

ETHICS

R07-1-03

Guidelines with Respect to the Receipt of Things of Value

May 2, 2007

WHEREAS, R.C. 102.03(E) provides that no public official or employee shall solicit or accept anything of value that is of such a character as to manifest a substantial and improper influence upon the public official or employee with respect to that person's duties; and

WHEREAS, Ohio Adm.Code 4121-15-03(B) provides that no gift, gratuity, money, service, hospitality, loan, promise, and anything of economic value shall be sought, solicited, or accepted from or on behalf of any individual or entity who is doing or seeking to do business of any kind with the commission or bureau under any circumstances from which the officer or employee could responsibly infer that the gift or benefit was intended to influence the employee in the performance of the employee's duties or was intended as a reward for any official action on the employee's part; and

WHEREAS, it is the policy of the Industrial Commission to carry out its mission in accordance with the strictest ethical guidelines and ensure that Industrial Commission members and Industrial Commission employees conduct themselves in a manner that fosters public confidence and integrity in the Industrial Commission, its processes, and its accomplishments. Industrial Commission members and Industrial Commission employees occupy a position of public trust which requires strict adherence to the highest ethical standards; and

WHEREAS, Industrial Commission members and Industrial Commission employees must conduct themselves at all times in a manner that avoids favoritism, bias, and the appearance of impropriety. The role of the members of the Industrial Commission and Industrial Commission employees as impartial adjudicators of contested workers' compensation claims cannot be tainted by even the appearance of impropriety.

THEREFORE BE IT RESOLVED THAT in recognition of the foregoing, that the members of the Industrial Commission and Industrial Commission employees shall be governed by the following guidelines:

- Industrial Commission employees shall not solicit or accept anything of value from anyone doing business with or seeking to do business with, or interested in a matter before the Industrial Commission.
- "Anything of value" includes anything of monetary value, including, but not limited to, money, gifts, food items such as a meal, candy, cookies, popcorn, and beverages, flowers, social and sporting event tickets, expenses and travel expenses, golf outings, consulting fees, compensation, loans, or employment.
- "Anyone doing business" with the Commission, and "improper party" includes, but is not limited to, any person, corporation, association, or other entity that is doing or seeking to do business with, or is interested in any matter before the Industrial Commission.
- Gifts or anything of value given to an employee, or given to an office or a section to be shared with all of the members of an office, section and/or unit, by or on behalf of an improper party, are prohibited.

Any gift or anything of value received by an employee, by or on behalf of an improper party, shall immediately be reported to the employee's immediate supervisor. The report should include the source of the gift or the thing of value with information as to the source of the gift or thing of value. The supervisor is to notify the manager of the section who will report the matter to the executive director. The gift or thing of value is to be returned to the sender of the gift or thing of value with an explanation that the Ohio ethics laws prohibit acceptance.

BE IT FURTHER RESOLVED THAT the aforementioned guidelines do not apply to the exchange of gifts among employees of the Industrial Commission.

BE IT FURTHER RESOLVED THAT the aforementioned guidelines do not apply to the occasional, infrequent acceptance of a meal or refreshment if the meal or refreshment is associated with a bona fide speaking engagement within the Industrial Commission employee's official duties and the meal or refreshment is the same as that offered to the audience. This exception applies regardless of whether the source of the meal or refreshment is an improper party as described in this resolution. The aforementioned guidelines do not apply to a meal or refreshments provided in a training session for which the Industrial Commission has paid for the Industrial Commission employee's registration or tuition fee.

BE IT FURTHER RESOLVED THAT the aforementioned guidelines do not apply to discounts or other items of economic value that are offered to the general public or to all state employees or to all state employees within a smaller geographic area or other subdivision of all state employees so long as the Industrial Commission is not the only state agency to which the offer applies and so long as any offering to the general public is not made during an event sponsored by the Industrial Commission for the general public. This exception applies regardless of whether the source of the discount or other item of economic value, is an "improper party" as defined in this policy.

BE IT FURTHER RESOLVED THAT the aforementioned guidelines shall not apply to things of value received from close family members. Close family members include parents, children, siblings, spouses, or domestic partners. The terms of this policy also shall not apply to friends (including other family members) who are not individuals, corporations, associations, or entities doing business with or seeking to do business with, or interested in a matter before the Industrial Commission.

BE IT FURTHER RESOLVED THAT the aforementioned guidelines are in addition to those otherwise established by law.

BE IT FURTHER RESOLVED THAT within fourteen days of the approval of this resolution, the Industrial Commission Office of Human Resources shall develop a work rule and Industrial Commission policy to enforce the provisions of this resolution and shall present the work rule, Industrial Commission policy, and this resolution to OCSEA-AFSCME for review and comment pursuant to Section 44.04 of the Collective Bargaining Agreement, for a period of thirty days.

BE IT FURTHER RESOLVED THAT Resolutions R96-1-09, R96-1-10, and R97-1-04 are rescinded.

Modification

This resolution was modified to correct citations and is effective on September 26, 2018.