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## SUMMER 2016 NEWSLETTER

### CONTRACTUAL RELATIONSHIPS

#### What are the General Rules?

1. **You** may not enter into any contract or do business with your public employer;
2. **Your business** or a **business you have an "ownership interest" in** may not enter into any contract or do business with your public employer; and

**IMPORTANT NOTE: Under the Code of Ethics, you are considered to have an ownership interest in an outside business when any combination of you, your spouse/ domestic partner, a household member, or a close relative own at least 5% of the company.**

3. **Your outside employer** may not enter into any contract or do business with your public employer.
  - However, the part-time outside employment exception may apply to you, and you may be eligible for a waiver.

#### OUTSIDE EMPLOYMENT WAIVER:

#### Who is NOT Eligible for the Waiver?

- ✓ If you are the **owner of the business**, then you **cannot waive** this conflict of interest, and you cannot receive the outside employment waiver.

#### Who is Eligible for the Waiver?

- ✓ Those who want to work part-time for a "**vendor**" of your public employer are eligible for a waiver as long as:
  1. the potential outside employer does not have contracts that you or your department or section will oversee, administer or enforce,
  2. you and any of your relatives did not participate in awarding the contract between your part-time employer and your government employer,
  3. the part-time employment will not impair or interfere with your public job,
  4. your duties at the part-time job do not require you to be involved with the contract between your part-time employer and your government employer, and
  5. you have complied with any applicable merit rules and obtained written permission from supervisor.
- ✓ If you meet the 5 requirements, then you must also file a completed conflict of interest waiver with the COE.

**The Palm Beach County  
Commission on Ethics  
congratulates the Town of Haverhill  
for achieving 100% participation in  
Ethics Retraining for the 2016 training  
cycle of the Town's  
employees and officials.**



**Without  
"ethical culture,"  
there is no  
salvation  
for humanity.**

**- Albert Einstein**

### **Recent Advisory Opinions**

*The full opinions are available on our website.*

#### **RQO 16-011: Contractual Relationship**

**RQO 16-011:** The ethics officer for the City of West Palm Beach asked if the following city employees are prohibited from providing training to city fire rescue employees:

- 1) a city employee who owns an outside business which offers fire rescue training;
- 2) a city employee who works part-time for a business which offers fire rescue training when that business is owned by another city employee; and
- 3) a city employee who works part-time for a business which offers fire rescue training when that business is not owned by a city employee.

#### **ANSWER:**

- 1) Yes, the employee is prohibited from providing such training. As the owner of the business, the city employee who has an outside business which offers the training is not eligible to receive an outside employment waiver..
- 2) Yes, the employee is prohibited from providing such training. Because the owner of this business is a city employee and his or her business cannot contract with the city to provide goods or services, the city employee who works part-time at this business cannot receive a part-time outside employment waiver.
- 3) The city employee may be eligible for an outside employment waiver under §2-443(e)(5) of the Code of Ethics. As long as he or she meets all of the waiver requirements as set forth in §2-443(e)(5), including not working directly within the section or division of the West Palm Beach Fire Rescue Department or another city

department that is specifically authorized to enforce, oversee, or administer the contract, the city employee who works part-time for a business which offers fire rescue training is not prohibited from providing such training to city fire rescue employees when that business is not owned by a city employee.

#### **RQO 16-014: Contractual Relationship**

The town clerk for the Town of Loxahatchee Groves asked if the Code of Ethics prohibits her from providing consulting services as an independent contractor for the City of Riviera Beach when she is a contract employee of the Town of Loxahatchee Groves, which does not have any contracts for goods or services with the City of Riviera Beach.

**ANSWER:** Sec. 2-442 of the Code specifically exempts other governmental entities from the definition of outside employer. Because the City of Riviera Beach does not meet the definition of an outside employer and the city does not have any contracts to provide goods or services to the Town of Loxahatchee Groves, there would be no conflict of interest if she works as an independent contractor for Riviera Beach. Therefore, she is not prohibited from accepting part-time employment with Riviera Beach.

#### **RQO 16-017: Contractual Relationship**

A PBC employee asked if the Code prohibits PBC employees at the Gardens Branch of the Palm Beach County Library System from accepting complimentary chair massages from a local business as a general gesture of appreciation for their service.

**ANSWER:** The PBC employees are not prohibited from accepting the complimentary chair massages because the gift is general in nature and not being provided because of the performance or non-performance of an official act or legal duty or as a quid pro quo given to the donor in exchange for the gift, and the donor is not a vendor, lobbyist, or principal or employer of a lobbyist of the county. If the value of the chair massage exceeds \$100, the gift must be reported as required by the code.

**REMEMBER TO ALWAYS**

**Ask First, Act Later**