

Indiana Ethics Training

So, you are required to take ethics training.

We understand.

But we also do not want you to get in trouble.

**Hang in there. Take this training and you will be in good shape
for another two years. Sounds like a plan?
Great. Let's get started.**

In order to simplify this training, we've generalized the ethics rules to help you understand and ultimately remember them. Click on the "Ethics Code" link in the upper right hand corner if you'd like to read the full text of the rules or feel free to visit our website at www.in.gov/ig at any time during or after the training.

Frequently Asked Questions

1. Who must complete ethics training?

All state officers, employees and special state appointees of the Executive Branch of Indiana State Government. This includes those individuals employed by quasi-agencies.

2. Who is responsible for giving ethics training?

The Office of Inspector General (OIG).

3. How often do I have to complete ethics training?

Every two years.

4. Do I have to take this training if I took ethics training in the last two years?

Yes. All individuals that are required to complete ethics training must complete this on-line ethics training, even if they took a class or the previous on-line training within the last two years.

5. Why do I have to take the training and what happens if I don't?

Members of the Executive Branch of Indiana State Government are subject to the Code of Ethics (Indiana law). The purpose of this training is to make you aware of and familiarize you with the Code of Ethics. We believe that most state workers will make ethical choices once they become familiar with the state's ethics rules.

The failure to complete ethics training can result in an ethics complaint being filed with the Indiana State Ethics Commission by the Office of Inspector General.

6. What is an ethics complaint?

An ethics complaint is a written complaint alleging a violation of the Code of Ethics. The Inspector General has the authority to file an ethics complaint with the Indiana State Ethics Commission. Penalties for an ethics violation could result in the imposition of a monetary fine and, in extreme cases, may also result in termination from state employment.

7. What is the Indiana State Ethics Commission?

The Indiana State Ethics Commission consists of five persons with diverse backgrounds from across the state. The Commission meets monthly to issue ethics advice and address violations of the Code of Ethics.

8. What is the Code of Ethics and where do I find it?

The Code of Ethics is set forth in 42 IAC 1-5. Previously, these ethics rules were scattered throughout various statutes and administrative rules. They are now combined into a single set of rules so state employees may easily reference them. The Code of Ethics is available on the Office of Inspector General website.

9. How do I report wrongdoing to the OIG?

You can report wrongdoing to the OIG through the online hotline.

10. Will my name remain confidential if I report wrongdoing to the OIG?

Yes. If requested, your identity remains confidential, and Indiana law prohibits retaliation for reporting information to the OIG as long as the information is given in good faith. A person who divulges confidential information or retaliates against you commits a criminal offense and an ethics violation.

11. Where can I seek advice if I am faced with an ethical dilemma?

You can request an official advisory opinion from the State Ethics Commission at one of their monthly meetings. You can also request an informal advisory opinion from the OIG. An informal advisory opinion provides a quick, written response to your question. Both of these types of opinions are limited to the person facing the ethical dilemma.

Rules

1. Gifts

Do not accept gifts

1) from people who have a business relationship with your agency

OR

2) from someone who wants to influence you in your job.

A gift includes a favor, service, entertainment, food, drink, travel expenses, or registration fees.

But wait! The Gift Rule has several exceptions to address the realities of everyday life. Here are some of the main exceptions...

Exceptions

Exception #1

You may accept food or drink at a public meeting where at least 25 people are invited.

However, this exception only applies if:

- 1) the meeting is not for soliciting government goods/services,**
- 2) you are delivering a speech for your job, or**
- 3) the meeting has an educational program to help you with your job**

Exception #2

You can accept mementos or souvenirs of minimal value (i.e. an inexpensive key chain or pen).

Exception #3

While on the job, you may accept light refreshments while at the workplace of someone who has a business relationship with your agency, or who is seeking to influence an action with your agency.

Exception #4

You may participate in discount/promotional programs approved and offered to you through the State Personnel Department or the Indiana Department of Administration.

**For more information on the gift rule, exceptions to the rule, and gift waivers, please visit the
OIG website at www.in.gov/ig.**

**Review
Time!**

Question 1:

Meet Susan.

Susan is a state employee. ABC Corporation has a contract with her agency to install and maintain security cameras.

ABC invites Susan to one of its facilities in New York to demonstrate new technology her agency might be interested in purchasing.

ABC offers to pay for all of Susan's travel expenses if she accepts the invitation. Should Susan accept this offer?

