

PALM BEACH COUNTY CODE OF ETHICS

A guide for employees

I. Misuse of Public Position

As public employees, you must carry out your duties fully, faithfully and ethically. Misusing your position for private benefit is a breach of the public trust. This law regulates the way you do your job.

Prohibited Conduct: You cannot use your position in any way when you know or should know with the exercise of reasonable care that it would result in FINANCIAL BENEFIT to:

- A. You
- B. A member of your household – this includes domestic partners and all dependents and any employer of these people.
- C. Your relatives – parents, children, siblings, grandparents, grandchildren, nieces, nephews, uncles, aunts, spouse, or any of their employers.
- D. An outside employer or a business of yours, your spouse or domestic partner, or someone who works for the outside employer or business. For the purposes of this law, it is your business if you or any combination of members of your household own at least 5 percent of the business' assets.
- E. Someone who owes you, or who you owe, at least \$10,000, NOT including a loan you might have with a financial institution.
- F. Civic, union, social, charitable or religious organization where you or spouse or domestic partner serve as an officer or director.

What does FINANCIAL BENEFIT mean for the purposes of this law?

Anything of value that can be obtained through the exercise of your job that is not shared with similarly situated members of the general public. Examples: Money, permit, contract, loan

II. Prohibited Contractual Relationships

Section one regulates the way you do your job as a public employee. This section prohibits certain contractual relationships you might have in your private capacity that would conflict with your public duties.

A. You cannot enter into any contract or other transaction to provide goods or services with Palm Beach County. This prohibition includes any contract between Palm Beach County and you, your employer, or any business you own (minimum 5 percent of the business' assets).

B. It does not include your employment contract with Palm Beach County.

C. Exceptions:

- (1) The business is awarded under a system of sealed, competitive bidding to the lowest bidder, and
 - (a) You or a member of your household has not participated in the determination of the bid specifications or the determination of the lowest bidder;
 - (b) You or a member of your household has not used or attempted to use your influence to persuade the agency or any personnel thereof to enter into such a contract other than by the mere submission of the bid;
 - (c) Prior to or at the time of the submission of the bid, you file a statement with the Supervisor of Elections and the Commission on Ethics disclosing the nature of your interest in the bid submitted.
- (2) An emergency purchase or contract which would otherwise violate this provision must be made in order to protect the health, safety, or welfare of the citizens of Palm Beach County;
- (3) Your outside employer or business involved is the only source of supply and you fully disclose your interest in the outside employer or business

to Palm Beach County and the Commission on Ethics prior to the purchase, rental, sale, leasing, or other business being transacted.

- (4) The total amount of the transactions in the aggregate between your outside employer or business and Palm Beach County does not exceed \$500 per calendar year.

III. Travel Expenses

As a Palm Beach County employee, you cannot accept payment or reimbursement of any travel expenses from any Palm Beach County government contractor, vendor, service provider, bidder or proposer.

A. Travel expenses include, but are not limited to, transportation, lodging, meals, registration fees and incidentals.

B. Travel expenses do not include travel expenses paid by other governmental entities or by organizations of which Palm Beach County is a member if the travel is related to that membership.

C. The Board of County Commissioners may waive the prohibition against accepting travel expenses by a majority vote.

IV. Honesty in Applications for Positions

No person applying for an employment position in Palm Beach County government may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by Palm Beach County.

V. Disclosure or Use of Certain Information

As a Palm Beach County employee, you cannot disclose or use information gained through your job, but not available to members of the general public, for personal gain or benefit or for the personal gain or benefit of others.

VI. Gift Law Prohibitions

A. You cannot ask for or accept a gift worth more than \$100 if you know the gift is coming from a lobbyist or the lobbyist's employer. Lobbyists are required to register with Palm Beach County and to identify their employers.

You can access this information at:

http://www.pbcgov.org/plrapplication.aspx/PLRSearchPublicView_New.aspx

B. You cannot accept a gift of any value given to you in exchange for the way you perform your duties as a public employee.

VII. Gift Law Reporting

A. Employees who receive any gift worth more than \$100 must file an annual gift disclosure report with the Palm Beach County Commission on Ethics no later than November 1 of each year beginning November 1, 2011, for the period ending September 30 of each year. If you do not receive a gift worth more than \$100 during a given reporting period, you do not have to file an annual gift disclosure report.

(1) Information required in the gift report:

(a) date received

(b) description of gift

(c) value of gift

(d) name and address of person giving the gift

B. A **gift** means anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, or goods that you do not pay for. Food and beverages consumed at a single setting or a meal are considered a single gift.

C. A gift does NOT mean:

- (1) Political contributions specifically authorized by state law;
- (2) Gifts from relatives or members of one's household;
- (3) Awards for professional or civil achievement;
- (4) Materials such as books, reports, periodicals or pamphlets which are solely informational or of an advertising nature;
- (5) Gifts solicited by Palm Beach County employees on behalf of Palm Beach County government in performance of their official duties for use solely by Palm Beach County government in conducting official business.

VIII. Noninterference with Commission on Ethics and Inspector General

A. Palm Beach County employees shall not retaliate against, punish, threaten, harass, or penalize anyone for communicating, cooperating with, or assisting the Commission on Ethics or the Inspector General.

B. Palm Beach County employees shall not interfere with, obstruct or attempt to interfere with or obstruct any investigation conducted by the Commission on Ethics or the Inspector General.

IX. Palm Beach County Commission on Ethics

A. The Commission on Ethics is an independent body that will interpret the Code of Ethics, provide advisory opinions to all Palm Beach County employees upon request, and provide ongoing training programs for all Palm Beach County employees.

B. The Commission on Ethics will hear cases involving violations of the Code of Ethics.

(1) A violation of the Code of Ethics subjects an employee to removal, public reprimand, and a fine of up to \$500. The Commission on Ethics may also order an employee to pay restitution when the employee or a third party has received a monetary benefit as a result of the employee's violation. In addition, contracts, permits, or any other government approvals gained as a result of a violation may be rescinded or declared void by the Board of County Commissioners.

(2) The Commission on Ethics may refer certain violations of the Code of Ethics to the State Attorney to be prosecuted as a second degree misdemeanor. Violation of a second degree misdemeanor will subject you to a fine not to exceed \$500, imprisonment not to exceed 60 days, or both. Provisions that may subject you to prosecution:

- (a) Misuse of public position
- (b) Entering into prohibited contractual relationships
- (c) Prohibition on accepting payment for travel expenses
- (d) Using false information in employment applications
- (e) Accepting gifts that are prohibited by the Code of Ethics
- (f) Interfering with investigations of the Commission on Ethics or the Inspector General

X. Summation

This guide is intended only as a summary of provisions contained in the Palm Beach County Code of Ethics that would apply to a majority of Palm Beach County employees a majority of the time. The complete Code of Ethics is available online at: http://www.pbcgov.com/ethics/pdf/Ethics_Code.pdf or ask your department head.