ETHICS AND CONFLICT RESOLUTION IN THE WORKPLACE

August 22, 2013

Prepared by:

Nancy L. Pirkey
Buelow Vetter Buikema Olson & Vliet, LLC
20855 Watertown Road
Waukesha, WI 53186
(262) 364-0257
npirkey@buelowvetter.com
ABOUT BUELOW VETTER

Buelow Vetter is focused serving public sector clients, including school districts, as well as private sector employers. We focus on labor, employment, benefits and school law issues, including special education. Our office is centrally located in Waukesha. Our attorneys have national experience, community ties and Wisconsin values. Our clients, whether municipalities, mid-sized institutions or multi-million dollar companies, depend on us to guide them through their legal issues. We are committed to providing sound legal advice in a timely manner. Partnering with and understanding the business and legal needs of our clients is our primary goal.

Our firm’s efficient size and structure provides clients with the same service one might expect from a large firm, without the high overhead costs. For decades our lawyers have provided legal services to thousands of clients nationally and across the state while maintaining our local focus to better serve our clients.
ABOUT ATTORNEY NANCY PIRKEY

Contact Information

Nancy Pirkey
Shareholder
20855 Watertown Road, Suite 200
Waukesha, WI 53186
Phone: (262) 364-0257
Facsimile: (262) 364-0277
npirkey@buelowvetter.com

Biography
Nancy works with public and private sector clients on all aspects of labor and employment issues facing employers today. She serves as chief negotiator at the bargaining table, defends employers in grievance arbitration, interest arbitration, unemployment compensation and employment discrimination cases and represents employers before state and federal agencies.

She regularly provides advice on a full range of labor and employment topics including contract administration, discipline and discharge, family and medical leave laws (FMLA), employment discrimination and harassment, reasonable accommodation and light duty issues, wage and hour issues, personnel policies, employee handbooks, hiring issues and other employment issues.

Nancy serves as the Chair of the firm’s Municipal Labor Counsel practice group and as editor of the firm’s newsletter for municipal clients. Nancy is a frequent presenter and lecturer to various employer groups on various labor employment topics including discipline and discharge, FMLA, employment discrimination, employee harassment, medical leaves, contract administration, grievance arbitration, collective bargaining, and similar topics.

Education
BS degree, University of Wisconsin-Milwaukee (1979)
JD degree, summa cum laude, Valparaiso University School of Law (1993)
ETHICS AND CONFLICTS OF INTEREST IN THE WORKPLACE

“No Man Can Serve Two Masters”
Mathew 6:24

I. INTRODUCTION.

Public officials owe an undivided loyalty to the public he/she serves - - The public official must not place himself or herself in a position that will subject him or her to conflicting duties.

II. CODE OF ETHICS FOR LOCAL GOVERNMENT OFFICIALS AND EMPLOYEES (§ 19.59, WIS. STATS).

A. Who Is Covered By the Code Of Ethics?

1. Elected local government officials (school board members, village trustees, county board members, town supervisors).

2. Appointed government officials (police and fire chiefs, municipal administrators, school superintendents, etc.).

3. Public employees.

B. Prohibited Conduct.

1. Use of Office for Private Benefit. No local public official may use his or her public position or office to obtain financial gain or anything of substantial value for the benefit of:

   (a) The official;

   (b) The official’s immediate family (spouse, son, daughter); or

   (c) An organization with which the official is associated.

2. Influence or Reward. No local public official may solicit or accept from any person, directly or indirectly, anything of value if:

   (a) It could reasonably be expected to influence the official’s vote, actions or judgments; or

   (b) It could reasonably be considered as a reward for any official action or inaction on the part of the local public official.

3. Conflicting Interests. No local public official may take any official action substantially affecting a matter in which the official, a member of the
official’s immediate family, or an organization with which the official is associated has a substantial financial interest.

4. **Use of Position for Substantial Benefit.** No local public official may use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for the official, one or more members of the official’s immediate family either separately or together, or an organization with which the official is associated.

