

Code of Ethics Transcript

Welcome to the Department's Ethics Training. To begin, select the start button or press shift N on your computer.

The content for today's training is taken directly from Florida's Code of Ethics found in Chapter 112 of the Florida Statutes, the Department's Ethics Policy and Guidelines, and Governor Scott's Executive Order Number 11-03 which includes the Governor's Code of Ethics. This training is required of every employee and it is every employee's responsibility to be familiar with this information. If you have questions or are not sure about something, ask the Department's Ethics Officer. (Contact information is provided at the end of this course.)

This training is designed to be completed at your own pace. A window may appear requesting permission to store information on your computer. Select Allow. If you have to step away or are unable to complete the training for any reason, don't worry. When you return to complete the training, a window will pop up asking if you would like to continue from the point of your last visit. You may choose "Yes" to continue or restart the training by selecting "no".

Now, let's go over how to navigate through the training. The training is divided into specific topics. On the left hand side is a Table of Contents. The title of the training along with the contact information is located on the top left. The section below displays the slide title, duration and the status of the slide. A check mark will appear updating the status of every individual topic completed. The counter at the bottom displays the current time lapsed over the total time.

At the bottom of the training is the playbar. Located on the playbar are the following:

- The rewind button, takes you all the way back to the beginning of the module.
- The play button allows you to play and pause the module.

- The back button allows you to step backwards one slide.
- The forward button allows you to step forward one slide.
- The audio button allows you to mute or resume the audio.
- The CC button allows you to toggle the closed captioning on and off. It is displayed directly over the playbar.
- And the exit button allows you to exit the module by closing the training window. You may see a window pop up confirming if you would like to close the window.

And finally, the Resources button on the top rights of the module takes you to the Resources page for additional information referenced in the training.

The objectives for today's training are to

- Understand the intent of Florida Code of Ethics
- Understand key ethics statutes, policies, and rules
- Define key terms and
- Apply your understanding by completing ethical scenarios

The Department recognizes the importance of maintaining high ethical standards among its employees. We also know that the people of Florida expect us to conduct our business above reproach. In support of the Governor's Code of Ethics to maximize honesty, ethical conduct, and openness in our decision making processes, the Department has a written policy that applies to all employees. That Ethics Policy was originally signed by the secretary on February 11, 2011, and may be updated from time to time. The most recent version of the policy may be found on the Department intranet.

These standards and requirements incorporate the Governor's Code of Ethics, which was effective January 4, 2011.

It's important to note that the Governor wants state employees to go above and beyond the requirements and limitations of Chapter 112, Florida Statutes. Every Department employee is expected to protect his or her

ability to make objective, fair, and impartial decisions. Employees should avoid conduct, whether in business, financial, or social situations that might undermine the public trust.

Key terms help to gain a better understanding of ethics requirements and limitations.

A “lobbyist” is someone who works for payment for a person or firm whose job is to influence governmental decision making, including the policies or decisions of the Department.

Lobbyists may try to influence decisions about the procurement of goods and services from a person or company doing business or seeking to do business with the Department, or decisions about Department policy.

Lobbyists may also just be trying to obtain the good will of an agency official or an agency employee. Registered lobbyists can be found at the web address located on your screen.

A “Principal of a Lobbyist” is defined as: The person, firm, corporation, or other entity which employs or retains a lobbyist. Registered Principal of Lobbyists can be found at the web address located on your screen.

A “gift” is anything accepted by a person or on that person’s behalf, whether directly or indirectly, for that person’s benefit, and for which no payment is made.

A gift can be many things. Some examples include: real property or the use of real property; a preferential rate or terms on a debt, loan, goods, or services not available to others; forgiveness of a debt; transportation; lodging; food or beverages; fees and tickets; plants and flowers; or personal services for which a fee is normally charged.

It’s not considered a gift if the employee reimburses the person for the actual value of the item. Generally, actual value is considered to be the total cost associated with providing the item or service. The payment must be made at the same time or before an item is accepted. Chapter 112,

Florida Statutes, and Rule Chapter 34 of the Florida Administrative Code provide guidance on how to value gifts.

