

# **District Six Fire / Rescue *Standard Operating Guidelines***

## **General Organization Section**

### **CODE OF ETHICS**

The purpose of this guideline is to establish broad guidelines within which all employees are expected to conduct themselves while working for the District 6 Fire Dept and to declare and define moral obligations of all members of the Fire Dept.

Employees will at all times conduct themselves in such a manner as to create respect for themselves as public servants and the Dept they represent.

Employees will place public interest above individual, group or special interests. They will consider their jobs as an opportunity to serve the citizens of the Fire District.

Employees will not have any private business or professional activity that would conflict with their job.

Employees will not accept personal gifts, favors, money or anything of value for the public that might influence them in the discharge of their duties.

Employees will at all times when in the public be fair, courteous, respectful and impartial.

Employees will refrain from using their position for personal gain. They will keep confidential all information not available to the general public. The same will apply to interdepartmental information not available to all employees.

All employees of District 6 Fire Department are required to take one hour of training per calendar year on the Code of Governmental Ethics pursuant to LA R.S.42:1170A . Once completed you need to print your certificate from the portal and sign and date the annual Ethics roster for verification that you have completed the training.

TITLE: Ethics as defined in Louisiana Revised Statute 42:1111-1121

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

- A. 1111A-Receipt of a thing of economic value from a source other than the governmental entity for the performance of official duties and responsibilities.
- B. 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.
- C. 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 seeking to obtain a contractual or other business or financial relationship with the public servant's agency;
  2. Person who are regulated by the public employee's agency; or

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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%.

D. 1115-elected officials and public employees are prohibited from soliciting or accepting a gift from the following persons:

1. Person 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 gift from the following persons:

1. Persons who conduct operations or activities regulated by the public employee's agency; or
2. Person 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 \$60 of food and drink per single event. The \$60 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).

E. 1111E-Receipt of a thing of economic value for assisting someone with a transaction with the agency of the public servant.

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F. 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

G. 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 commission 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".

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- H. 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 person regulated by his agency, if a member of his immediate family or if a business enterprise in which the regulator employee or members of his immediate family own in excess 25% receives or will receive a thing of economic value by virtue of the sale.
- I. 1117-It is prohibited for a public servant or other person to make payment, 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.
- J. 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 the governing authority or the chief executive of a governmental entity may not be employed in the governmental entity. The term "governmental 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 actually participates in the hiring decisions-such family members are simply ineligible for employment.
  - 4. Exceptions:
    - a) Person 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) Persons employed as volunteer firefighters;
- K. 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

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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.

### **Penalties:**

1. Censure
2. Forfeiture of any gifts and/or payments received.
3. Removal, suspension, reduction in pay, or a demotion of the public employee.
4. Up to a \$10,000.00 fine.
5. In addition to the statutory penalty, you may be fined the entire amount of economic gain from violating the Code plus an additional 50%.

### **Ethics Training:**

Each PUBLIC SERVANT shall receive a minimum of one hour of education and training on the Code of Ethics during each year of his public employment or term of office. Each political subdivision shall designate at least one person who shall provide information, notices, and update to employees and officials of the political subdivision and assist the board in any way necessary to fulfill the education requirements. Newly elected officials must receive training within 90 days of taking the oath of office. (R.S. 420:1170)

1. Persons who are public servants solely because they are an uncompensated, volunteer fireman or an uncompensated, auxiliary or reserve law enforcement officer are exempt from the training.

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2. A former public servant whose public service in a calendar year lasted less than 90 days shall not be required to receive education and training.

An elected official must receive at least one hour of Campaign Finance training during his term of office.

### **Whistleblower Statute: R.S. 42:1169**

Louisiana law protects public employees who report information which they reasonably believe is a violation of any provision of law, or any other acts of impropriety related to the scope or duties of public employment to their agency heads, the Louisiana Board of Ethics, or any person or entity of competent authority or jurisdiction. Any public employee who reports a potential violation shall be free from discipline or reprisal from his employer. This law is enforced by the Louisiana Board of Ethics. A public employee who is wrongfully suspended, demoted or dismissed due to the reporting of any act of wrongdoing shall be entitled to reinstatement of his employment as well as the receipt of any lost income or benefits. A person who is a public employee because of a contractual arrangement with a governmental entity or agency, whose contract is wrongfully suspended, reduced, or terminated as an act of reprisal for reporting an alleged act of impropriety, shall be entitled to reinstatement of his contract and receipt of any lost compensation under the terms of the contract.

Public Employee:

1. A public employee means anyone whether compensated or not, who is:
  - a) An administrative officer or official of a governmental entity who is not filling an elective office;
  - b) Appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency or as an employee thereof;
  - c) Engaged in the performance of a governmental function; or
  - d) Under the supervision or authority of an elected official or another employee of the governmental entity.

Complaints must be in writing, signed and filed with the Louisiana Board of Ethics at P O Box 4368, Baton Rouge, La. 70821