

State of Louisiana
Office of the Lieutenant Governor
Department of Culture, Recreation and Tourism

Policy Name: *Ethics and Dual Employment*
Policy Number: *HR Policy #2D-0116*
Effective Date: *July 15, 2011*
Revised Date:

Authorization: 
Charles R. Davis, Deputy Secretary

I. POLICY

It is essential to the proper operation of government that employees be independent and impartial; public employment not be used for personal gain; and there be public confidence in the integrity of government. These goals are impaired when public officials hold two or more public offices or jobs which conflict with the duties/interests of one another or result in the accumulation of governmental power. These goals are also jeopardized when employees have conflicting interests and unclear ethical standards. The Office of the Lieutenant Governor (OLG) and Department of Culture, Recreation and Tourism (DCRT) implement this policy to avoid conflicts of interest, establish appropriate ethical standards for its employees and prohibit illegal dual employment relationships by its employees.

II. PURPOSE

The purpose of this policy is to ensure compliance with the Louisiana Code of Governmental Ethics (La. R.S. 42:1101 et seq.) and Louisiana's dual employment prohibitions (La. R.S. 42:61 et seq.).

III. APPLICABILITY

This policy applies to all OLG/DCRT employees, regardless of status, including part-time and student employees.

IV. DEFINITIONS

- 1) "Controlling interest" means any ownership in any legal entity or beneficial interest in a trust held by or on behalf of an OLG/DCRT employee or a member of his immediate family, either individually or collectively, which exceeds 25%.
- 2) "Immediate family" means an OLG/DCRT employee's children and their spouses, siblings and their spouses, parents, spouse and parents-in-law.
- 3) "Person" or "Entity" means an individual or legal entity other than a governmental entity or an agency thereof.

- 4) "Anything of economic value" means money or any other thing having economic value, except promotional items having no substantial resale value. Excludes food, drink or refreshments consumed by an OLG/DCRT employee, including reasonable transportation and entertainment incidental thereto, while the personal guest of some person.

V. PROHIBITIONS

1. ETHICS

Unless prior approval is granted by the Board of Ethics or as otherwise provided by law, employees will be subject to disciplinary action, up to and including termination, if determined to be in violation of these provisions:

- a) Employees are prohibited from receiving anything of economic value from a source other than OLG/DCRT for the performance of official duties and responsibilities;
- b) Employees are prohibited from receiving anything of economic value for the performance of services substantially related to official duties or which draw on non-public information;
- c) Employees, employees' spouses and any legal entity in which an employee exercises control or owns an interest in excess of 25% are prohibited from receiving anything of economic value for services rendered to persons who have or are seeking contracts or other business or financial relationships with OLG/DCRT;
- d) Employees, employees' spouses and any legal entity in which an employee exercises control or owns an interest in excess of 25% are prohibited from receiving anything of economic value for services rendered to persons who are regulated by OLG/DCRT;
- e) Employees, employees' spouses and any legal entity in which an employee exercises control or owns an interest in excess of 25% are prohibited from receiving anything of economic value for services rendered to persons whose economic interests may be substantially affected by an OLG/DCRT employee's performance or non-performance of official duties;
- f) Employees are prohibited from directly or indirectly soliciting or accepting anything of economic value as a gift or gratuity from persons (including the person's officers, directors, agents or employees) who:

State of Louisiana
Office of the Lieutenant Governor
Department of Culture, Recreation and Tourism

- i. Have or are seeking contracts or other business or financial relationships with OLG/DCRT;
 - ii. Are seeking, for compensation, to influence the passage or defeat of legislation by OLG/DCRT;
 - iii. Who conduct operations or activities which are regulated by OLG/DCRT;
 - iv. Whose economic interests may be substantially affected by an OLG/DCRT employee's performance or non-performance of official duties;
- g) Employees are prohibited from receiving anything of economic value for assisting a person in a transaction with OLG/DCRT;
- h) Employees are prohibited from participating in any OLG/DCRT transaction in which he has a personal substantial economic interest of which he may be reasonably expected to know;
- i) Employees are prohibited from participating in any OLG/DCRT transaction in which, to his actual knowledge, any of the following has a substantial economic interest:
 - i. The employee or any member of the employee's immediate family;
 - ii. Any entity in which the employee has a substantial economic interest of which he may reasonably be expected to know;
 - iii. Any entity in which the employee is an officer, director, trustee, partner or employee;
 - iv. Any entity with whom the employee is negotiating or has an arrangement concerning future employment; and
 - v. Any entity which is a party to an existing contract with the employee or any legal entity in which the employee exercises control or owns an interest in excess of 25%, or who is indebted to the employee or to any entity in which the employee exercises control or owns an interest in excess of 25% and by reason thereof, is in a position to affect the employee's economic interests.