One of the questions asked most often is whether an employee can have dinner at the home of someone who does business with the Department without actually paying for the meal. The Department recognizes that many employees have long standing personal friendships with people who also do business with the Department. Insisting on paying for a meal at a friend's home is obviously awkward. When dining at a friend's home, the easy and acceptable way to comply with the gift restrictions is to take a house gift, an appropriately priced bottle of wine or spirits, a floral arrangement or plant, or another appropriately valued item which can take the place of actually paying the host for the meal.

We hope you now have a better understanding of the definitions of some important words used in many ethical provisions. We will now focus on some key ethical principles.

Every Department employee is expected to protect his or her ability to make objective, fair, and impartial decisions.

Department employees may not accept a benefit of any kind if it was given to influence a pending or future decision of the Department or when it could reasonably be inferred that the benefit was intended to influence a pending or future decision of the Department. Department employees also may not accept a benefit that is intended to reward for a past decision, or if the employee reasonably should know it is being given to reward a past decision.

Employees should avoid any conduct, whether in business, financial, or social relationships, that might undermine the public trust. Perception is key. All employees must be careful to avoid even the appearance of unethical behavior. It is better to accept nothing than to be accused of being influenced to do something related to your job.

Department employees may not solicit anything of any value from any lobbyist, principal of a lobbyist, or any person or company doing business

or seeking to do business with the Department. Also, employees may not solicit anything from anyone else if it is for the personal benefit of the employee, his or her family, or another employee.

The Department does not generally approve of soliciting items of any nature from vendors. However, the prohibition on soliciting items from lobbyists, principals of lobbyists, or vendors doing business or seeking to do business with the Department does not restrict employees from soliciting charitable contributions from lobbyists, principals of lobbyists, or vendors doing business or seeking to do business with the Department, as long as neither the employee nor the employee's relatives are not on the board of directors for the non-profit charity.

Employees should be sensitive to the fact that even a permitted charitable solicitation can create an appearance of impropriety and should be careful to avoid such appearances. For example, an employee who will be part of a selection committee in a pending procurement should refrain from charitable solicitations directed at any potential vendors who are competing for the work.

In addition, solicitation for the Florida State Employees Charitable Campaign must comply with Section 110.181, Florida Statutes, and Rule 60L-39, Florida Administrative Code.

Department employees may not accept anything of value from a lobbyist, principal of a lobbyist, or any person or company doing business or seeking to do business with the Department.

Employees who want to accept gifts from relatives who are lobbyists, principals of lobbyists, or vendors doing business or seeking to do business with the Department should consult with the Department's Ethics Officer on how to address the situation.

We previously discussed not accepting or soliciting anything from lobbyists, principals of lobbyists, or any person or company doing business or seeking to do business with the Department. However, the Governor's Ethics Policy and the Department's Ethics Policy go further than Florida's

Code of Ethics to help avoid even the appearance of impropriety and to ensure state employees are above reproach.

Department employees also may not accept anything of value from anyone else unless the thing of value falls within any of the following limited exceptions:

Gifts from relatives can be accepted unless the relative is a lobbyist, the principal of a lobbyist, or a Department vendor.

If your relative is a lobbyist, the principal of a lobbyist, or a vendor doing business or seeking to do business with the Department, consult with the Department's Ethics Officer on how to address the situation.

Gifts, regardless of value, received from personal friends in the ordinary course of friendship can be accepted, provided that any such personal friend is not:

1. a lobbyist;
2. the partner, member, employer, employee, or principal of a lobbyist;
3. a person having a special financial interest with the Department;
4. a person who provides goods or services to the Department; or
5. a person who is seeking business from the Department.

If someone has offered you an opportunity to attend an event or accept something without charge or at a reduced cost, ask yourself whether the offer is due to your employment with the Department. If the answer is yes - *don't accept*.

Here are some additional questions to consider in determining whether there is a conflict in attending an event or accepting something that has been offered to you.

- Is there commercial value involved? Examples would be food and beverages or tickets to entertainment events.

- Is the item primarily for the benefit of Department employees and not available to members of the public on the same terms and conditions?
- Does a lobbyist or principal of a lobbyist control who receives the benefit or the item of value?
- If a third person (such as an employee of a not-for-profit corporation) is distributing the item, is he or she acting under the direction of a lobbyist or principal of a lobbyist?
- Did an agency official or employee solicit the lobbyist or principal of a lobbyist for the sponsorship of the item or event?