Susan should not accept the offer. If she does, both Susan and ABC would be committing an ethics violation. Because they have a business relationship with each other, the gift rule does not allow Susan to accept gifts (travel expenses) and ABC (a contractor) is not allowed to offer Susan gifts.

Question 2:

Meet Steve.

Steve is attending a meeting at a vendor's office to discuss a new contract between the vendor and his agency. During the meeting, a vendor employee offers Steve a cup of coffee.

Can Steve accept the coffee?

Yes. Steve is permitted to accept the cup of coffee despite the fact that the vendor has a business relationship with his agency because it is nominal and was offered to Steve while he was engaging in official business at the vendor's office.

Rule #2: Honoraria

You cannot accept money (an honorarium) for doing your job duties. This situation often applies if you deliver a speech to a group and the group wishes to pay you for the speech.

You can accept honoraria on behalf of the State, but you must immediately give it to the State Treasurer.

Even if the honoraria is for a speech outside your job duties (which is permitted), you may never accept the money if it is from someone who has a business relationship with your agency or is wanting to influence a work-related action by you.

Rule #3 POLITICAL ACTIVITY

You may not engage in political activity when on the job or acting in your official capacity.

You may never (even off the job) seek political contributions from:

1. people who have a business relationship with your agency

OR

2. employees you supervise.

Rule #3 POLITICAL ACTIVITY

In addition, the following individuals may never seek political contributions on behalf of others:

1. agency leaders (the appointing authority)

AND

2. those with purchasing or procurement authority.

The rules differ for candidates. Visit our website for more information.

Rule #4 Moonlighting

Moonlighting means you have additional employment outside of your state government job.

There are, of course, several situations where you cannot accept outside employment.

You cannot accept a second job if it:

- 1. involves considerable payment and would conflict with your current job duties,**
- 2. requires you to reveal confidential state information, or**
- 3. involves using your state position to get unfair privileges.**

Only the Ethics Commission can approve a second job. You should consult your Ethics Officer if you are thinking about a second job.

**Review
Time!**

Question 1:

You are a manager over several employees for your agency. It is election year and you strongly support a certain candidate for governor. Can you solicit financial contributions for the candidate from your employees and vendors

No, you can never solicit contributions from employees you supervise or from people who have a business relationship with your agency, even if you are off duty.

Rule #5 CONFLICT OF INTERESTS; DECISIONS AND VOTES

This rule prohibits you from participating in a decision or vote, and all matters relating to that decision or vote, in which you or your immediate family might have a financial interest.

This prohibition also applies if a business you serve or a potential employer has a financial interest in the matter.

If you identify a potential conflict, you must

1) notify your agency leader and your ethics officer; and

2) have your agency screen you from the matters and disclose the potential conflict of interest through a written disclosure statement or by seeking advice from the Ethics Commission with the assistance of your agency's Ethics Officer.*

Rule #6: Conflict of Interests in Contracts

This rule prohibits you from having a financial interest in a contract with any agency.

The rule does not apply if you do not have contracting duties for your agency and you file a written statement with the Inspector General before entering into the contract.*

***For more information, read the rule on our website.**

**Review
Time!**

Question 1:

You serve as a member of a state board and also own a private company that designs and develops software. You discover that your company is negotiating a contract to design and develop a new software program for another state agency. Can your company enter into this contract?

Yes, but only if you do not have contracting authority for your agency and you file a disclosure form with the Inspector General's Office before the contract is executed.

Question 2:

You work for a state agency that issues licenses to private businesses and you decide to submit a resume to one of the private businesses. The business calls you back to schedule an interview. What should you do to avoid a conflict of interests?

You can schedule the interview if you choose, but if so you will need to take the following steps since the license renewal for the private business has been assigned to you:

1) notify your appointing authority and ethics officer; and

2) have your agency screen you from the application and any matters involving the business and disclose the potential conflict of interest through a written disclosure statement or by seeking an advisory opinion from the Ethics Commission to avoid a violation of the Conflict of Interests -Decisions and Voting rule.

Question 3:

You serve as a member of a state board and you work full time for a company that sells computers. As a board member, you proposed that the board purchase computers from your company. You were involved in board meetings and discussions to facilitate the deal. However, you refrained from the actual vote to purchase the computers from your company. Did you violate the rule on Conflicts of Interest – Decisions and Voting?

Yes, you violated this rule because you participated in the matter relating to the final vote, even though you did not actually vote. You should have disclosed the potential conflict of interest and notified your ethics officer and appointing authority so they could establish a screening mechanism to ensure you did not participate in anything related to the deal.

