



## Administrative Policies and Procedures Manual 602 CODE OF ETHICS

### POLICY

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All employees must comply with the Code of Ethics for Public Officials and State Employees as set forth in the Connecticut General Statutes, Chapter 10, Section 1, except if the Judicial Branch has adopted a stricter standard, the employee must comply with the stricter Judicial Branch policy. However, judges of all courts are excluded with respect to their employment as judges since they are subject to the code of Judicial Conduct.

### GENERAL INFORMATION

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The Code of Ethics (Code), contained in the Connecticut General Statutes beginning with Section 1-79, provides specific guidance concerning both prohibitions and limits on the conduct of persons employed by the state. It defines those who are covered and the broad areas of included conduct. It establishes an Office of State Ethics (Office) and a Citizen's Ethics Advisory Board (Board) within that Office whose responsibilities include receiving required reports filed by those covered by the Code, investigating complaints, conducting hearings, and imposing sanctions. The Board issues advisory opinions. An advisory opinion may be requested by any person subject to the provisions of the Code. Published in the Law Journal, the opinion is binding on the Board and an absolute defense for the person who requests and relies on it in an action brought under the Code of Ethics, (Connecticut General Statutes, Section 1-81). In order to obtain an accurate understanding of official ethical concerns, employees should be aware of 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.

#### SUMMARY OF PRINCIPLE CODE PROHIBITIONS

Although a full discussion of the Code is beyond the scope of this manual, set forth below is a summary of its principal provisions. Most of the ethical rules are set forth in Sections 1-84 through 1-86 of the Connecticut General Statutes. Basically, these sections are intended to prevent one from using his or her public position or authority for personal financial benefit. (See also Sections 1-84b, concerning restrictions after leaving public office or employment; 1-86e, concerning prohibited activities by persons hired by the State as a consultant or independent contractor; and 1-101mm through 1-101qq, which generally concern contracting by the State.)



#### Links for this policy:

[Summary of Revisions](#)

[Secondary Employment Form](#)

[CGS Chapter 10, Section 1](#)

[CGS Section 1-79](#)

[CGS Section 1-81](#)

[CGS Section 1-82](#)

[CGS Section 1-82a](#)

[CGS Section 1-84](#)

[CGS Section 1-85](#)

[CGS Section 1-86](#)

[CGS Section 1-88](#)

[CGS Section 1-89](#)

[CGS Section 4a-100](#)

[Office of State Ethics Regulation 1-81-14](#)

[Policy 603](#)

The principal provisions of Section 1-84 prohibit a public official or state employee from the following:

- having a financial interest in, or engaging in, any business, employment, transaction or professional activity which is in substantial conflict with the officer's or employee's proper discharge of his or her state duties;
- acceptance of other employment, as that term is defined in section 1-81-14 of the Regulations of Connecticut State Agencies (for dual employment with the State see Policy 604), which will impair independence of judgment as to official duties or require or induce disclosure of confidential information gained in state service. Generally outside employment is barred if the private employer, client, etc. can benefit from the state employee's official actions. For example, the individual in his or her state capacity has regulatory, contractual, or supervisory authority over the private employer, client, etc. or the individual has the ability to make referrals to the private employer, client, etc. or another entity that is affiliated with or owned by the private employer. A state employee is not prohibited, however, from using his or her expertise for private gain, as long as no provision of the Code is violated in the process. In all instances where there is any question about the propriety of outside employment, including but not limited to being an employee of a business, sole practitioner, or independent contractor, the employee and/or his/her supervisor shall follow the guidance set forth in the Procedures section of this policy.
- use of public position or confidential information gained in state service for the financial benefit of the individual, his or her family, or an associated business (the terms family and associated business are defined in the Code);
- solicitation or acceptance of anything of value based on an understanding that one's official action will be influenced thereby;
- entering into contracts with the State valued at \$100 or more, unless the contract has been awarded through an open and public process. There are a few exceptions to this prohibition. For example, contracts of employment as a state employee and contracts made by court appointment are exempt from the provision. This provision also applies to members of the public official's or state employee's immediate family, as that term is defined in the Code;
- acceptance of any gift or gifts from one known to be a registrant (that is, a registered lobbyist) or registrant's representative. Gift under the Code does not include food and drink totaling less than fifty dollars per person in a calendar year, if consumed on occasions at which the registrant, or a representative of the registrant, furnishing the food and drink is in attendance. Among the other items excluded from the term gift are presents given by an individual incident to a major life event, ceremonial awards costing less than one hundred dollars, benefits costing less than ten dollars per person per occasion up to fifty dollars total in a calendar year, and gifts to the state. The prohibition on receipt of gifts from a registrant extends to members of the public official's or state employee's immediate family, as defined by the Code. Also prohibited is acceptance of any gift or gifts from any person doing business with, seeking to do business with or directly regulated by the state employee's agency or department, or who is prequalified as a bidder pursuant to Connecticut General