**C. Penalties.**

1. Forfeiture of not more than $1,000 for each violation;
2. Legal or equitable relief; and
3. Reasonable costs.

**D. Prosecution.**

The District Attorney upon the complaint of any person may prosecute violators. The Attorney General may get involved if the District Attorney refuses to take action.

**E. Advisory Opinions.**

Public officials/employees may make a written request for a confidential advisory opinion from the Government Accountability Board or an attorney for the local governmental entity.

**III. CONFLICTS OF INTEREST (§ 946.13, WIS. STATS.)**

Any public official or public employee who does any of the following is guilty of a Class I felony punishable by a fine of up to $10,000, imprisonment for up to three years and six months, or both.

**A. Private Conduct.**

In his or her private capacity, negotiates or enters into a contract in which he or she has a private pecuniary interest direct or indirect, if at the same time he or she:

1. Is authorized to participate in the making of a contract; or
2. Is required to perform in regard to that contract some official function requiring the exercise of discretion.

**B. Public/Official Conduct.**

In his or her official capacity, participates in the making of a contract if he or she:

1. Has a direct or indirect pecuniary interest; or
2. Performs some function requiring the exercise of discretion on his or her part.

C. Exceptions.

1. Contracts that do not exceed $15,000 annually;

2. Contracts with a corporate body in which a public officer or public employee holds no more than two percent (2%) of outstanding capital stock;

3. Contracts including the deposit of public funds in public depositories; or

4. Contracts for the issuance of tax titles or tax certificates.

D. Remedies.

1. A contract entered into in violation of § 946.13, Wis. Stats., is void and the political subdivision in whose behalf the contract was made incurs no liability for the contract.

2. If the public body declares the contract void, other parties to the contract may attempt to hold the interested public official/employee personally liable for repayment of any money obtained under the void contract.

IV. COMMON LAW DOCTRINE OF INCOMPATIBILITY OF OFFICE.

A. Purpose.

Prohibits an individual from holding two offices or an office and a position where the conflicting nature and duties of the offices or office and position make it impossible for the person to perform both with undivided loyalty.

B. Application.

Where there are substantial potential areas of conflict between two offices or an office and a position of public employment, the common law doctrine of incompatibility of office precludes the same person from holding both.

C. Determining Applicability.

Two offices or an office and a position of employment are incompatible if there are substantial potential conflicts of interest between the duties of the offices or positions, such as salary negotiations, supervision and control of duties, appointment, removal or discipline and the obligation to the public to exercise independent judgment.

D. Legal Standard for Proving Doctrine of Incompatibility of Office.

The Wisconsin Court of Appeals has determined that the common law doctrine of incompatibility of office applies to individuals holding public office and positions of
“public employment.” Otradovac v. City of Green Bay, 118 Wis. 2d 393 (Ct. App. 1984). Mr. Otradovac was elected to the City of Green Bay Common Council while retaining his job as a residential appraiser in the Green Bay City Assessor’s Office. The Common Council was responsible for approving the terms and conditions of employment for residential appraisers after agreement with the local union. The Court of Appeals concluded that by accepting the office of alderman on the Common Council while serving as a residential appraiser in the City Assessor’s Office, Mr. Otradovac violated the common law doctrine of incompatibility of office and ordered Mr. Otradovac to choose between the office and the position. The Court of Appeals stated:

The public detriment in having one person hold incompatible public offices can also exist when one person holds a public office and a position of public employment with duties that might conflict. As a member of the common council, Otradovac has the power to vote on contracts setting the terms of his employment. He may also vote on approval of the appointment of the city assessor in whose office he must work. These potential conflicts are substantial and establish the incompatibility of the public office and position of public employment Otradovac holds. It does not matter that he may be permitted to abstain from voting in these areas or whether conflicts exist in all or a greater part of the function of this office and position. It is sufficient that substantial conflicts might arise that would be detrimental to the public.

E. Remedies.

1. Vacate the first office.

2. Choose one office or position.

V. EXPLANATION OF THE LAWS GOVERNING CONFLICTS OF INTEREST, CODE OF ETHICS AND THE DOCTRINE OF INCOMPATIBILITY OF OFFICE.

