



STATE OF CONNECTICUT
MILITARY DEPARTMENT
OFFICE OF THE ADJUTANT GENERAL
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MILITARY DEPARTMENT
ETHICS POLICY

To: Connecticut Military Department State Employees, Members of National Guard when Performing State Active Duty, Members of the Organized Militia, Members of the Governor's Military Staff and Military Department Volunteers

From: Francis J. Evon, Jr., The Adjutant General, Connecticut Military Department

Date: December 5, 2022

Subject: Agency Ethics Policy

I. INTRODUCTION

As The Adjutant General (TAG), Connecticut Military Department ("CTMD"), I require all state employees, members of National Guard when performing State Active Duty, the organized militia, governor's military staff members and agency volunteers (collectively "CTMD personnel"), as representatives of the State of Connecticut, to acknowledge that their positions are public-service positions of trust and responsibility. Public service demands public trust and ethical conduct in all our activities and in all of our statuses. To uphold our commitment to our civil and military values, I require all CTMD personnel to observe the highest ethical standards, which includes abiding by and being subject to the CTMD Ethics Policy. The CTMD Ethics policy summarizes the general principles that apply to CTMD personnel; however, it is not exhaustive. Therefore, as a CTMD personnel, you are required to be familiar with and comply with the following.

- Code of Ethics for Public Officials, Conn. Gen. Stat. §§ 1-79 through 1-90a
- Office of State Ethics Regulation, Code of Ethics, §§ 1-81-1—1-81-39
- Public Officials and State Employees Guide to the Code of Ethics
- Department of Administrative Services (DAS) General Letter 214-D

The first three items listed above may be found on the website of the Office of State Ethics at <https://portal.ct.gov/Ethics>. DAS General Letter 214-D may be found on the DAS website at <https://portal.ct.gov/DAS/Lists/Human-Resources-Business-Rules-and-Regulations/Administrative-Resources/Statewide-Policy>. Copies will also be posted on CTMD Breakroom Bulletin Boards (Hartford Armory, Bradley Air National Guard Base Breakroom and Fire House). If CTMD personnel cannot access the items online at employee breakrooms, contact your supervisor or the CTMD Human Resources Office to obtain access or a printed copy. Compliance with the Code of Ethics (the "Code") is an individual responsibility of all CTMD personnel. This policy and all CTMD policies are available at <https://portal.ct.gov/MIL/Human-Resources/Policy-Statements>.

II. DISSEMINATION OF THE POLICY AND OTHER ETHICS MATERIALS

A copy of this policy will be provided to all current and future CTMD personnel. The policy will also be posted on the CTMD website. Additionally, portions of the Code of Ethics addressing post-employment restrictions will be provided to each CTMD personnel before he or she leaves state service. CTMD will also provide to all current and potential vendors of the agency a summary of the State Code of Ethics as it applies to state vendors and contractors.

III. CONFLICT OF INTEREST PROVISIONS

In general, you may not use your public position or authority for personal financial benefit, nor compromise any confidential state information. The following list summarizes some of the specific prohibitions that may apply to you.

- **OUTSIDE EMPLOYMENT.** CTMD personnel may not accept outside employment that will impair his or her independence of judgment regarding his/her state duties or would encourage the disclosure of confidential information gained in state service. Additionally, although CTMD personnel may use his/her expertise, he/she may not use his/her state position to obtain outside employment. CTMD personnel are not allowed to use his/her business address, telephone number, title or status in any way to promote, advertise or solicit personal business.

- **CONFIDENTIAL INFORMATION.** CTMD personnel are prohibited from disclosing confidential information gained while employed at CTMD. If any CTMD personnel is unsure about whether certain information is deemed confidential, the proper course of action is to ask your supervisor, the CTMD Information Manager, Freedom of Information (FOIA) officer or the Staff Judge Advocate whether the information is confidential prior to releasing such information. The unauthorized disclosure of confidential information is likely to constitute misconduct or negligence. CTMD personnel who disclose confidential information without proper authorization are subject to administrative and/or disciplinary action.

- **CONTRACTS WITH THE STATE.** CTMD personnel, their immediate family members, and/or a business with which CTMD personnel or his/her family member is associated may not enter into a contract with the state valued at \$100 or more, unless the contract is awarded through an open and public process. CTMD personnel are also prohibited from interfering with or soliciting contracts for or on behalf of any person.

