ETHICS ISSUES:
For instance...

Presented by
Warren J. Grody
BRICKER & ECKLER LLP

Question:
Are there any problems with a Board member’s spouse being in the bargaining unit?

Answer:
If a Board member’s spouse is in the bargaining unit, the Board member can vote on the collective bargaining agreement but not on the individual contract.

Ohio Ethics Commission Opinion No. 82-003
Question:

Are there any problems if a Board member's spouse being in the bargaining unit and the Board member is an OEA member in a neighboring district?

Answer:

- Can vote on the CBA unless the spouse is an officer or on the negotiating team
- OEA membership does not prevent vote on CBA ratification, but serving on Board's negotiating team should be avoided due to "appearance of impropriety"
- Actually, more than "appearance": ORC 4117.20 prohibits participation in bargaining by same-union member

OEC Opinion No. 89-005

Question:

What if the Board member's spouse is a teacher and the Board member gets health benefits through the spouse's insurance?
Answer:

- OK for Board member to receive benefits
- Would be OK to vote on ratification of the collective bargaining agreement under ORC 2921.42 but ORC 102.03 prohibits voting, discussing, etc.
- Can vote on selection of carrier and similar decisions affecting all employees in plan

OEC Opinion No. 93-017; 2007 OAG No. 011

---

Question:

Can a Board member's minor child be employed as a summer lifeguard?

---

Answer:

- No
- Board member parent always has an "interest" in the child's earnings by law unless the child is emancipated

OEC Opinion No. 93-008
Question:
If a Board member owns a music store, who can he/she sell to?

Answer:
- Can’t sell to district unless ORC 2921.42(C) exceptions are met
- Can’t sell to music boosters if the boosters purchase for donation to the district
- Can rent instruments to parents
- Can’t use position to influence board, parents, or boosters to use services of store
- Can make donations to district but can’t use the fact in advertising or promotions
- BUT ORC 3313.33 not considered in this opinion
  OBC Opinion No. 90-003

Question:
Can a Board member be hired by the District?
Answer:

- Can't be hired for one year in any position the board authorized while he was a member (regardless of whether he voted)
- Must strictly avoid any lobbying or even discussion with other school officials prior to resignation
- Must resign before making application, etc.

ORC Opinion No. 87-008

---

Question:

Can a Board member’s son, daughter, brother, or sister be hired as a teacher?

---

Answer:

YES.

AS LONG AS the board member abstains from voting, discussing, lobbying, etc.

ORC 3319.21 (as interpreted)
Question:
Can a superintendents family member be hired as a teacher?

Answer:
YES.
BUT ONLY if board designates "another individual" to make the recommendation.
(And watch out for other "approvals.")
ORC 3319.07 (as amended in 2013)

Question:
Can a superintendents family member be hired as an administrator?
Answer:
Probably not.
2013 amendment appears to be applicable to teachers only.

ORC 3319.07 (no amendment to ORC 3319.02)

Question:
Can a superintendent's family member be hired as classified employee?

Answer:
YES--
IF no recommendation made, or made by someone else.
(ORC does not require recommendation. But again, must watch out for other administrative "approvals.")

ORC 3319.07 (no amendment to ORC 3319.02)
Question:

What restrictions apply to me if my daughter is in the bargaining unit?

Answer:

- OK to negotiate, advise, etc. regarding the collective bargaining agreement as long as the daughter is not an officer
- OK to act on a collective bargaining matter, as long as the issue is not particularized to the daughter

OEB Opinion No. 98-003

Question:

Can school employees accept gifts or travel from vendors?
Answer:

Examples:
- Construction management firm: NO travel to site for administrators
- Class ring vendor: NO free merchandise for teachers/class advisors

OEC Opinion No. 2001-04

Answer:

- NO gifts from tour operators
- NO compensation from tour operators
- Employees can be provided travel, food, and/or lodging for services as chaperones on the theory that it is essentially a cost reduction for school district
- Spouses serving as chaperones cannot receive travel, food, or lodging from tour operator

OEC Opinion No. 2000-04
Question:
A vendor wants to take me on a golf outing. Any problem?

Answer:
- Vendor cannot pay for greens fees or cart fees
- Vendor can pay for food and beverages of "ordinary" character

OGC Opinion No. 2001-03

Question:
Can I accept travel from a vendor to see a product installation?
Answer:

- NO travel, meal, lodging from vendor
- Doesn’t matter that only essential travel costs are paid
- Doesn’t matter that project will be let by competitive bidding
- Doesn’t matter if vendor payment is to the government agency as reimbursement

OEC Opinion Nos 84-013, 014, 90-001

Question:

A vendor is throwing an open house reception at the conference I am attending. Can I go?

Answer:

- OK for vendors/private parties to provide meal, reception, or open house for attendees at a conference of public officials IF:
  - Meal is of “ordinary, routine character”
  - Event is educational or informational
  - Event is open to all conference attendees
  - Public official has not used his/her official influence to obtain donation of meal, reception or open house

OEC Opinion No. 7002-07
Question:
A respected national provider of K-12 curriculum products has offered to send one person from our district to Sweden to attend a symposium on the societal forces affecting student learning today. No product promotion is involved. Can this person attend?

Answer:
Probably not.
Ethics rules generally do not consider the "educational merit" of travel benefits.
Limited exception created for certain conferences of organizations to which employing board belongs.

New OEC Rule 102-3-08

Question:
Are general merchandise discounts okay for school employees to accept?
Answer:

- Generally not a violation of ethics laws
- OK if uniformly offered to a large group and the public employees involved do not provide services having special benefit to the retailer

OTC Opinion No. 2001-08

---

Question:

So discounts for all public employees are okay?

---

Answer:

- 10% discounts for policemen from the local TV and appliance retailer was prohibited as "additional compensation" for performance of official duties under ORC 2921.43

OEC Opinion No. 92-015
Question:
Can school employees use frequent flyer miles earned on work-related trips for a vacation?

Answer:
- If the miles were earned on government business they may not be used by an individual employee.
- Use of miles by employee violates both vendor gift and "additional compensation" rules.

OEC Opinion No. 92-010

The End