A. Conflict of Interest.

Under § 946.13(1)(a), Wis. Stats., a public official in his or her private capacity is prohibited from negotiating or entering into a contract in which the public official has a private pecuniary interest, direct or indirect, if at the same time the public official member, in his or her capacity as a member of the elected body is merely authorized or required by law to participate in the making of that contract or is required to perform an official discretionary function in regard to that contract. Similarly, § 946.13(1)(b), Wis. Stats., prohibits a public official member, acting in his or her official capacity as a member of the public body, from actual participation in the making of a contract in which he or she has a private pecuniary interest, direct or indirect, or, in regard to that contract, actually performing a function requiring the exercise of discretion.
Under § 946.13, Wis. Stats., a public official is strictly forbidden from entering into, or taking part in, any public contract in which he or she has a private pecuniary interest which exceeds an aggregate amount of $15,000 per year. This prohibition applies to both direct and indirect pecuniary interests and includes contracts made on an individual basis or those resulting from collective bargaining agreements.

For example, the employment of the spouse of a council member by the health department would constitute a direct private pecuniary interest on the part of the council member. The marital relationship between the council member and his or her spouse constitutes a private pecuniary interest on the part of the council member which may be the basis of a legal charge of a conflict of interest.

Section 946.13, Wis. Stats., imposes a substantial penalty for its violation. This includes a fine of up to $1,000, imprisonment for up to two (2) years, or both. This liability would rest solely with the public official found in violation of the statute and not the municipality. If a violation of § 946.13, Wis. Stats., is found to exist, the only penalty imposed upon the elected body and the municipality would be to void any contract between the public official and the municipality.

Because § 946.13(1)(a), Wis. Stats., is concerned with a public official’s action in his or her private capacity, liability cannot be avoided merely by refraining from participating in one’s official capacity. 60 Op. Att’y Gen. 98 (1971). However, the public official may arguably avoid liability for what otherwise is a violation of § 946.13(1)(a), Wis. Stats., if the receipts or disbursements with regard to his or her contract with the municipality do not exceed $15,000 annually. § 946.13(2)(a), Wis. Stats.

Actual participation in one’s official capacity is required to violate § 946.13(1)(b), Wis. Stats. Consequently, a public official arguably may avoid violating § 946.13(1)(b), Wis. Stats., by not participating in matters related to him or her individually. So long as the public official completely refrains from voting on any matter, participating in any discussions or approving the payment of any bills pertaining to matters involving him or her individually, he or she most likely will not violate § 946.13(1)(b), Wis. Stats. 76 Op. Att’y Gen. 178 (1987).

B. Code of Ethics.

Pursuant to the Code of Ethics, local public officials are prohibited from:

1. Using their public position to realize any personal gain through official conduct;

2. Using their public position to obtain financial gain or anything of substantial value for the present benefit or themselves, their immediate family or for any organization with which he or she is associated; and
(3) Disclosing information obtained in the course of their official duties which would in any way result in the receipt of anything of value for themselves or their immediate family.

Additionally, local public officials are prohibited from taking any official action which would substantially affect a matter in which an official or the official’s immediate family has a substantial financial interest. A public official who violates § 19.59, Wis. Stats., may be required to forfeit up to $1,000 for each violation.

The Code of Ethics clearly provides that public officials are not to act on matters that may result in personal gain for themselves or their immediate family members. For a public official to act in such a manner would be contrary to the Code of Ethics and, at a minimum, present the appearance of a conflict of interest, which would be avoided as such weakens the public’s confidence in the governmental entity.

Although a public official arguably may avoid liability under the conflict of interests statute, as long as the value of the contract or action is less than $15,000, a public official is still likely to violate the Code of Ethics for any local government officials. Pursuant to the Code of Ethics, local public officials are prohibited from using their public position to obtain financial gain or anything of substantial value for their benefit or for the benefit of their immediate family. Unlike § 946.13(2)(a), Wis. Stats., the Code of Ethics does not contain a “safe harbor” with regard to liability. The Code of Ethics regulates financial gain or anything of substantial value to that public official. It should be noted that even if there is no violation of the Code of Ethics, even the appearance of a conflict of interest should be avoided.