- **FINANCIAL BENEFIT.** CTMD personnel may not use their official position or confidential information gained in their service for personal financial benefit, the financial benefit of a family member, or the financial benefit a business with which they, or a family member, are associated.

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 related purpose is considered a financial benefit to CTMD personnel, and is therefore prohibited.

• **FINANCIAL INTERESTS.** CTMD personnel may not have a financial interest in any business, employment, transaction or professional activity that “substantially conflicts” with the proper discharge of their duties and responsibilities or employment in the public interest. In other words, you are prohibited from taking an official action that will directly affect your financial interest (or the financial interests of a family member or a business with which you are associated), such as awarding a contract to a private business that you own. You are not, however, considered to have a “substantial conflict” if the financial interest is shared by other members of your profession, occupation or group.

If, in the course of your work as a CTMD personnel, you are asked or expected to take an action that would directly affect your financial interest (or the financial interests of a family member or a business with which you are associated), you must prepare a written statement that describes the potential conflict and give it to your division manager who may decide to reassign the matter.

• **BENEFITS THAT MAY INFLUENCE OFFICIAL ACTIONS.** CTMD personnel may not solicit or accept 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.

IV. GIFTS

As CTMD personnel, you are restricted from receiving gifts from certain entities and individuals.

WHAT IS A “GIFT?”

A “gift” is anything of value that you have directly or personally received unless:

- You have given something of equal or greater value (including, but not limited to, money) in exchange for the item; or
- The item falls into one of the exceptions listed in Section 1-79(e) of the Connecticut General Statutes. Examples of items that are not considered to be “gifts” under this law include the following.
 - o A gift received from an immediate family member.
 - o A certificate, plaque or other ceremonial award that costs less than \$100.
 - o A rebate, discount or promotional item that is available to the general public.
 - o Food or beverages, provided that the gift-giver is in attendance when the food or beverages are consumed and that the total value of the food or beverages you receive from any single gift-giver is less than \$50 per year.
 - o A token item, such as a pen, mug or inexpensive baseball cap, that, in and of itself, costs less than \$10, provided that the total value of the token items you receive from any single gift-giver is less than \$50 per year.
 - o A gift given to you or a member of your family for a “major life event,” i.e., the birth or adoption of a child, a wedding, a funeral, a ceremony commemorating induction into religious adulthood (i.e., 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 listed “major life events” is \$1,000.

GIFTS FROM REGULATED DONORS

In general, you may not accept any “gift” from a “regulated donor.” “Regulated donors” include:

- Registered lobbyists or their representatives.
- Individuals or entities doing business or seeking to do business with CTMD.
- Individuals or entities that are directly regulated by CTMD.
- Contractors on the CTMD prequalification list.

A list of registered lobbyists can be found on the Office of State Ethics website. CTMD personnel can determine whether a vendor is doing business with CTMD, and whether an entity is on the CTMD prequalification list, by checking the CTMD website.

Please note that, while the exceptions to the definition of “gift” listed in C.G.S. 1-79(e) generally apply to items received from regulated donors, the “major life events” exception described above may only be used by lobbyists. You may not accept gifts for “major life events” from other regulated donors.

GIFTS FROM NON-REGULATED DONORS

In addition to the restrictions on gifts from regulated donors, the law also limits your ability to accept gifts from non-regulated donors who give you something because of your position in state service. Specifically, you may accept gifts from individuals or entities who are not regulated donors but who give you gifts because of your public position only if the total value of any gifts from a single gift-giver less than \$100 per year.

There are also restrictions on gift-giving between supervisors and subordinates. In most circumstances, any gift given and received between a CTMD supervisor and a subordinate (whether or not they are in a direct reporting relationship) must have a value of less than \$100 per gift. Please note that supervisors and/or subordinates cannot pool their money to give a group gift that is valued more than \$99.99. The only exception to the \$99.99 limit for gifts is the “major life event” exception described above.