If the answer to any of the previous questions is “yes”, the employee may not attend the event without paying or accept the item without paying.

If the answer to all of the previous questions is “no”, the employee may attend the event or accept the item without paying.

Now let’s discuss some limited exceptions that may allow the acceptance of food or beverages.

Department employees may consume food and refreshments if a Department paid registration fee *includes* the cost of the food and refreshments. Employees may also accept food and beverages at an event without paying a registration fee if their attendance at the event is an appropriate exercise of their official duties as determined by management, unless the food and refreshments are paid for by a lobbyist, principal of a lobbyist, a vendor, or a potential vendor. (which means your management should be consulted before attending)

If an employee arrives at an event where a registration fee has not been paid and finds out that a vendor or lobbyist is sponsoring the event and funding all or a portion of the food, there are two choices. Don’t eat – or pay for the food or meal and obtain a receipt. Reimbursement may be requested from the Department if that happens, but the employee must obtain **prior** approval from an Assistant Secretary or District Secretary before reimbursement will be made. Since under this scenario the employee is already at the event, obtaining approval may be difficult.

On the other hand, if certain meals are covered by the registration fee and others are sponsored by a lobbyist, principal of a lobbyist, a vendor, or a potential vendor, only those included in the registration may be accepted unless personally paid for. If reimbursement is sought, prior approval must be obtained as previously mentioned.

The answer to these questions about what is covered in the registration fee and if any events or meals are sponsored by a particular company usually can be obtained from the entity hosting the event prior to registration and attendance. Employees should make every effort to ask all pertinent questions prior to seeking permission to attend.

Employees may accept a gift on behalf of the Department for which a public purpose can be shown if doing so is approved by the Department's Ethics Officer. This exception applies only to gifts to the Department, which means that the gift must benefit the Department, not an individual employee.

Employees are prohibited from accepting anything of monetary value for speaking appearances or for articles written. This includes travel related expenses.

A Department employee may accept an award, plaque, certificate, or similar personalized item given in recognition of the employee's public, civic, charitable, or professional service, if the item has no separate commercial value.

Department employees may not travel in a private aircraft for Department business without obtaining **prior** authorization from the Department's Ethics Officer.

Now that we have discussed what employees can and cannot accept under different circumstances, let's move on to the topic of potential conflicts of interest that may arise as a result of your job at the Department.

Ethics is more than just rules about gifts and what you can and cannot accept from particular individuals and entities.

There are also important ethical implications that all employees must consider when performing their daily jobs, and when employees are considering additional employment or employment after leaving the Department.

Department employees may not directly or indirectly procure contractual services for the Department from any business entity if a relative, fiancée, or a person sharing living quarters with the employee is an officer, partner, director, or proprietor of that entity.

Dual employment is defined as part-time employment or a second job with another State Personnel System employer. In other words, the employee is receiving payment from two State Personnel System employers.

All employees seeking dual employment must get written approval from the Department's Director of Human Resources prior to beginning the other employment. Employees must make sure to discuss the specifics of their Department job and their anticipated employment with the Personnel Office; employees will be directed to more information as well as forms that may need to be completed.

Secondary Employment is defined as part or full time employment outside the State Personnel System.

Many Department employees have second jobs. What's important to note, however, is that these second job **must not conflict** with Department work hours or responsibilities.

Employees interested in working a second job must first check with their management to make sure there is no conflict. For example, a Department employee would have a conflict if a private employer wanted to hire him or her to work on a contract that the employee had personally helped the Department procure. Questions on whether or not there is a conflict should be discussed with the Department's Ethics Officer.

Ethics requirements follow Department employees, even after leaving the Department.

When a Department employee was directly involved in a contract (either by decision, approval, disapproval, recommendation, rendering of advice, or investigation) he or she **may not at any time after retirement or termination**, work for any business entity **in connection with that contract**.

For example, if an employee was part of the selection committee for a contract, he or she can never work **on that contract** for any business entity.

A Department employee may not, **for two years after retirement or termination**, work for a business entity on a contract for contractual services that was within his or her responsibility while an employee of the Department.

This prohibition also applies to professional service contracts. Contracts may be within an employee's responsibility even if the employee does not participate personally and substantially. For example, this prohibition would apply if an employee is responsible for ultimately approving invoices on a contract, even if the employee is not the direct project manager.

