



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES

OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
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To: All DSS Staff

From: Corinne Seibert
Staff Attorney

A handwritten signature in cursive script, appearing to read "Corinne Seibert".

Office of Legal Counsel, Regulations & Administrative Hearings

Date: July 20, 2018

Re: State Ethics and Political Activity Policies

Greetings! I would like to introduce myself as the DSS Ethics Liaison. The Ethics Liaison is responsible for coordinating with the Office of State Ethics to develop and implement agency ethics policies. Conn. Gen. Stat. §1-101rr(b). In fulfilling this role, I am available to address questions or concerns you may have arising under the Code of Ethics for Public Officials ("Code") (Conn. Gen. Stat. §§ 1-79 through 1-90a) and other related ethical guidelines and rules of conduct. I am happy to provide assistance with important ethical issues, including, but not limited to outside employment, acceptance of gifts, and conflicts of interest.

We encourage each employee to become familiar with the Code of Ethics for Public Officials in its entirety; we have also attached sections of the code that are frequently utilized for your convenience. The policy also notes other ethical rules that may apply to certain professional classifications, which may overlap with the rules found in the Code. I hope this policy will be a helpful guide in addressing ethical issues that you may encounter as public employees.

Additionally, please find the attached Political Activity Policy, which describes state and federal restrictions involving political activity. While the political activity rules are not covered under the Code of Ethics, the rules may overlap with ethical issues, for example: conflicts of interest and outside employment may have political implications.

Should you have any ethics-related questions, please feel free to contact me by phone at (860) 424-5088, by email at corinne.seibert@ct.gov, or in person in Central Office. While I always am willing to help employees with questions about ethics, everyone also should feel free to contact the Office of State Ethics directly at (860) 263-2400 or ose@ct.gov with questions about the Code of Ethics.

Policy:

All DSS employees shall comply with the Code of Ethics for Public Officials ("Code") (Conn. Gen. Stat. §§ 1-79 through 1-90a; Conn. Agencies Regs. §§ 1-81-1 to 1-81-39) and all applicable federal, state, and professional rules of conduct. All employees shall take annual web-based Ethics Training, offered through the Office of Organizational & Skills Development ("OSD").

Definitions: Please see the Code and its regulations for relevant terms and definitions. Conn. Gen. Stat. §§ 1-79.

Application of the Policy:

I. Code of Ethics

All employees shall read and familiarize themselves with the Code, which can be found on the Office of State Ethics ("OSE") website at www.ct.gov/ethics. Employees also should refer to OSE's publication, available online, "Public Officials and State Employees Guide to the Code of Ethics." Although employees are expected to be familiar with and abide by the entire Code, please find frequently utilized provisions of the Code for your review:

a. Gifts

A gift is defined as anything of value for which consideration of equal or greater value is not paid. In general, an employee shall not:

- Exchange gifts valued at \$100 or greater with supervisors or subordinates. (No limitation applies to coworkers who are not in a supervisor-subordinate relationship.);
- Accept or solicit a gift on account of the employee's position with DSS or in exchange or consideration for the employee taking official action; or
- Accept or solicit a gift from restricted donors, which include:
 - Registered lobbyists or representatives of registered lobbyists;
 - Individuals or entities doing or seeking to do business with DSS, i.e., vendors;
 - Individuals or entities engaged in activities regulated by DSS; and
 - Contractors pre-qualified by the Department of Administrative Services.

There are numerous exceptions to these general rules regarding accepting gifts, such as when receiving token items, the offer of food or beverage, and gifts in honor of major life events. Conn. Gen. Stat. §1-79(5)(A)-(S). Because the exceptions to the gift rules are detailed and specific, please consult with the DSS Ethics Liaison and/or the Code when accepting or soliciting a gift.

b. Necessary Expenses

An employee may not accept any fee or honorarium for an article, speech, appearance, or participation in an event in his or her official capacity. If an employee is actively participating in an event in his or her official capacity, i.e., giving a speech or running a workshop, he or she may accept reimbursement for necessary expenses associated with such activity, i.e., travel, lodging, meals, and related conference or seminar expenses. If reimbursement is accepted for lodging and/or out-of-state travel, the employee must file a report of such expenses with OSE within 30 days of receiving payment, using OSE's online reporting form.

c. Conflicts of Interest

If an employee's official action will result in direct monetary gain or loss for the employee or his or her spouse, child or a business with which the employee is associated, the employee has a substantial conflict of interest and must abstain from taking the official action.