C. Common Law Doctrine of Incompatibility of Office.

The common law doctrine of incompatibility of office precludes an elected official from holding a position of “public employment” with the municipality. Under the common law doctrine of incompatibility of office, an individual is precluded from holding two offices or an office and a position where the conflicting nature of the duties of the office and position make it impossible for him or her to perform both with the individual loyalty required by public policy. A council member who serves as a police officer with the municipality would have the power to vote on contracts setting the terms of his or her employment, including salary, as well as the power to appoint, remove and discipline. These substantial potential conflicts establish the incompatibility of the public office and position of “public employment.”

VI. APPLICATION OF THE LAWS GOVERNING CONFLICTS OF INTEREST AND THE CODE OF ETHICS.

A. Gifts and Services Received.

1. No local public official may use his or her public position or office to obtain financial gain or anything of substantial value on behalf of:

   (a) Himself or herself, or
(b) His or her immediate family, meaning:

i. An individual’s spouse, and

ii. An individual’s relative by marriage, lineal descent or adoption who receives, directly or indirectly, more than one-half of his or her support from the individual or from whom the individual receives, directly or indirectly, more than one-half of his or her support, or

(c) An organization with which he or she is associated.

2. What is included as “anything of substantial value?”

(a) Money

(b) Property

(c) A favor or services performed

(d) A payment or advance payment

(e) A loan or loan forgiveness

(f) A promise of future employment

3. What is an item of substantial value?

Anything more than a mere token or anything with more than nominal, insignificant, or trivial value.

4. Certain items are specifically excluded. Receiving these items is not an ethical violation:

(a) Compensation and expenses paid by the state,

(b) Fees and expenses permitted and reported under Wis. Stat. § 19.56, including:

i. Reimbursement for a presentation of a talk or participation in a meeting if the payment is paid or arranged by the organizer of the event,

ii. Anything of pecuniary value returned to the payor within 30 days of receipt,

iii. Anything of value paid to the official by a person identified on the official’s statement of economic interests as a source of income,
iv. Anything of value which the official has previously reported to the board as a matter of public record.

c) Anything of value paid by the department or municipality of which the official’s state public office is a part.

d) Reported political contributions.

e) Hospitality extended for a purpose unrelated to state business by an individual other than an organization.

5. What is an “organization” with which an official is “associated?”

(a) An organization means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, trust or other legal entity other than an individual or political body.

(b) “Associated” means any organization in which an individual or a member of his or her immediate family:

i. Is a director, officer or trustee, or

ii. Owns or controls, directly or indirectly, and severally or in the aggregate, at least 10% of the outstanding equity, or

iii. Of which an individual or a member of his or her immediate family is an authorized representative or agent.

6. Ethics Opinions

(a) In Ethics Opinion OEB 93-11 (December 13, 1993), the connection between an official winning a prize at a conference and that official’s public office did not rise to an ethical violation because the prize was awarded by chance, the prize was available to anyone attending the conference, and the great majority of conference attendees were not Wisconsin public officials.

(b) A gift from foreign dignitaries received by an official of a school district was treated as given to the school district in Ethics Opinion 1997 Wis. Eth. Bd. 16. The school district was free to retain, sell, or otherwise dispose of the item in accordance with its policies and interests.

(c) The Ethics Board will defer to a state agency’s determination of whether provision of travel costs for an official or an official’s spouse by a national association of which the state agency is a member is primarily of benefit to the individual or to and on behalf of the state. 1998 Wis. Eth. Bd. 10
Public officials should not accept or purchase a ticket or admission to an event, a skybox, or other premium area unless the official can clearly and convincingly demonstrate that: (1) the ticket, admission, or access is offered for a reason unrelated to the official’s holding or having held a public office, (2) the ticket, admission, or access is available to the general public on the same terms and conditions as available to the official, or (3) the ticket, admission, or access is without pecuniary value. 2001 Wis. Eth. Bd. 02

B. Offering Gifts and Services to a Local Public Official.

1. No person may offer or give to a local public official, directly or indirectly, and no local public official may solicit or accept from any person, directly or indirectly, anything of value:

   (a) If it could reasonably be expected to influence the local public official’s vote, official actions or judgment, or

   (b) Could reasonably be considered as a reward for any official action or inaction on the part of the local public official.