A Department employee in the Senior Management or Selected Exempt Service who began employment after July 1, 1989, may not, for two years after retirement or termination, personally represent a person or entity for compensation before the Department unless he or she is employed by another agency of state government.

Recent Ethics Opinions have limited this provision to apply only to the specific Department district in which the employee worked. For example, if an employee worked in a district office, the limitations of this provision apply only to that district, not to the entire Department.

Central Office employees should be aware that, depending on their (DOT) Department job, the restrictions may or may not apply to them on a statewide basis. Central Office employees with questions about the scope of this post employment restriction should contact the Department's Ethics Officer or the Florida Commission on Ethics.

A former Department employee who is providing a contractual service **directly** to the Department may not be paid more for these services in the first year after termination than his or her annual salary at the time of leaving the Department.

This does not mean that if you are employed by a company that is providing services to the Department that the company you work for cannot pay you more than your annual Department salary at the time you left the Department. However, the prohibition does apply if you own the company.

Here are a few other provisions that Department employees should be aware of.

Nepotism: A Department employee may not appoint, employ, promote, or advance a person who is a relative into a position over which the Department employee will have direct supervision. This does not mean that relatives cannot work at the Department or cannot work in the same section or office of the Department. Employees with hiring and promotion authority should be aware of the broad definition of relative which can be found in Section 112.3135(1)(d), Florida Statutes.

Information not known to the public: Department employees cannot disclose or use information for their personal benefit or the benefit of others if that information is not available to the public and was obtained due solely to the employee's job at the Department. For example, if you are employed in the right of way office and you learn of the Department's need to acquire property for a new road, and that information is known only to Department employees, you cannot use that information or share it with others to purchase land that will be needed for the project.

Obtaining something for yourself or another: Department employees are prohibited from using or attempting to use their official positions to obtain a special privilege for themselves or others. For example, a Department employee may not use his or her Department business cards to promote his or her private business or for his or her personal profit or gain.

The Department has additional standards that apply to the Secretary, Assistant Secretaries, District Secretaries, Executive Director of the Florida Turnpike, Executive Director of the Florida Rail Enterprise, and Chief of Staff.

These employees may not serve as an officer or director of any private, public, for-profit, or not-for-profit company unless prior approval is given by the Department's Ethics Officer and the Governor's General Counsel.

In addition, if any of these employees has an immediate relative who is a lobbyist, he or she will, at least quarterly, disclose to the Department's Ethics Officer the names of such immediate relatives and the names of all clients of such immediate relatives. These employees also will not participate in any matter that would contribute to the immediate relative's special gain or loss and will excuse themselves from all discussions, and meetings involving clients of those immediate relatives.

The Department's Ethics Policy also addresses criminal conduct by employees, whether it occurs on or off the job.

Any career service employee who is arrested or charged with any criminal violation – including driving under the influence - must notify his or her supervisor of the matter by close of business on the third working day following the arrest or charge.

Senior Management Service and Selected Exempt Service employees must notify their supervisor by the close of business on the first working day following the arrest or charge.

Any employee convicted of or who enters a plea of nolo contendere to the manufacture, distribution, dispensation, possession, or other drug related criminal offense shall be dismissed.

Conviction means a plea of guilty, no contest, nolo contendere, or a finding of guilt, whether or not adjudication is withheld, in any federal or state court.

Any employee convicted of any other misdemeanor or felony crime may be dismissed depending on the nature and severity of the offense. The

employee must notify his or her supervisor no later than the first working day after the conviction.

Violations of the Department's Ethics Policy can have an impact on the terms and conditions of employment by the Department.

Employees should be aware that their conduct can be evaluated under a number of different policies, procedures, rules, and statutes.

Violations of the Department's Ethics Policy may also be violations of the Florida Code of Ethics, Chapter 112, Florida Statutes, and Rule 60L-36.005, Florida Administrative Code, which falls under the authority of the Department of Management Services. Violations of the Florida Code of Ethics are investigated and punished by the Florida Commission on Ethics. Certain conduct may also subject employees to criminal prosecution under Sections 334.193 and 334.195, Florida Statutes.

Employees should familiarize themselves with the provisions of these laws and rules and how they can affect you and your job.