Question 4:

Mary is a special state appointee on a state board. One of her board's duties is to give final approval to grant awards. At a monthly board meeting, Mary discovers that one of the companies that will be awarded a grant is the company that her husband owns.

What steps does Mary need to take to avoid a conflict of interest?

Mary's spouse, a member of her immediate family, has a financial interest in this matter. Therefore, Mary must

1) recuse herself from all discussion and vote related to that matter at the meeting;

**2) notify her agency appointing authority and ethics officer;
and**

**3) file a written disclosure statement with the Commission within 7 days to avoid a violation of the Conflict of Interests–
Decisions and Voting rule.**

Rule #7: ADDITIONAL COMPENSATION

You cannot accept any additional compensation for doing your job.

This includes any money, thing of value, or financial benefit.

Rule # 8: BRIBERY

Do not give or offer compensation (excluding salary) to other state workers for doing their job duties.

Rule #9: CONFIDENTIAL INFORMATION

Do not benefit from or reveal confidential information.

Rule # 10: USE OF STATE PROPERTY

Do not use state property for personal reasons.

Limited personal use of state property is only allowed if your agency has an Ethics Commission-approved written policy permitting you to do so.

State property can never be used for a political purpose. Certain exceptions apply for state officers and employees of their agencies; please refer to your agency's limited use of state property policy.

Rule # 11: GHOST EMPLOYMENT

When on the job, do not work on anything outside of your job duties.

It is only allowed if your agency has a written policy permitting you to do so.

**Review
Time!**

Question 1:

You are a state employee assisting customers with transactions. A customer you are currently working with is so impressed with your customer service after her transaction is complete that she offers you a cash tip and a restaurant gift card to show her appreciation. Can you accept these items?

No, you may not accept these items. Accepting the tip and gift card would be a violation of the Additional Compensation rule because you are accepting additional compensation for the performance of your official duties.

Question 2:

You are a state employee. To earn extra money, you sell jewelry after hours and on weekends. Once in awhile an order comes in during your state working hours.

Are you allowed to use your state computer, phone or email account to solicit or receive orders for your jewelry business?

No, this would be a violation of the use of state property rule as this use of the computer, phone, and email account is not for official state business. If conducting such business during working hours this could also be a violation of the ghost employment rule.

Rule # 12: POST EMPLOYMENT

There may be a one year restriction if you want to leave your state job and:

1. lobby the executive branch

OR

2. work for someone you previously worked on a contract with (during the past two years), regulated, or licensed.

In some circumstances, this rule does not apply to contracts that ended two years prior to the start of employment negotiations.

This restriction may also apply if you served as an ALJ.

In some cases, there is a lifetime ban on working on the same project.

Before leaving your state job, you should get advice from your Ethics Officer or through an advisory opinion from the Office of the Inspector General or State Ethics Commission.

Rule #13: Nepotism

Do not hire your relatives.

Do not contract with a relative.

Also, a relative cannot be placed in your direct line of supervision.

Rule #14: Communications by state officers

A state officer cannot use their name or likeness in an audio or video communication that is paid for by state funds.

**Review
Time!**

Question 1:

Aaron is thinking about leaving state employment and has received a job offer from Company A. He helped negotiate a contract with this company on behalf of the State last year.

Can he accept the job offer?

No, Aaron cannot accept the job because he negotiated a contract with this company a year ago. He should consult his Ethics Officer regarding his options.

Question 2:

Since Aaron cannot go to work for Company A, he consulted his ethics officer and decided to apply for a job with Company B. Aaron helped negotiate a contract with Company B on behalf of the State. However, this contract was negotiated 7 years ago. The contract ended 6 years ago and Aaron has not had any dealing with Company B since then.

Can he accept a job with Company B if they offer him a position?

Yes. Even though he negotiated the contract, he can accept the job because the contract was negotiated and ended more than two years ago.

Conclusion:

Though not part of the Code of Ethics, please be aware of the following statutes that apply to state workers:

Offenses Against Public Administration:

IC 35-44.1-1-1 Official Misconduct

IC 35-44.1-1-2 Bribery

IC 35-44.1-1-3 Ghost employment

IC 35-44.1-1-4 Conflict of interest

IC 35-44.1-1-5 Profiteering from public service

CONGRATULATIONS

You made it to the end of the training!

If you would like advice on how to handle an ethics situation, you can request an informal advisory opinion from the Office of Inspector General at www.in.gov/ig. It's quick, easy, and confidential.

Thank you for completing your ethics training.