Statutes, Section 4a-100. (**NOTE:** the same exceptions to the registrant gift provision listed above also apply to this gift limitation except that the exclusion of items given for a major life event is not recognized.) Furthermore, the Judicial Branch has its own Receipt of Gift Policy (See Policy 603) which is more stringent than some of the Code of Ethics' provisions. Employees must comply with both the Code and Judicial's gift policy (whichever is more stringent);

- acceptance of any gift costing \$100 or more from a supervisor or subordinate; and
- acceptance of any fee or honorarium given in return for a speech or appearance made or article written in one's official capacity, however, acceptance of the individual's necessary expenses is permissible.

Sections 1-85 (substantial conflict) and 1-86 (potential conflict) are distinct but related provisions to consider when a possible conflict is identified. If faced with taking official action which you can expect will directly affect your, your spouse's, a dependent child's or a business with which you are associated's financial interests, distinct from others in your occupation or group (for example, taking official action on the awarding of a contract to a private business you own) you have a substantial conflict of interest under section 1-85 and may not act under any circumstances. However, if your financial interest is shared by the other members of your profession, occupation, or group (for example, a public official/teacher acting on a matter that will result in a uniform financial benefit to all teachers) you proceed under the rules of Section 1-86. Specifically: (A) if one is a member of a regulatory agency, one must either be excused upon request or prepare, under penalty of false statement, a written statement (to be placed in the minutes of the individual's agency, with a copy to the Office) describing the potential conflict and stating why, despite the situation, one can act fairly, objectively and in the public interest; or (B) if not a member of a regulatory agency, the individual must prepare a written statement, under penalty of false statement, which describes the potential conflict. The individual must deliver the statement to his or her superior, who will assign the matter to another who is not subordinate to the individual with the conflict. (If one has no immediate superior, deliver the statement to the Office for guidance on how to proceed.) A written statement is required if you are not a member of a regulatory agency for a substantial, as well as for a potential, conflict.

Under Section 1-86, if the financial effect on you, a family member, or an associated business is insignificant (that is, less than \$100 in a calendar year), or no different than that of a substantial segment of the general public (for example, a regulatory official approving an increase in residential electric rates), you may act without having to follow Section 1-86 procedures.

Each state employee must file a report with the Office, on a form prescribed by the Office, within thirty days, any necessary expense payments that the individual receives in his or her capacity as a public official or state employee if lodging or out-of-state travel is included, unless provided by the Federal Government or another State Government. Failure to file the report within thirty days requires the employee to return to the donor the value of the goods or services received.

## **COMPLAINTS**

A complaint may be made by any person or by the Office within five years of the alleged violation. The Office, if it finds sufficient evidence, investigates an alleged violation. It has subpoena powers and can use the services of the State Police. If a preliminary hearing indicates probable cause, the Office initiates a hearing before the Board. These latter hearings are open

to the public. There can be an appeal from the Board's decision to the Superior Court by the respondent. If the respondent prevails, the respondent has a cause of action against the complainant for double damages, provided the complaint was made with the knowledge that it was without foundation in fact. Connecticut General Statutes, Section 1-82.