2. Ethics Opinions

   (a) A legislator did not violate the Ethics Code by accepting from an organization funded by federal and state governments an offer to fly the legislator in its aircraft over the district in the event of a disaster in order to assist the legislator in assessing damage and directing disaster relief. 1996 Wis. Eth. Bd. 15 (November 13, 1996)

   (b) There was no ethical violation where an individual acting independently of Wisconsin’s government and public officials published information about individual legislators or Wisconsin’s legislature on the internet’s World Wide Web. However, if a legislator initiates such publication, it will be consistent with the Ethics Code only if the legislature has officially acted to accept that opportunity on behalf of the state and the legislator uses the site to communicate issues before the legislature and state government processes and procedures, and not to publish information on private matters, including campaign matters. 1996 Wis. Eth. Bd. 2 (February 22, 1996)

   (c) A lobbying principal should not give or sell sports stadium luxury box tickets to an elective state official, state agency official, or legislative employee. 1998 Wis. Eth. Bd. 7
C. Using your Public Position to Gain Value.

No local public official or candidate for local public office may, directly or by means of an agent:

1. Give, or offer or promise to give, or withhold, or offer or promise to withhold his or her vote or influence, or

2. Promise to take or refrain from taking official action with respect to any proposed or pending matter in consideration of, or upon condition that, any other person make or refrain from making a political contribution, or

3. Provide or refrain from providing any service or other thing of value, to or for the benefit of a candidate, a political party, any other person who is subject to a registration requirement under § 11.05, or any person making a communication that contains a reference to a clearly identified local public official holding an elective office or to a candidate for local public office.

D. Actions Affecting Family Members.

1. No local public official may take any official action substantially affecting a matter in which any of the following has a substantial interest:

   (a) The official,

   (b) A member of his or her immediate family, or

   (c) An organization with which the official is associated.

2. No local public official may use his or her office or position in a way that produces or assists in the production of a substantial benefit, direct or indirect, for:

   (a) The official,

   (b) One or more members of the official’s immediate family (either separately or together), or

   (c) An organization with which the official is associated.

3. However, a local public official may:

   (a) Take any action concerning the lawful payment of salaries or employee benefits or reimbursement of actual and necessary expenses, or

   (b) Prohibit a local public official from taking official action with respect to any proposal to modify a county or municipal ordinance.
VII. ETHICAL CHECKLIST

The Wisconsin Ethics Board recommends that you answer the following questions to analyze a situation in which you are offered items or services:

1. With respect to the item or service offered:
   a. Is it being offered because of my public position?
   b. Is it of more than nominal or insignificant value?
   c. Is it primarily for my personal benefit rather than for the benefit of my local unit of government?

   If you answer "yes" to all three questions, you may not accept the item or service.

2. Would it be reasonable for someone to believe that the item or service is likely to influence my judgment or actions or that it is a reward for past action?

   If you answer "yes," you may not accept the item or service.

VIII. AVOIDING CONFLICTS IN THE WORKPLACE.

A. Create Policies Regulating Employee Behavior.

Policies could include:

1. Code of Ethics/Conflicts of Interest
2. Confidentiality
3. Nepotism
4. Outside Employment

Sample policies on each of these topics are attached to this outline.

B. Coverage of Policies.

Does your municipality wish to regulate the behavior of only those individuals defined as “local public officials” or do you which to create ethical standards for all employees. This can be done through policies and ordinances, but there could be collective bargaining implications, so some of these issues may be subject to negotiation with the labor union.
C. **Training of Employees.**

Obviously, employees and elected officials must be trained on the standards and guidelines that regulate their behavior.

D. **Enforcement.**

The municipality must also determine who will monitor compliance with the policies and investigate and enforce any breach of the policy.