V. FEES, HONORARIA, NECESSARY EXPENSES, AND GIFTS TO THE STATE

As CTMD personnel, you may not accept fees or honoraria for an article, appearance, speech or participation in an event if you engaged in such activities in connection with or as part of your state employment. If, however, your involvement in such activities is not related to your state employment, you may be permitted to accept the fee or honoraria

If you, in your capacity as CTMD personnel, actively participate in an event (i.e., give a speech or presentation or run a workshop), you may be able to receive compensation

for necessary expenses, even if they are paid for by a “regulated donor.” Necessary expenses can include travel (not first class); lodging for the nights before, of, and after the appearance, speech or event; meals; and related conference or seminar registration fees. Entertainment costs and the payment of expenses for family members or guests are not necessary expenses.

Under the “gift to the state” provision, CTMD personnel may accept payment or reimbursement for reasonable expenses associated with an educational event that is relevant to the CTMD’s personnel’s state duties. Unlike the “necessary expenses” provision, the “gift to the state” provision does not require active participation in the event; in other words, it is sufficient for CTMD personnel simply to attend the event for educational purposes. But like the “necessary expenses” provision, all expenses associated with the event, for travel, meals, etc., must be reasonable and not lavish, and any expenditures not absolutely necessary to attend the event (e.g., for entertainment or sightseeing or for family members or other guests) may not be accepted. Any donation to CTMD must be processed as an offer for acceptance by CTMD-TAG.

Any CTMD personnel who accepts payment or reimbursement from a non-governmental entity for necessary expenses or for a gift to the state must file a Form ETH-NE or Form ETH-GTS with the Office of State Ethics within 30 days of receiving the payment or reimbursement. This form can be completed online.

VI. RESTRICTIONS ON POLITICAL ACTIVITIES

Connecticut’s ethics laws and policies impose certain restrictions on the political activities of CTMD personnel.

In general, you may not:

- Campaign for a candidate or otherwise engage in political activities during working 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.
- Directly or indirectly coerce, command, or advise a state or local officer or employee or other CTMD personnel to contribute anything of value to a party or person for political purposes.

CTMD personnel are not prohibited from seeking political office as long as it is not done on state time or with state equipment or resources. However, CTMD personnel may not be employed by two branches of state government simultaneously. Therefore, any CTMD personnel who accepts an elective state office must resign from his/her position with CTMD. Any CTMD personnel who accepts a full-time elective municipal office may, in CTMD’s discretion, be granted a personal leave of absence without pay from his/her CTMD position for a limited time.

Any CTMD personnel seeking an elective state office or a full-time elective municipal office must notify his/her supervisor of this fact in writing, within 30 days after nomination for that office. CTMD personnel who perform duties that relate to programs that are financed in whole by federal funds may also be subject to the federal Hatch Act. In some cases, especially regarding CTMD personnel running for office, provisions of the Hatch Act differ from state law. Please consult with your supervisor or the CTMD Ethics Compliance Officer if you have any questions about the federal Hatch Act.

VII. STATEMENTS OF FINANCIAL INTERESTS (SFIs)

The Code of Ethics requires that all department heads and deputies, state marshals and “such members of the Executive Department . . . as the Governor shall require,” among others, file an annual Statement of Financial Interests (SFI) with the Office of State Ethics for the preceding calendar year. SFIs are due to Office of State Ethics on May 1st of each year and can be filed electronically through that agency’s website.

The standard requirement to file annual SFIs is for the following individuals:

“[A]ll persons in the Executive Branch and Quasi-Public Agencies who exercise (i) significant policymaking, regulatory or contractual authority; (ii) significant decision-making and/or supervisory responsibility for the review and/or award of State contracts; or (iii) significant decision-making and/or supervisory responsibility over staff that monitor State contracts.”

Each agency is responsible for designating which of its personnel meet these standards.

You will be notified if you have been designated by your Division Director as an individual who must file an annual SFI. Each CTMD personnel so designated is personally responsible to accurately complete and timely file his/her SFI with the Office of State Ethics. Failure to do so will not only subject CTMD personnel to fines imposed by the Office of State Ethics of \$10 per day for each day the report is late (up to \$10,000 per violation) but may also subject CTMD personnel to disciplinary action by CTMD.