Additional information on Ethics can be found on the Department's personnel website listed on the screen. Employees may also contact the Florida Commission on Ethics for answers to specific questions relating to Chapter 112, Florida Statutes, or to obtain a formal opinion.

Employees with questions are encouraged to contact their management or the Department's Ethics Officer.

Now you will be asked to participate in various ethical scenarios. You may answer by choosing the corresponding button with your mouse or by pressing the corresponding letter on your keyboard. Now let's test your knowledge on the topics that were presented.

Question 1:

A DOT employee is going to be married soon. His future wife, who is not a state employee, has friends who are lobbyists or who are consultants who do business with DOT. The friends will be invited to the wedding. The DOT employee wants to know if he can accept wedding gifts from his future

wife's friends who are consultants who do business with DOT or who are lobbyists. In this situation, the DOT employee:

- A) Can accept the gifts because they are wedding gifts.
- B) Can accept only those gifts that have a value of less than \$25.
- C) Cannot accept any gift that is given to him by any lobbyist or consultant who does business with DOT.
- D) Cannot accept any gift that is given to him and his future wife cannot accept any gift given solely to her by any lobbyist or consultant who does business with DOT.

The correct answer is C. A is incorrect because wedding gifts are included in the prohibition against accepting anything of value from a lobbyist or person doing business with a state employee's agency. B is incorrect because the value of the gift does not matter. Nothing of any value can be accepted by a state employee from a lobbyist or a person doing business with the employee's agency. D is correct as it applies to the DOT employee, but incorrect as it applies to his future wife. If the gift is intended solely for the future wife, she may accept the gift, even if it is from a lobbyist or consultant doing business with DOT. The same answer applies to gifts and even food and refreshments provided by the future wife's friends if they were to host a wedding shower for the couple. Only gifts intended solely for the future wife could be accepted by the future wife. The DOT employee can accept nothing.

Question 2:

A DOT employee's husband works for a contractor that has one or more contracts with the DOT. The contractor is having a holiday party to which all employees of the company and their spouses are invited. The DOT employee wants to know if she can attend the party solely as the guest of her husband and if she can eat and drink the refreshments provided. What can the DOT employee do?

- A) She can attend, but not eat or drink anything purchased by the contractor or any of its employees, except her husband.
- B) She can attend and pay the value of what she eats and drinks.
- C) She can contact the DOT Ethics Officer to discuss her particular situation prior to attending.
- D) All of the above.

D is the correct answer. The general rule is that state employees cannot accept anything from someone doing business with their agency. However, when attending a function, conference, or meeting hosted by a person or entity that does business with or seeks to do business with DOT, an employee can consume food and refreshments if a registration fee has been paid which covers the cost of meals and refreshments. An employee also always has the option of attending the function, but not eating or drinking anything, or paying the value of the food or refreshments consumed before attending or at the function (for which a receipt should be obtained). In this instance the employee is being invited only as the spouse of the company employee. Under these limited circumstances, she can attend the party as a guest of her husband and consume the refreshments provided. One caution, the answer will likely be different if the company party is extraordinarily lavish, especially if combined with travel (for example, a company party in Las Vegas at a lavish and expensive resort). Employees should always contact their management and the DOT Ethics Officer to discuss their situation prior to making a decision.

Question 3:

A DOT employee receives a large basket of perishable goodies during the holidays from a consultant who is doing business with the DOT. What should the employee do?

- A) Send it all back with a note thanking the giver for their thoughtfulness, and explaining that DOT employees can accept nothing of value from any person or entity doing business or seeking to do business with the DOT.

B) Put the basket at the front desk or in a common area for all employees to share its contents.

C) Donate it all to a charitable organization with which the employee is not affiliated and send a note to the giver explaining that DOT employees can accept nothing of value from any person or entity doing business or seeking to do business with the DOT. The note should advise that the gift was donated and the charitable organization should be identified.

D) A and C.

The correct answer is D. A is correct because anything received should be returned if it is possible to do so, or donated when return is not possible, as may be the case with a gift that is highly perishable that was shipped to the DOT office. The note is both appropriate and educates the giver on the restrictions placed upon DOT employees, helping to prevent future missteps. B is incorrect because even though other employees did not receive the gift, they are accepting a gift from a vendor by eating or using the basket's contents. C is correct with respect to perishable items and covers all bases; to avoid even the appearance of impropriety, the items should be donated to a charitable organization of which the employee is not a member and is not affiliated.