E. **Exercising Supervisory Discretion and Authority.**

1. Each organization manages differently. Supervisors should understand the management philosophies of the individual organization (and its various departments).

2. Supervisors must become extremely familiar with policies, rules and practices for their department and the entire organization.

3. Supervisors should follow established policies and procedures for all employees.

4. Do not “play” favorites among your employees.

5. Be consistent.

F. **Other Tips for Avoiding Conflicts in the Workplace.**

1. Make thoughtful and rational business decisions.

2. Avoid claims of bias, harassment or personality conflict by offering business reasons for your decision.

3. Help employees to be effective and efficient in their jobs.

4. Deter improper conduct or violations of policies or procedures.

5. Be consistent.
SAMPLE POLICY

CODE OF ETHICS

It shall be the duty of Village Employees to comply with Wisconsin Statutes and Village Ordinances with respect to the proper and appropriate conduct of their positions. Mindful of Village goals and objectives, Village Employees:

1) Shall perform all mandatory, nondiscretionary and ministerial duties of their positions within the time and in a manner required by law.

2) Shall devote attention to their duties, uphold the law and conduct Village business with fairness, integrity, and professionalism, with full regard to the public trust of the office.

3) Shall not receive any additional salary, benefits, or reimbursement for expenses for work performed pursuant to a Village contract for services where that employee is currently being compensated by the Village for that work under existing conditions of hire with the Village.

4) Shall never act in excess of lawful authority commit an act forbidden by law within their official capacity.

5) Shall not, by act of commission or omission, in their capacity as employees of the Village, exercise a discretionary power in a manner inconsistent with the duties of their position or the rights of others or with the intent to obtain a dishonest advantage for themselves or for others.

6) Shall not in their capacity as employees make entry in an account, record book, return, certificate, report, or statement which in a material respect intentionally and knowingly falsifies.

7) Shall not under color of their position as a Village Employee intentionally solicit or accept for the performance of any service or duty anything of value including, but not limited to, any gift, loan, favor, or service, given for the purpose of influencing them in the discharge of official duties.

8) Shall not use Village property, facilitates, or resources strictly for private or personal gain for themselves, family or others.

9) Shall not use confidential information for their personal gain or benefit for that of family or others.

10) Shall act in what is conceived to be in the best interest of the citizens of the entire Village. Similarly, shall grant no special consideration or treatment to any citizen beyond that which is available to every other citizen.
11) Shall not participate either directly or indirectly in purchases for personal use for less than full value by utilizing discounts or tax exemptions allowed to the Village.

Nothing in this code shall deny any employee the rights of a citizen under the Constitution of the United States of America, Constitution of the State of Wisconsin, Wisconsin Statutes, or any other bona fide regulations of this State.

Employees shall be made aware of this code at the time of their election, employment, or appointment. In the event an action is brought against a Village Employee for violation of this code; discipline, including discharge, may be assessed.

SAMPLE POLICY
NEPOTISM

This policy governs the proposed hiring of individuals for full-time or part-time work as city employees who are members of the immediate family of city employees or elected officials. “Immediate family” includes those relative by blood or marriage. This includes a person’s spouse, mother, father, child, brother, sister (natural or step); or a person’s relative by blood or marriage who receive, directly or indirectly, more than one-half support from such person or from whom such person receives, directly or indirectly, more than one-half of his or her support.

Hiring an immediate family member of any current city employee or elected city official will be considered only if that individual has the knowledge and skills, experience or other job-related qualifications that warrant consideration for the position. If relatives of current City employees, elected or appointed officials, are hired or if current City employees are related to newly elected or appointed officials, efforts should be made to avoid creating opportunities where favoritism, or even the appearance of favoritism, may affect organizational effectiveness, morale or public confidence. Department heads are expected to insure relatives, assigned to the same work unit, are not placed in superior-subordinate relationships that may create even the appearance of favoritism.

SAMPLE POLICY
OUTSIDE EMPLOYMENT

City officials or employees may not engage in employment, or provide services, incompatible with their official duties, influence their judgment, create a conflict of interest or impair their ability to perform their duties.

