



## **Plaquemines Parish Government Ethics Policy**

**Mission:** Plaquemines Parish Government takes the ethical behavior of its employees very seriously and in accordance with Louisiana Code of Governmental Ethics, R.S. 42:1111-1121 requires comprehension and compliance by each employee, both civil and elected.

### **Goals:**

1. To ensure public confidence in the integrity of government
2. To ensure the independence and impartiality of elected officials and public employees
3. To ensure the government decisions and policy are made in the proper channel of the government structure
4. To ensure that public office and employment are not used for private gain

### **Ethics Training:**

Ethics training is mandatory for each employee. This training is arranged through the State of Louisiana. If the employee cannot attend, there is an online training which can be completed. The program is administered by the Human Resources department and documentation is maintained to ensure that all employees and elected officials complete the required Ethics training annually. Employees will receive notice of any changes that are made to the training program as necessary.

1. Notification: Communication from Human Resources to each parish Director, who then filters the information to each department head and in turn, they notify all of their employees.
2. Verification: Representatives from Human Resources stand at the door of the training venue, verify identity and direct each employee entering to affix a signature to a prepared sign-in sheet. If the employee cannot physically

attend the arranged training, an online training option is available. Upon completion of the online training, a certificate can be printed to verify completion. Any employee electing to do online training must present the completion certificate to the Human Resources department for file.

### **Reporting Concerns or Violations:**

Plaquemines Parish Government is committed to reviewing concerns and investigating potential violations of this policy, as well as concerns that the Parish has engaged in improper governmental activity.

1. **Employees Role in Compliance-** All employees should report, without fear of retaliation, any matter which they believe could constitute a violation of this policy or other improper governmental activity. This policy outlines the steps that Plaquemines Parish Government generally will take to review and investigate concerns and complaints. This policy also sets forth Plaquemines Parish Government's commitment to ensuring that employees who make reports in good faith, or who participate in investigations, do not experience retaliation. This protection extends to employees who report concerns of alleged improper governmental activity, commonly referred to as "whistleblowers."
2. **Expectations of Supervisors and Managers-** Supervisors and managers will be held to a higher level of responsibility with respect to reporting potential violations of this policy described above. Supervisors and managers who know of or receive reports or complaints of offending behavior must promptly report the concern or potential violation.
3. **How to Report-** To report a concern or potential violation employees should contact the Director of Administration or the Human Resources department. An employee who reports his/her own improper action does not automatically receive immunity from disciplinary action. However, the fact that an employee voluntarily reports his or her own possible policy violation may be favorably considered when evaluating disciplinary action.

### **Confidentiality:**

Except as necessary to facilitate a thorough investigation, any person within Plaquemines Parish Government receiving information about a concern or potential violation of this Policy shall keep all information received as confidential as possible. This includes the names of the persons involved and the nature of the concerns or violations.

### **No Retaliation:**

No retaliatory action will be taken against any employee who in good faith reports a concern or potential violation of this policy or assists in the investigation of one. Plaquemines Parish Government is committed to non-retaliation including protection of those employees who

report complaints of alleged improper governmental activity, commonly referred to as “*whistleblowers*.” Employees are prohibited from using their official authority or position to prevent or interfere with an employee reporting a violation of this policy. Employees who believe they have been retaliated against for having made a complaint or participated in an investigation must promptly notify the Director of Administration or the Human Resources department so that such concerns can be investigated. Appropriate corrective measures will be taken if allegations of retaliation are substantiated.

### **The Investigation Process:**

Plaquemines Parish Government will promptly and thoroughly review all reported concerns and alleged violations of this policy. Reports will be handled with sensitivity, discretion and confidentiality to the extent allowed by the circumstances and the law. Generally, this means that details are shared only with those who have a need to know so that we can conduct an effective investigation.

There may be a preliminary investigation to determine whether the concern or allegation constitutes a potential policy violation, as a rational and legitimate explanation may exist for the reported activity. If a full investigation is deemed appropriate, decisions will be made about whether to conduct internally or by retaining an outside investigator. Plaquemines Parish Government will conduct the investigation as quickly as possible.

