPP public official or employee who is their subordinate or supervisor.
- C. No DESPP employee may accept any fee or honorarium in return for a speech or appearance made or article written in his or her official capacity.

If a DESPP employee in their official capacity is actively participating in an event, reimbursement of certain necessary expenses (e.g., reasonable travel, lodging) may be accepted, but must be reported to the Office of State Ethics within thirty (30) days of receiving payment or reimbursement for lodging or out-of-state travel, or both on Form ETH-NE, an online form that may be filled out on the Office of State Ethics website at www.ct.gov/ethics. If a state employee is the principal speaker at an in-state event, he or she may accept admission to the event or food or beverage provided by the sponsor of the event without the necessity of reporting. Employees also do not need to file a report if the expenses were provided by the federal government or another state government. If an employee does not file such report within the thirty (30) day period, either intentionally or due to gross negligence, the employee shall return the payment or reimbursement and may be subject to a civil penalty of up to \$10,000.

- D. Goods or services that are provided to the State for use on state property or that support an event or the participation by a public official or state employee at an event, and that facilitate state action or functions, may be permitted, provided the acceptance of such goods or services has been pre-approved in writing by the Commissioner or their designee.
- E. No DESPP employee may accept any discount unless it is offered to the public at large or is otherwise determined to be permissible by the OSE.

III. ON-SITE TRAVEL PROHIBITIONS

No DESPP employee shall travel with a registered lobbyist, contractor or person doing business with or seeking to do business with the DESPP when the purpose of such travel is to conduct an on-site visit to assess a potential project whether in state or out of state. This prohibition applies when interested parties are or may be interested in bidding on such project and they may receive information that is unavailable to similarly

situated parties. This prohibition does not apply once a contract has been awarded and such travel is necessary to the implementation of the contract or to conduct an inspection or ensure compliance of an already existing contractual agreement. However, such travel and its purpose must have been specified as part of the procurement and the resulting contract. Prior travel authorization is still required even if there is no cost to the state. This prohibition is not intended to prohibit agency personnel from visiting a potential vendor when an inspection is necessary to assess a particular vendor's product or as part of an agency's required due diligence prior the contract award.

IV. POLITICAL ACTIVITIES

A. A DESPP employee seeking to or holding political office shall notify the Commissioner in writing through their supervisor or chain of command. Such employee shall comply with the provisions of Connecticut General Statutes § 5-266a, as well as Sections 4.9.2 and 14.2.4 of the A & O Manual. Such employee must also comply with § 5-266a-1 of the Regulations of Connecticut State Agencies, under which a state employee who is in classified state service may not hold elective municipal office if (s)he holds an office or position that has certain discretionary power. Any questions related to this provision may be directed to the Office of State Ethics.

B. A DESPP employee may not engage in partisan political activities while on state duty time, nor shall state materials, equipment, vehicles or facilities be used for the purpose of influencing a political election.

Some employees may be covered by federal law (Hatch Act), which covers employees whose principal employment is financed in whole or in part by federal funds. The federal requirements allow participation in political activities, but prohibit the use of the employee's official position to contribute to political activities or to interfere with the result of an election. Because each situation may be different, guidance should be obtained and inquiries about the Hatch Act may be made in writing or by telephone to:

Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
Tel: (800) 85-HATCH or (800) 854-2824
(202) 254-3650
Fax: (202) 254-3700

Requests for Hatch Act advisory opinions (only) may be made by e-mail to: hatchact@osc.gov

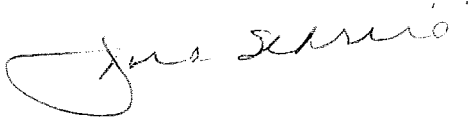
V. REVOLVING DOOR RESTRICTIONS

All DESPP employees are expected to comply with the revolving door provisions of the state ethics code after leaving state service. These provisions contain restrictions that prohibit:

- Disclosure of confidential information gained in state service for financial gain for him or herself or another person;
- Representing anyone for compensation before DESPP for a period of one year after leaving state service;
- Representing anyone in a particular matter that such DESPP employee was involved in personally and substantially during service with DESPP;
- Employment with a contractor for a period of one year after leaving state service if the DESPP employee participated substantially in, or supervised, the negotiation or award of a contract valued at \$50,000 or more and the contract was signed within a year before the DESPP employee leaves state service.

DESPP employees contemplating leaving state service should take these provisions into consideration while engaging in any future employment search and should contact the Office of State Ethics for further guidance. ***There are additional revolving door restrictions that apply only to particular positions within this agency. These positions are specifically identified in regulations adopted by the Office of State Ethics. Should you have any questions about whether your position is covered by these additional restrictions, please contact the Office of State Ethics for specific guidance before you negotiate, seek or accept employment with another entity.***

BY ORDER OF:



Dora B. Schriro
COMMISSIONER

Department of Emergency Services and Public Protection

DATED:

September 12, 2014

STATUTORY AND OTHER REFERENCES:

State Statutes and Regulations

Connecticut General Statutes Chapter 10 (State Ethics Code) and the regulations adopted there under

Connecticut General Statutes § § 5-266a to 5-268, inclusive

Connecticut General Statutes § 29-9

Executive Orders and Executive Policy

Executive Order No. 1 issued by Governor M. Jodi Rell

Executive Order No. 7C

August 3, 2004 On-Site Travel Prohibition

October 19, 2005 Elections Policy

DESPP Administrative & Operations Manual:

Office of State Ethics

A Guide to the Code of Ethics for Public Officials and State Employees

<http://www.ct.gov/ethics/site/default.asp>