NOTE: Employees shall disqualify themselves from participating in any transaction which would violate these provisions. The mechanism to do so is set forth in La. R.S. 42:1112C.

State of Louisiana
Office of the Lieutenant Governor
Department of Culture, Recreation and Tourism

- j) Employees, immediate family of employees and any legal entity in which an employee exercises a controlling interest are prohibited from bidding on, entering into, or being interested in any contract, subcontract or other transaction under OLG/DCRT's supervision or jurisdiction;
- k) Employees are prohibited from using the authority of their offices, directly or indirectly, in a manner intended to compel or coerce a person to provide the employee or any third person with anything of economic value that they are not entitled to by law;
- l) Employees are prohibited from using the authority of their offices, directly or indirectly, in a manner intended to compel or coerce a person to engage in political activity;
- m) Employees are prohibited from making a payment, giving, loaning, transferring, delivering or offering to 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 the thing of economic value;
- n) Employees are prohibited from receiving anything of economic value from persons to whom he has directed OLG/DCRT business;
- o) Employees are prohibited, during a gubernatorially declared emergency or disaster, from converting property or resources of OLG/DCRT or property or resources loaned to OLG/DCRT to or for his personal use or to or for the use of members of his immediate family in a manner which is preferential to members of his immediate family over members of the general public;
- p) Employees are prohibited from accepting from any of the following food, drink or refreshments, the total value of which exceeds \$50 for a single event:
 - i. Persons/entities that have or are seeking contracts or other business or financial relationships with OLG/DCRT;
 - ii. Persons/entities that have or are seeking, for compensation, to influence the passage or defeat of legislation by OLG/DCRT;
 - iii. Persons/entities who conduct operations or activities which are regulated by OLG/DCRT;
 - iv. Persons/entities whose economic interests may be substantially affected by an OLG/DCRT employee's performance or non-performance of official duties;

- q) Employees are prohibited from transferring anything of economic value or any asset, interest or liability to any person or governmental entity for the purpose of circumventing any provision of the Ethics Code unless such transfer is irrevocable; and
- r) Employees are prohibited from soliciting or receiving anything of economic value, directly or indirectly, for or to be used by him or a member of his immediate family to aid in or influence the passage or defeat of any legislative action affecting OLG/DCRT.

2. DUAL EMPLOYMENT

- a) OLG/DCRT employees are prohibited from holding elective or appointive office or employment in the government of a foreign country, in the government of the United States or in the government of another state;
- b) OLG/DCRT employees are prohibited from holding office or employment in any other branch of state government;
- c) OLG/DCRT employees are prohibited from holding an elective office in the government of the State of Louisiana or a political subdivision thereof;
- d) OLG/DCRT employees are prohibited from holding another full-time appointive office or full-time employment in the government of the State of Louisiana, the government of a political subdivision thereof or in a combination of these;
- e) OLG/DCRT employees may not hold other offices or positions of employment where the following conditions exist:
 - i. The incumbent of one office or employment has the power to appoint or remove the incumbent of the other;
 - ii. The incumbent of one office or employment receives the oath and/or bond of the incumbent of the other;
 - iii. The incumbent of one office or employment is charged by law with instituting actions for penalties against the incumbent of the other;
 - iv. The incumbent of one office or employment is required by law to execute orders and follow directions given by the incumbent of the other;

State of Louisiana
Office of the Lieutenant Governor
Department of Culture, Recreation and Tourism

- v. One office or employment is charged with auditing the accounts of or approving the budget of the other; and/or
- vi. Funds received by one office or employment are deposited with or turned over to the other.

VI. RESPONSIBILITY

- 1) Appointing authorities are responsible for reporting possible Code of Governmental Ethics or dual employment violations to the Board of Ethics, Louisiana Attorney General and/or Department of State Civil Service, depending upon whose jurisdiction the violation may fall, and for enforcement of this policy.
- 2) All employees are responsible for reporting possible Code of Governmental Ethics or dual employment violations to their appointing authority, the Human Resources Division, the Board of Ethics, Louisiana Attorney General, Department of State Civil Service or any other person or entity of competent authority or jurisdiction.

VII. NON-RETALIATION

It is a violation of the Code of Governmental Ethics for any employee to be disciplined or otherwise subjected to acts of reprisal for reporting to any person or entity of competent authority or jurisdiction information which he reasonably believes is in violation of any law, order, rule or regulation within the jurisdiction of the Board of Ethics or any other alleged acts of impropriety within a governmental entity.

VIII. ENFORCEMENT

Employees found to be in violation of this policy will be subject to disciplinary action, up to and including termination. In addition, employees may face enforcement action by the Board of Ethics, Louisiana Attorney General's Office and/or the Department of State Civil Service which may include, but not be limited to, loss of employment and monetary fines/penalties.

IX. QUESTIONS

Questions regarding the interpretation and enforcement of this policy should be addressed to the Human Resources Director.