Unless and until there is a finding of probable cause, the complaint and any investigation are confidential except on the request of the respondent. However, this prohibition does not prevent reporting the possible commission of a crime to the Chief State's Attorney. Connecticut General Statutes, Section 1-82a.

## **REPORTING ETHICS VIOLATIONS**

Certain State officials and employees are required to report to the Office of State Ethics if they have reasonable cause to believe that a person has violated the provisions of the Code of Ethics for public officials set forth in Part I, or any law or regulation concerning ethics in state contracting. In addition to agency heads and deputies, the Judicial Branch Director of the Human Resource Management unit and the Judicial Branch Director of the Materials Management unit are mandatory reporters. Mandatory reporters must directly contact the Office of State Ethics.

## **SANCTIONS**

If the Board finds a violation, it can order, among other things, that the respondent stop the violation, comply with the Code, and pay a civil penalty of up to \$10,000.00 for each violation and a fine of up to \$10.00 per day for failure to file any required report, statement or information required. In addition, it can report its findings to the Chief State's Attorney, since an intentional violation of the Code is a class A misdemeanor for a first offense (punishable by a fine of up to \$2,000 or imprisonment of up to one year, or both) and if the violation resulted in a gain of \$1,000.00 or more or if it is a second or subsequent intentional violation, a class D felony (punishable by a fine of up to \$5,000.00, imprisonment of between one and five years, or both). Furthermore, if a person is believed liable for damages in the amount of an advantage illegally obtained and knowingly received, the Board shall immediately inform the Attorney General who may bring a civil action to recover compensatory and punitive damages. (Connecticut General Statutes, Section 1-88 and 1-89). Employees also are subject to discipline, up to and including termination, for violation of the Code and/or Judicial Branch Ethics policies.

## **USE OF OFFICE**

While the statutory Code of Ethics prohibits the use of public position or confidential information gained in state service for the financial benefit of the individual, his or her family, or an associated business, the Judicial Branch also prohibits the use of public position to support or endorse entities doing business with the State or which are directly regulated by the Judicial Branch.

## PROCEDURES

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Employees are urged to familiarize themselves with the provisions of the statutory Code of Ethics in order to assess areas of individual applicability. If a supervisor or employee is confronted with a potential conflict of interest, including but not limited to being an employee of a business, sole practitioner, or independent contractor, an offer to pay expenses from other than the State Judicial Branch or has a question about the propriety of any action the supervisor or employee wishes to take, he/she should send it to his/her Executive Director. For secondary employment matters, the employee must complete the Secondary Employment Request Form. The Executive Director shall either approve the request and file it at the Division level, or forward it, together with the Executive Director's recommendation and additional information, if any, to the Director of Human Resource Management. The Executive Secretary, the Director for Legal Services and the Director of Human Resources, or their designees, shall decide the question with a majority vote prevailing. For outside employment issues and consulting activities, the Committee may recommend that the employee directly contact the Office of State Ethics. If the employee contacts the Office of State Ethics for an opinion, a copy of such request shall be sent to the Director for Legal Services. For all other matters, the Committee may consult the Office of State Ethics if any of them deem it appropriate provided they give advance notice to the employee whose conduct is involved. If the employee opposes the consultation, has not yet engaged in the conduct and agrees not to engage in the conduct in the future, the matter will not be pursued. The Executive Director and the employee shall be informed of the decision.

**Questions on this policy:**   ✉ [Human.Resources@jud.ct.gov](mailto:Human.Resources@jud.ct.gov)   ☎ (860) 706-5280



## Administrative Policies and Procedures Manual

# 603 RECEIPT OF GIFTS

### POLICY

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Generally, Judicial Branch employees are prohibited from accepting gifts, as defined in this policy, from those who have business with or are regulated by the Judicial Branch. However, judges of all courts are excluded with respect to their employment as judges.