If an employee, in the course of his or her official duties, would be required to take action that would affect, directly or indirectly, the employee's own financial interest or that of his or her spouse, child, child's spouse, parent, sibling, or a business with which the employee is associated, the employee has a potential conflict of interest and must notify his or her supervisor, in writing, to request reassignment.

d. Outside Employment

Generally, an employee is permitted to hold a paying job outside of employment with DSS. The Code strictly prohibits an employee from the following outside employment:

- Accepting outside employment that impairs his or her independence of judgment regarding his or her state duties or encourages the employee to disclose confidential information learned on the job;
- Engaging in outside employment which is in substantial conflict with the proper discharge of his or her duties or employment in the public interest;
- Disclosing for financial gain any confidential information acquired in the course of employment with DSS;
- Using his or her official position for personal financial gain, or the gain of a spouse, child, child's spouse, parent, sibling, or an associated business;
- Utilizing state time, materials, resources, or personnel in connection with outside employment;
- Employing his or her supervisor or subordinate in the employee's outside business; and
- Accepting employment for appearing, agreeing to appear, or taking any other action on behalf of another person before any of the following agencies:
 - Department of Banking;
 - Claims Commissioner;
 - Office of Health Care Access, Department of Public Health;
 - Insurance Department;
 - Department of Consumer Protection;
 - Department of Motor Vehicles;
 - State Insurance and Risk Management Board;
 - Department of Energy and Environmental Protection;
 - Public Utilities Regulatory Authority;
 - Connecticut Siting Council; and
 - Connecticut Real Estate Commission.

Prior to accepting employment that may implicate the above-outlined prohibitions of the Code, an employee must notify, in writing, the DSS Ethics Liaison of such prospective activity. The written notification will provide an opportunity for further review by DSS officials and/or OSE of the degree of potential conflict of interest, if any, and permit appropriate actions, where necessary. An employee may be asked to sign a statement indicating that he or she has

communicated with either the DSS Ethics Liaison or OSE and that there is no violation of the Code.

e. Post-Employment

After leaving employment with DSS, a former employee may never: (1) disclose any confidential information learned during the course of employment with DSS; or (2) represent anyone (other than the state) regarding a particular matter in which the former employee was personally or substantially involved while employed at DSS.

Additionally, for a period of one year following employment with DSS, a former employee may not: (1) represent a new employer before DSS; or (2) be hired by a party to a state contract that is valued at \$50,000 or more and was signed within the employee's last year of service, if the former employee was involved in or supervised the contract negotiation or award.

f. Statements of Financial Interest

Managers and certain employees involved in the contracting process are required to file a statement of financial interest ("SFI") annually. These employees are identified by the Commissioner, in accordance with the Governor's guidelines, and will be notified annually of their responsibility to file an SFI.

For those employees who have been identified, SFIs must be filed with OSE by May 1st of each year using OSE's online filing system. Failure to file on time can result in a penalty of \$10 per day for each day the SFI is late. Additional information about SFI filing is available on the OSE website and from the DSS Ethics Liaison.

II. Professional Rules of Conduct

The conduct of certain DSS employees and officials, such as social work, medical, and legal staff, may be subject to ethical rules and rules of conduct particular to their professions. All such employees are responsible for their individual compliance with the rules of their professions and must maintain themselves in good standing with all relevant regulatory and licensing authorities. Employees should consult with the DSS Ethics Liaison in the event that any professional rule of conduct conflicts with the requirements of the Code.

Consequences of Failure to Comply:

An employee may be subject to agency disciplinary action, up to and including termination from employment, for failure to comply with the Code and this policy. Additionally, the OSE may refer violations of the Code to the Chief State's Attorney for criminal prosecution.

For Further Guidance:

The DSS Ethics Liaison, Corinne Seibert of the Office of Legal Counsel, Regulations & Administrative Hearings, is available to answer any ethics-related questions and can be reached at (860) 424-5088, corinne.seibert@ct.gov, or in Central Office. Also, employees may contact the Office of State Ethics directly (860) 263-2400 or ose@ct.gov with questions regarding the Code.

Policy:

All DSS employees shall comply with political activity restrictions of state law (Conn. Gen. Stat. §§ 5-266a through 5-268; Conn. Agencies Regs. §§ 5-266a-1, 5-266c-1, and 5-240-5a) and the federal Hatch Act (5 U.S.C. §§1501 through 1508; 5 C.F.R. §151.101 through 151.122). *See also* DAS General Letter 214-D and OPM General Notice 2014-13 (summarizing political restrictions).

Definitions:

“Partisan” means related to a state or national political party, i.e., Democrat or Republican.

“Partisan election” means an election, whether primary, general, or special, where any of the candidates is nominated or elected as representing a political party, i.e., Democrat or Republican.

“Nonpartisan election” means an election where none of the candidates runs in affiliation with a political party, i.e., Democrat or Republican.

“Political activity” means any activity that is directed toward the success or failure of a candidate in a partisan election, a political party, or a partisan political group.

“Political party” means a national political party, state political party, or an affiliated organization.