The reporting employee typically will be requested to provide relevant details, such as the date(s), location(s), name(s) of witnesses, or information about the alleged improper actor(s)/action (s). Other persons with relevant information may be interviewed as needed. During the investigation, steps may be taken, when appropriate, to minimize contact between the reporting employee and the alleged improper actor.

After the investigation is completed, the Administration will discuss its findings with the reporting employee, the alleged improper actor, and possibly others directly concerned with the matter.

If Plaquemines Parish Government concludes that a policy violation occurred, prompt and effective remedial action will be taken. This may include the discipline of the improper actor(s) and other actions to remedy the effects of the violation and to prevent further violations.

For further information, please contact the Director of Administration or Human Resources.

### **The Code of Governmental Ethics:**

**General Prohibitions (R.S. 42:1111-1121) NOTE:** The following is a synopsis of some of the key provisions of the Code of Governmental Ethics. For the official text of the provisions described below, and for the text of other provisions of the Code, including information relative to exceptions to these general restrictions, refer to the Code at LSA

R.S. 42:1101 et seq.

The Code of Governmental Ethics prohibits the:

1111A - Receipt of a thing of economic value from a source other than the governmental entity for the performance of official duties and responsibilities.

- A. 1111C(1)(a) - Receipt of a thing of economic value for the performance of a service substantially related to public duties or which draws on non-public information.
- B. 1111C(2)(d) - Receipt of a thing of economic value by a public servant for services rendered to or for the following:

- (1) persons who have or are seeking to obtain a contractual or other business or financial relationship with the public servant's agency;
- (2) persons who are regulated by the public employee's agency; or
- (3) persons who have substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duties.

These same restrictions apply to the public servant's spouse and to any legal entity in which the public servant exercises control or owns an interest in excess of 25%.

- C. 1115 – Elected officials and public employees are prohibited from soliciting or accepting a gift from the following persons:

- (1) persons who have or are seeking to obtain a contractual or other business or financial relationship with the public servant's agency; or
- (2) persons who are seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.

Public employees, not elected officials, are also prohibited from soliciting or accepting a gift from the following persons:

- (1) persons who conduct operations or activities regulated by the public employee's agency; or
- (2) persons who have substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duties.

The prohibition against soliciting or accepting a gift from certain persons extends to officers, directors, agents, or employees of such person.

The gift prohibition does not prohibit food or drink consumed as the personal guest of the person providing the food or drink, including reasonable transportation and entertainment incidental thereto. The

person providing the food and drink may not provide a public servant more than \$70 of food and drink per single event. The \$70 limit does not apply to a gathering held in conjunction with a meeting of a national or regional organization or a statewide organization of government officials or employees, or to a public servant of a post-secondary education attending a private fundraiser for the post-secondary institution.

The gift prohibition does not prohibit the receipt of promotional items having no substantial resale value (i.e.: cups, hats, or pens with a company's logo).

Section 1123(26)(b) allows teachers and other school employees to accept gifts valued at \$25 or less and \$75 as a total in one calendar year from or on behalf of students or former students.

- D. 1111E - Receipt of a thing of economic value for assisting someone with a transaction with the agency of the public servant.
  
- E. 1112 - Participation by a public servant in a transaction involving the governmental entity in which any of the following persons have a substantial economic interest:
  - (1) the public servant;
  - (2) any member of his immediate family;
  - (3) any person in which he has an ownership interest that is greater than the interest of a general class;
  - (4) any person of which he is an officer, director, trustee, partner, or employee;
  - (5) any person with whom he is negotiating or has an arrangement concerning prospective employment;
  - (6) any person who is indebted to him or is a party to an existing contract with him and by reason thereof is in a position to affect directly his economic interests.

An elected official may participate in the debate and discussion of a matter which could violate this provision, but only if he discloses the nature of the conflict on the record of his agency prior to his participation in the debate and discussion, and prior to any vote taken on the matter. The elected official is not allowed to vote on the matter and he must recuse himself. R.S. 42:1120.

Appointed members of boards and commissions may recuse themselves to avoid a violation of Section 1112. Unlike elected officials, they may not participate in the debate or discussion of the matter. They must recuse themselves from all participation. R.S. 42:1112D.