Full-time employees are discouraged from holding another full-time or part-time job if it is likely that in doing so the individual’s efficiency or effectiveness as a Village employee may be impaired; if the nature of the outside employment is such that it will reflect adversely on the Village; or if there is the potential for a conflict of interest. Full-time employees contemplating outside employment must secure the approval of their department head before accepting an offer of
employment; department heads must secure the approval of the Personnel Committee before authorizing full-time employees to work on outside jobs.

SAMPLE POLICY

CONFIDENTIALITY

No employee will disclose privileged or confidential information of any public nature, including discussions held in closed sessions. Privileged and confidential information will be discussed with colleagues on a need to know basis only.

Under no circumstances will an employee use or misuse these personnel records and/or accounts to threaten, intimidate, humiliate or injure any persons. Personnel records and accounts will be discussed with colleagues on a need to know basis only.

Your employment assumes an obligation to maintain confidentiality, even after you leave employment with the city. If you are questioned by someone outside your department, please refer the request to your manager or to the City Administrator. No one is permitted to remove or make copies of any company records, reports or documents that are not considered public record without prior management approval. Because of its seriousness, disclosure of confidential information may lead to termination of employment.
CASE STUDIES

Case Study # 1

Your labor attorney has tickets to the Packers-Vikings game at Lambeau Field and has invited the members of the village board to attend at no charge. Can the Village Board attend at no cost, other than their transportation to the game? What if the Village Board members pay face value for the ticket, pay their own transportation costs to the game, and pay for their own refreshments?

Case Study # 2

Your Library Director has notified you that she intends to run for public office. Can she run for the City Council? What about the County Board? What about the School Board? Must she resign from her position of employment? At what point in time -- while campaigning for office or only after she is elected? Are there steps the Library Director can take to remain employed and still hold public office?

Case Study # 3

A City Council member has approached you about a job for his son who has just graduated from college with a degree in computer science. Can you agree to hire the son as a seasonal employee working in the parks? What about as a full-time employee working as an IT Specialist? What information would you need to know to determine if there is a conflict of interest or ethics violation? What steps could you take to ensure this is an “arms-length,” ethical transaction?

Case Study # 4

The City has hired the son of the Council member in Case Study # 3 as a full-time IT Specialist. Are there limitations on the action the Council member can take as it relates to the full-time IT Specialist position? Do you need other information before making this determination? What information do you need? What limitations can the city place on the Council members actions? Voting? Discussion? Other issues?

Case Study # 5

You have learned that a County Board member owns a business that is bidding on a contract with the County. What information would you need to know to determine if there is a conflict of interest or Code of Ethics issue? Must this County Board member resign from his elected position or are there other steps that can be taken to avoid the conflict of interest? Must these steps be taken during the bidding process or only after the contract is awarded?
Case Study # 6

The Human Resources Director in your City has just submitted her voluntary resignation from employment. A Council member approaches you and expresses an interest in the job and states her intent to apply for the job. The Council member states that she understands there would be a conflict of interest, but is only willing to resign from the Council after she has been offered and accepted the job. Can this individual wait to resign from the Council after she is offered the job? What steps can the Council take to avoid any conflict of interest? Does it matter whether the Council interviews and appoints the Human Resources Director or whether the City Administrator interviews and appoints the Human Resources Director?

Case Study # 7

A new member has been elected to the village board. The new member is a retired police officer who worked for the village for over 25 years. The new board member is one of a large group of retirees who have sued the village over a change in their retiree health insurance benefits. The village board member is attending his first board meeting, which includes a closed session to review the terms of the tentative contract settlement with the police union. The board member asks whether he can attend the closed session or vote on the police contract. Can this board member attend the closed session? Can he vote on the police contract? Can he attend these meetings but abstain from any discussion or voting on the police contract?

Case Study # 8

You have just learned that the DPW Director is dating one of the parks employees. What do you do with that information? Is there a Code of Ethics, conflict of interest or incompatibility of office issue? When would that issue arise – while the two are dating, after they move in together, or after they are married? Are there steps the city can take to avoid the conflict?