Application of Policy:

DSS employees retain the right to vote as they choose, express opinions on political subjects and candidates, and participate actively in political management and campaigns. When employees choose to participate in the political process, however, they must abide by the political activity restrictions for public employees found in both state and federal law. All employees are expected to familiarize themselves with the rules, which are summarized below.

I. Political Activity

Please note that the restrictions outlined in this subsection only apply to *partisan* political activity. Employees may participate fully in nonpartisan elections and political issues not specifically connected to a national or state political party, such as ballot referenda, constitutional amendments, and municipal ordinances.

In general, employees may not:

- Engage in partisan political activity while on duty;
Examples of activity covered under this prohibition include, but are not limited to, the following when done on work time:
 - Campaigning for a partisan candidate;
 - Fundraising for a partisan candidate or political party;

DSS Political Activity Policy
Revised July 2018

- *Posting or displaying partisan political signs, buttons, posters, or other paraphernalia in your workspace, i.e., a campaign sign; and*
- *Collecting signatures for a nominating petition.*

Note that this prohibition covers both activity that supports and opposes partisan candidates, political parties, or partisan political groups.

Note that while employees may not display partisan political items while at work, there is no prohibition against placing a political bumper sticker on a personal vehicle, even if parked in a State-owned or leased parking lot.

- *Use state funds, supplies, vehicles, or facilities to support or oppose a candidate, party, or issue;*

Examples of activity covered under this prohibition include, but are not limited to:

- *Using DSS copying equipment and paper to print fliers for a political party;*
- *Hosting a candidate meet-and-greet in a DSS break room; and*
- *Placing a bumper sticker for a partisan candidate on a State-owned vehicle.*

Note that this restriction is not limited to when you are on duty; it applies at all times.

- *Use their position to influence, directly or indirectly, any part of the political process, including the results of an election or a nomination for office and any payments, contributions, or loans to a party, committee, organization, agency, or person for political purposes; or*

Examples of activity covered under this prohibition include, but are not limited to:

- *Endorsing a candidate in your official capacity;*
- *Sending a political fundraising letter on DSS letterhead; and*
- *Suggesting that a client or vendor support a particular candidate or party;*

Note that this restriction is not limited to when you are on duty; it applies at all times.

- *Directly or indirectly coerce, command, or advise a state or local officer or employee to contribute anything of value to a party or person for political purposes.*

Examples of activity covered under this prohibition include, but are not limited to:

- *Suggesting that a subordinate donate to a political party or candidate;*
- *Directing a subordinate to volunteer time at a campaign event; and*
- *Inviting a subordinate to a political fundraiser.*

Note that this restriction is not limited to when you are on duty; it applies at all times.

II. Candidacy

Most employees may be candidates for political office as long as no activity related to the candidacy is done on state time or with state equipment or resources. However, certain restrictions apply. For additional guidance, please review DAS General Letter 214-D.

a. *State elective office*

Employees are prohibited from being employed by two branches of state government simultaneously. Therefore, any employee who accepts a state elective office must resign from his or her position with DSS. Any employee who is a candidate for state elective office must notify the DSS Ethics Liaison in writing within 30 days after nomination for that office.

b. *Municipal elective office*

Employees are prohibited from holding certain municipal offices, whether full- or part-time, if a conflict of interest would exist between the elective office and their DSS position. In general, an employee cannot serve in elective municipal office if, in his or her position at DSS, the employee has discretionary power over that municipal office or the municipality, particularly where funding, grants, and subsidies are concerned.

An employee who accepts a full-time elective municipal office is allowed a personal leave of absence without pay from his or her DSS position for a limited time. Any employee who is a candidate for full-time municipal office must notify the DSS Ethics Liaison in writing within 30 days after nomination for that office.

c. *The Hatch Act (5 U.S.C. §§1501-1508)*

In addition to state law restrictions on candidacy, employees whose jobs are fully federally funded are prohibited under a federal law known as the Hatch Act from being candidates in partisan elections, meaning elections where any candidate runs in affiliation with a political party. If you are considering candidacy and have questions about whether the Hatch Act applies, please contact the DSS Ethics Liaison for further guidance.

Consequences of Failure to Comply:

An employee may be subject criminal prosecution for violating the state's political activity restrictions. Criminal penalties include a fine of not more than \$1,000 and imprisonment for not more than one year. Additionally, an employee may be dismissed from state service or, if the violation does not warrant removal, suspended for not less thirty days and not more than six months.

For violations of the Hatch Act, DSS may be subject to withholding of federal funding equivalent to two years' worth of the employee's salary. DSS may take any action necessary to avoid withholding of funding, including but not limited to altering the employee's job duties such that he or she is no longer employed in a fully federally funded position.

For Further Guidance:

For questions about political activity restrictions, please contact DSS Ethics Liaison Corinne Seibert at corinne.seibert@ct.gov, (860) 424-5088, or in OLCRAH in Central Office.