



Office of Chief Public Defender
Administrative Policy and Procedures Manual
"The Leading Force for Equal Justice"

106
CODE OF ETHICS

POLICY

Employees of the Division of Public Defender Services, as representatives of the State of Connecticut, have positions of trust and responsibility that require them to observe the highest ethical standards.

GENERAL INFORMATION

This policy summarizes the general rules contained in the Code of Ethics contained in the Connecticut General Statutes (§§ 1-79 through 1-89a) however it is not exhaustive. Therefore, in order to obtain an accurate understanding of official ethical concerns, employees should become familiar with and comply with the Code of ethics (the "Code"), as set forth in state statutes, as well as administrative regulations and the advisory opinions of the Board which interpret and apply the Code.

Please note that under state statute, compliance with the Code is the responsibility of each employee. (Statutes and regulations noted above can be found on the website of the Office of State Ethics www.ethics.state.ct.us) Copies of these materials can also be obtained from the Human Resources office at OCPD.

A brief summary, which is neither intended to be, nor should be relied upon as being a substitute for such laws, regulations and policies, is set forth below.

ETHICS CODE PROHIBITIONS

In general, Connecticut General Statutes prohibit Division employees from doing the following:

- Accepting outside employment, which will impair independence of judgment as to the employee's official duties or require or induce the employee to disclose confidential information gained while employed with the Division.
- Using their public position or confidential information gained while employed with the Division, for their own financial benefit or that of any business with which the employee is associated or that of the employee's spouse, children, and spouses of children, parents, sisters or brothers.

- Soliciting or accepting anything of value, including, but not limited to, a gift, loan, political contribution, reward or promise of future employment, based on an understanding that it will influence your official actions.
- Entering into contracts with the State valued at \$100 or more, unless the contract has been awarded through an open and public process or pursuant to a court appointment.
- Accepting any gift or gifts from one known to be a registered lobbyist or lobbyist's representative.
- Accepting any gift or gifts from individuals or entities doing business with, or seeking to do business with the Division; individuals or entities that are directly regulated by the Judicial Branch or the Division; or contractors that have been prequalified under Connecticut General Statutes, Section 4a-100.
- Accepting any fee or honorarium given in return for a speech or appearance made or article written in one's official capacity. Employees are permitted however, to accept necessary expenses incident to any such activity. Necessary expenses are limited to necessary travel expenses, lodging for the nights before and of and after the appearance, speech or event, meals or any related conference or seminar registration fees. Such expenses do not include the payment for expenses for one's family or other guests. Employees must file a report, form ETH-NE, disclosing such transaction with the Office of State ethics within thirty (30) days of being paid or reimbursed. The report should be signed by the recipient under penalty of false statement. The form is available on the Office of State Ethics website. Employees need not file a report when the expenses were provided by the federal government or another state government.
- Representing another for compensation, or being a member of a business which represents a client for compensation, before various state agencies.
- Using state time, personnel or materials—including telephones, computers, e-mail systems, fax machines, copy machines, state vehicles and any other state systems or supplies—for a personal business or for other personal, non-state purpose is considered financial benefit to the employee, and is therefore strictly prohibited.
- Giving and receiving gifts between Division supervisors and subordinates (whether or not in a direct reporting relationship), of more than \$100, or pooling money to give a group gift in excess of \$99.99. The exception to this limit involves a "major life event" (e.g. the birth or adoption of a child, a wedding, a funeral, a ceremony commemorating induction into religious adulthood (e.g. confirmation, bar mitzvah or bat mitzvah), or retirement from public service or state employment. The limit for gifts given in honor of one of these "major life events" is \$1,000.

Division employees should also refer to section #606 of this manual which outlines the Division's policy on the restriction of gifts, which is more restrictive than the policy noted here.

SUBSTANTIAL AND POTENTIAL CONFLICTS OF INTEREST

Connecticut General Statutes Sections 1-85 and 1-86 of the ethics Code provide direction when an employee is dealing with a substantial or potential conflict.

Pursuant to Connecticut General Statutes Section 1-85, an employee may not take any official action with regard to a matter if he or she has a substantial conflict of interest with respect to such matter. An employee is deemed to have a substantial conflict of interest if the employee has reason to believe or expect that he or she, or his or her spouse, dependent child or a business with which the employee is associated will derive a direct monetary gain or loss by reason of the employee's official action. Contrarily, an employee will not be deemed to have a substantial conflict, and thus not barred from acting with respect to a matter, if the benefit or detriment that may accrue to the employee or others identified above occurs by reason of the employee's or any of such other's membership in a profession, occupation or other group so long as the financial interest affected is no greater than that shared by the other members of said profession, occupation, or group.

Connecticut General Statutes Section 1-86 provides other guidance with respect to how an employee should act not only if he or she has a substantial conflict of interest as defined in Connecticut General Statutes Section 1-85, but also a potential conflict (which includes conflicts that may arise by reason of an employee's spouse, or any of the employee's parents, brothers, sisters, children or spouses of children or any business with which an employee is associated).

RESTRICTIONS ON POLITICAL ACTIVITIES

Connecticut's ethics laws and policies impose certain restrictions on the political activities of state employees. In general you may not:

- Campaign for a candidate or otherwise engage in political activities during work hours;
- Use state funds, supplies, vehicles or facilities to promote a candidate, party or issue;
- Use your 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
- 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.

Division employees are not prohibited from seeking political office as long as it is not done on state time or with state equipment or resources. However, employees may not be employed by two branches of state government simultaneously. Therefore, any employee who accepts an elective state office must resign from his/her position with the Division.

RESTRICTIONS ON POST-EMPLOYMENT ACTIVITIES

Former state employees are subject to post-employment restrictions, known as "revolving door prohibitions". For example, there is a one-year ban on accepting employment with a party to certain contracts if the former employee was involved in the negotiation or award of the contract;

there is a one-year ban on representing anyone for compensation before your former agency; and there is a one-year ban on certain designated individuals in the State's regulatory agencies accepting employment with any business subject to regulation by their former agency.

VIOLATIONS OF THE CODE OF ETHICS

The Office of State Ethics has jurisdiction to interpret and enforce the Code. Violations may result in a formal complaint proceeding filed against an employee and sanctions of up to \$10,000 per violation.

Violations of the Code may subject an employee to sanctions from agencies or systems external to the Division. Whether or not this occurs, the Division retains the right to independently review and respond administratively to violations.

PROCEDURES

Employees are urged to familiarize themselves with the provisions of the Code in order to assess areas of individual applicability. If an employee is confronted with a potential conflict of interest or has a question about the propriety of any action they wish to take, they should contact the office of Legal Counsel in the Office of Chief Public Defender for review and recommendation.