Other public employees who are not sole decision makers can be

disqualified from transactions that would violate this prohibition. A mechanism for disqualification is found in the rules promulgated by the Board. R.S. 42:1112C.

- F. 1113A – For public servants, other than legislators or appointed members of boards and commission, bidding on or entering into any contract, subcontract or other transaction under the supervision or jurisdiction of the public servant=s agency. This restriction also applies to the immediate family members of the public servant and to legal entities in which the public servant and/or his family members own an interest in excess of 25%.

1113B - Appointed members of boards and commissions are not only prohibited from bidding on or entering into such contracts, subcontracts or transactions under the supervision or jurisdiction of their board, but also being “in any way interested” in them. Also, the restriction applies to their immediate family members and legal entities in which they or their immediate family members have a “substantial economic interest.”

1113C – Legislators are prohibited from bidding on, entering into or being in any way interested in contract, subcontracts or other transactions that are under the supervision or jurisdiction of the legislative branch of government. This restriction also applies to the immediate family members of the legislator and to legal entities in which the legislator and/or his family members own an interest in excess of 25%.

1113D - Additional prohibition applicable to legislators, certain executive branch officials, their spouses or legal entities in which either owns an interest in excess of 5% from entering into a contract with any branch, agency, department or institution of state government, with a few exceptions.

- G. 1116 – A public servant’s use of the authority of his office to compel or coerce a person to provide himself or someone else with a thing of economic value that they are not entitled to by law or the use of the authority of his office to compel or coerce a person to engage in political activity. Also, a regulatory employee is prohibited from participating in any way in the sale of goods or services to persons regulated by his agency, if a member of his immediate family or if a business enterprise in which the regulatory employee or members of his immediate family own in excess of 25%, receives or will receive a thing of economic value by virtue of the sale.
- H. 1117 – It is prohibited for a public servant or other person to make a payment, give, loan, transfer, or deliver or offer to give, loan, transfer or

deliver a thing of economic value to a public servant when the public servant is prohibited by the Ethics Code from receiving such a thing of economic value.

I. 1119 – Nepotism

(1) Members of the immediate family of an agency head may not be employed in the agency.

(2) Members of the immediate family of a member of a governing authority or the chief executive of a governmental entity may not be employed in the governmental entity. The term “governing authority” includes parish councils, police juries, school boards, town councils, boards of aldermen, etc.

(3) Note that the application of this restriction is not affected by whether the agency head, chief executive or governing authority member has authority over or participates in the hiring decision - such family members are simply ineligible for employment.

(4) Exceptions:

(a) persons employed in violation of this rule continuously since April 1, 1980;

(b) a person employed for one year prior to their family member becoming an agency head;

(c) employment of a school teacher who is a member of the immediate family of the superintendent or a school board member as long as the family member is certified to teach or is temporarily authorized to teach while pursuing certification. Annual disclosure is required and forms are available from the Ethics Administration Program office. If the required disclosure is not timely filed, a late fee assessment of \$50 per day, with a maximum penalty of \$1,500, may be imposed;

(d) employment as a health care provider, of an immediate family member of a hospital service district board member or of a public trust authority board member, as long as the family member is a licensed physician, allied health professional, or a registered nurse. Annual disclosure is required and forms are available from the Ethics Administration Program office. If the required disclosure is not timely filed, a late fee assessment of \$50 per day may be imposed, with a maximum penalty of \$1,500; or

(e) persons employed as volunteer firefighters.

J. 1121- Post Employment

(1) During the two year period following the termination of public service as an agency head or elected official, these individuals may not assist another for compensation, in a transaction, or in an appearance in connection with any transaction involving their former agency nor may they render any service on a contractual basis to or for their former agency.

(2) During the two year period following the termination of public service as

a board or commission member, these individuals may not contract with, be employed in any capacity by, or be appointed to any position by that board or commission. The Board has interpreted "board or commission" to include a collective body that shares responsibility for its actions. This would include school boards, police juries, boards of aldermen, a group of selectmen, a council, etc.

(3) During the two year period following the termination of public service as a public employee, these individuals may not assist another for compensation, in a transaction, or in an appearance in connection with a transaction involving the agency in which the former public employee participated while employed by the agency nor may the former public employee provide on a contractual basis to his former public employer, any service he provided while employed there.