CTMD personnel who are designated as an SFI filer who leaves his/her position at CTMD during the year also must file an SFI covering that portion of the year during which such individual held his/her office or position. The Office of State Ethics will notify such individuals of this requirement no later than thirty days after they leave their office or position, and the individuals must file the SFI within sixty days after they receive the notification.

VIII. RESTRICTIONS ON POST-EMPLOYMENT ACTIVITIES

Certain restrictions apply to the conduct of former CTMD personnel.

- There is a lifetime ban on disclosing for anyone's financial gain confidential information that you learned during your state employment.
- There is a lifetime ban on representing anyone other than the state in connection with any matter in which you substantially participated during your state employment and in which the state has a substantial interest.
- There is a one-year ban on representing anyone for compensation before CTMD.
- There is a one-year ban on being hired by a state contractor if, while you were employed by CTMD, you were substantially involved in or supervised the negotiations or award of a state contract to that contractor and the contract is valued at \$50,000 or more.

Additionally, as discussed above in Section VII, any CTMD personnel designated as an individual who must file an annual SFI must file an SFI after leaving CTMD covering that portion of the year during which such individual held his/her position. The Office of State Ethics will notify such individuals of this requirement no later than thirty days after they leave their office or position, and the individuals must file the SFI within sixty days after they receive the notification.

IX. REPORTING ETHICS VIOLATIONS

Certain CTMD personnel are required to report to the Office of State Ethics if they have reasonable cause to believe that a person has violated the Code of Ethics for Public Officials or any law or regulation concerning ethics in state contracting. The Adjutant General and the fulltime Assistant Adjutant General are mandatory reporters. Additionally, any "person in charge of state agency procurement and contracting" are also mandatory reporters. At CTMD, the following positions are considered to be in charge of state agency procurement and contracting, and therefore, are deemed mandatory reporters under this provision: our Fiscal Administrative Manager, Associate Fiscal Administrative Officer, and our Fiscal Administrative Officer designated as the CTMD leasing agent.

If any other CTMD personnel has questions or concerns about potentially unethical conduct by any person, including but not limited to state contractors, immediately contact your supervisor, the CTMD Ethics Compliance Officer, CTMD Staff Judge Advocate or CTMD agency leadership.

Mandatory reporters may directly contact the Office of State Ethics with concerns or may contact the CTMD Ethics Compliance Officer to coordinate the report.

Please know that there are strict rules regarding the confidentiality of Ethics complaints. If you file a complaint with the Office of State Ethics – whether you are a mandatory reporter or not – certain information must be kept confidential. Specifically, you may disclose the facts that form the basis of a complaint (i.e., the facts that you acquire on your own). However, you may not disclose the existence of a formally filed complaint (i.e., the fact that you filed a complaint with Office of State Ethics or that you know that a complaint has been filed with the Office of State Ethics); any information acquired

through interacting with the Office of State Ethics; or the fact that specific information was conveyed to the Office of State Ethics.

The Office of State Ethics has authority to institute enforcement actions and impose fines against those who improperly disclose complaint information to any third party.

X. 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 CTMD personnel and sanctions of up to \$10,000 per violation. The entire Code and the regulations, as well as a summary of these rules, may be found on the Office of State Ethics website, Connecticut Office of State Ethics. Formal interpretations of the Code of Ethics can also be found on this website.

Please note that violations of the Code of Ethics may subject CTMD personnel to adverse personnel actions taken by CTMD and sanctions (including criminal) from agencies or systems external to CTMD. Whether this occurs or not, CTMD retains the right to independently review and respond administratively to violations. The conduct of the review and response will be in accordance with contractual and regulatory guidelines.

XI. CONCLUSION

It is strongly recommended that all CTMD personnel avoid situations that are ethically questionable or that may give the appearance of being ethically questionable. If you have any questions about this policy or if you are uncertain about how Connecticut's ethics laws and policies apply to a specific situation, contact the CTMD Ethics Officer.

CTMD Ethics Compliance Officer
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All reports made to the CTMD Ethics Compliance Officer will be kept confidential to the extent permitted by law, and only those with an absolute need to know will be notified of the identity of any individual reporting questionable behavior.

CTMD strictly forbids retaliation against CTMD personnel who make reports, complaints or who participate in internal or external investigations of any kind. Retaliation is serious personnel misconduct.