### GENERAL INFORMATION

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The Judicial Branch, which is responsible for the equitable administration of justice, must be sensitive to practices that may be construed as encouraging favoritism. The practice of accepting gifts, regardless of innocent intentions, often leads to the perception that employees may be more favorably disposed and responsive to those individuals who show their appreciation in a tangible manner. Consequently, the acceptance of gifts must be prohibited except in clearly defined and justifiable situations.

Specific aspects of this policy are derived from two sources:

- The Code of Ethics for Public Officials, which applies to Family Support Magistrates, permanent and non-permanent employees and to members of their immediate family when the gift is presented from a lobbyist or person acting on behalf of a lobbyist; and,
- A separate Judicial Branch policy, which applies to permanent employees and establishes a more restrictive, zero dollar provision.



**Links for this policy:**

[Summary of Revisions](#)

[Advisory Opinion 2007-02](#)

[C.G.S. Section 1-79 \(5\)](#)

[Policy 602](#)

### PERSONS FROM WHOM OFFICIAL/EMPLOYEE CANNOT ACCEPT A GIFT

No public official or state employee who occupies a permanent position may knowingly accept, directly or indirectly, any gift or gifts from any person the employee knows or has reason to know is doing business with or seeks to do business with the Judicial Branch; or is engaged in activities, including the practice of law, that are directly regulated by the Judicial Branch. Additionally, no employee may knowingly give, directly or indirectly, any gift or gifts in violation of this policy. It should be noted that in Advisory Opinion 2007-02, the Citizen's Ethics Advisory Board concluded that every Judicial Branch employee is prohibited from accepting any gift, as that term is defined in Connecticut General Statutes, Section 1-79(5), from attorneys admitted to the practice of law in Connecticut. It also was determined that the exclusion from the definition of gift for items given in connection with a major life event was not applicable in this context.

Therefore, attorneys may not give items to a Judicial Branch employee based on the major life event exception.

Non-permanent (temporary) employees are subject to restrictions under the Code of Ethics for Public Officials but not the more stringent Judicial Branch policies.

### **EXCLUSIONS FROM THE DEFINITION OF GIFT BASED ON RELATIONSHIPS WITH THE DONOR AND THE TYPE OF GIFT**

The Judicial Branch policy and the Code of Ethics differ in several areas with respect to what is excluded from the definition of a gift. These differences are based on the closeness of the relationship between the donor and the employee or official and on the type of gift received. Unless a more stringent requirement is imposed by the Judicial Branch, the Code of Ethics provisions governs a Judicial Branch employee. Employees are strongly encouraged to review the statutes regarding specific gifts that family support magistrates and permanent and non-permanent Judicial Branch employees are allowed to receive or are prohibited from receiving.

### **EXCLUSIONS FROM THE DEFINITION OF GIFT**

The Code of Ethics defines gift as anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. The definition then lists sixteen exceptions. See Connecticut General Statutes, Section 1-79(5). However, employers are permitted to adopt more stringent limitations on the receipt of gifts and the Judicial Branch has done so. While the Branch recognizes most of the sixteen exceptions, it does not recognize the following Code of Ethics exemptions, and therefore such items can not be received as gifts from a person known to be a registrant or anyone known to be acting on behalf of a registrant, or a person known or whom the employee has reason to know is doing or seeking to do business with Judicial or is engaged in activities which are directly regulated by Judicial:

- Printed or recorded informational material germane to the employee's state action or functions. However, such material can be made as a gift to the Judicial Branch subject to the Code of Ethics' rules on gifts to the State.
- Food or beverage or both, costing less than \$50.00 in the aggregate per recipient in a calendar year, consumed on an occasion or occasions at which the person paying, directly or indirectly, for the food or beverage, or his/her representative is in attendance. However, if the employee is at a conference and food or beverage or both is provided at a reception for all conferences attendees and the reception does not qualify as a necessary expense, the employee may attend if (a) the employee's attendance facilitates networking at the conference, (b) \$50.00 limit is not exceeded, and (c) the reception sponsor or the sponsor's representative is present.
- Food or beverage or both costing less than \$50.00 per person and consumed at a publicly noticed legislative reception to which all members of the General Assembly or members from a particular region of the State are invited. See Section 1-79 (5) J and K.
- Gifts costing less than \$100.00 in the aggregate or food or beverage provided at a hospitality suite at a meeting or conference of an interstate legislative association, by a person who is not a registrant or is not doing business with the State.

- Gifts with a value of not more than \$10.00, provided the aggregate value of all such things provided by the donor to the recipient pursuant to Section 1-79 (5) (P) in any calendar year does not exceed \$50.00. However, if the donor is a relative, close personal friend or Judicial Branch employee and the gift is not otherwise prohibited under the Code of Ethics, such gifts may be accepted.

Set forth below are a few of the more significant exceptions to the definitions of a gift contained in the Code of Ethics that the Judicial Branch does recognize:

- services provided by a person volunteering his or her time;
- a gift from (a) the recipient's spouse, fiancé or fiancée, (b) the parent, brother or sister of such spouse or such individual, or (c) the recipient's child or the spouse of such child;
- goods or services (a) that are provided to a state agency (defined in the legislation as including, inter alia, the Judicial Branch) (i) for use on state property, or (ii) to support an event or the participation by a public official or state employee at an event, and (b) that facilitate state action or functions. As used herein, state property means (i) property owned by the state, or (ii) property leased to a state agency; However, if a public official or state employee receives goods or services to support such official's or employee's participation at an event, and such goods or services (1) include lodging or out-of-state travel, or both, and (2) are not provided by the federal government or another state government, such official or employee shall, not later than thirty days after receipt of such goods or services, file a report with the Office of State Ethics.
- a certificate, plaque or ceremonial award costing less than \$100.00.

It should be noted that a public official or state employee may receive payment or reimbursement for necessary expenses as defined in the Code of Ethics for an article, appearance or speech, or for participation at an event in his or her official capacity. Requirement for reporting the receipt of a necessary expense to the Office of State Ethics are summarized in Policy 602, which discusses the Code of Ethics.

## **PROCEDURES**

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If a gift is provided and the donor's identity is known, the donor should be contacted, notified of the gift policy, and asked to retrieve the gift. If the gift is anonymous, it should be disposed of as follows:

- leave flowers in a public area
- discard food

If the value of the gift equals or exceeds \$10.00, notify the Office of State Ethics, inform them of the gift and the donor, if known, and the Office may approve donating the item to a charity.



Alleged violations of this policy should be reported to the appropriate division Executive Director. Harassment of, or retaliation against, an individual who reports such information will not be tolerated. Individuals who are found to have been in violation of this policy will be subject to appropriate disciplinary action. If acceptance of a gift amounts to a violation of the Code of Ethics, individuals also will be subject to the sanctions set forth in Policy 602 concerning the Code of Ethics.

If an individual has a question concerning the applicability of the Judicial Branch zero dollar gift policy, the individual should send it to his/her Executive Director who shall forward it to the Chief Court Administrator with any recommendation or information the Executive Director wishes to add. The Chief Court Administrator, the Director for Legal Services and the Director of Human Resource Management shall decide the question with a majority vote prevailing. The Executive Director and the employee shall be informed of their decision. The Chief Court Administrator, Director for Legal Services or the Director of Human Resource Management may act through a designee appointed on an ad hoc basis.

In the case of a question regarding the gift provisions of the Code of Ethics, the procedure in Policy 602, Code of Ethics, will be followed.

**Questions on this policy:** ✉ [Human.Resources@jud.ct.gov](mailto:Human.Resources@jud.ct.gov) ☎ (860) 706-5280