Conflicts of Interest – second job:

Question 4:

A DOT employee who is a professional engineer, and loves to rebuild automobile engines, has been offered a part-time job with an engineering consulting firm at which he would work either after hours or on weekends. The company that has offered him the job has been doing business with the DOT for many years and wants the employee to do professional engineering work, including potentially signing and sealing plans. What can the employee do?

A) Accept the job if he agrees to not sign or seal any plans because he won't be working for the company during his regularly scheduled DOT work hours.

B) Decline the offer because the position is with a company that is doing business with the DOT.

C) Discuss the facts and circumstances surrounding his current job and job duties, and the company extending the offer of employment with his management and the DOT Ethics Officer before responding to the offer.

D) B and C.

D is the correct answer because both B and C are correct courses of action. A is incorrect because currently employed DOT employees cannot hold a second job with any person or entity doing business or seeking to do business with the DOT or any person or entity regulated by the DOT. Agreeing not to sign or seal plans does not eliminate the potential for conflict of interest. In fact, due to the nature of DOT's relationships with its contractors and consultants and the highly regulated manner in which DOT business is conducted, it would be very difficult for DOT employees to avoid a continuing or frequently recurring conflict between the interests of the private company and the performance of their public duties if they were to hold any second job with an engineering consulting firm or a road building company that does business with DOT, especially a job in which they will be using their professional degrees and certifications. B is correct because the employee is declining the offer of employment thereby avoiding conflict of interest issues which are present because of the nature of the work he would be performing for the company and because he would be doing the same type of work for the company as he does for DOT, and using his professional degree and expertise for a company that does business with the DOT. C is correct because it is recommended that any employee contemplating an employment related action, whether it is secondary employment or otherwise, should contact his or her management and the DOT Ethics Officer to discuss his or her situation.

Question 5:

The same DOT employee in the last question who is a professional engineer, and loves to rebuild automobile engines, has decided he wants to accept a different part-time job at which he would work either after hours or

on weekends. This time the company that has offered him the job is a big box retail store that has an automotive parts department, where he would be working as a cashier and a mechanic. What should the employee do?

A) Accept the job because he won't be working for the company during his regularly scheduled DOT work hours.

B) Decline the job because DOT occasionally makes purchases from the company.

C) Discuss the facts and circumstances surrounding his current job and job duties, and the company extending the offer of employment and the types of work he will be performing with his management and the DOT Ethics Officer before responding to the offer.

D) B and C.

D is the best correct answer. The general rule is that DOT employees cannot hold a second job with any person or entity doing business or seeking to do business with the DOT or any person or entity regulated by the DOT. However, the type of company and the nature of the work the employee will be performing are important and there is a limited exception to the general rule for second jobs that will not create any real potential for conflict with the DOT employee's responsibilities in his or her public sector job. DOT employees should not take a second job without first discussing it with their management and the DOT Ethics Officer. While the employee may, of course, decline the job offer, under these particular circumstances it is much less likely that he will be prohibited from accepting this employment opportunity. In this scenario, it is clear that the employee will not be using his professional license or expertise that he uses at DOT while working at his second job and the fact that the DOT makes limited purchases from the store is only a minor consideration. Due to the type of business conducted where the employee is considering work, and the type of work he would be doing, the potential for conflicts of interest is minimal. Employees should expect that the DOT Ethics Officer will advise them to fully discuss their second job plans with their management to ensure that any potential conflict is identified. Additionally, the DOT Ethics Officer

frequently advises employees to discuss situations like this with the staff of the Florida Commission on Ethics, who are very knowledgeable and helpful.

Post DOT Employment:

Question 6:

A thirty year DOT employee is about to retire. Last year he was a member of a technical review committee to select a consultant to do work for DOT under a five year contract. The contract was awarded to the ABC Corporation. The ABC Corporation has offered the DOT employee a job after he retires. What can the employee do?

- A) Accept the job and work on anything assigned to him by the ABC Corporation because he won't be working for DOT anymore.
- B) Decline the job because he participated in the selection of ABC Corporation to do work for DOT.
- C) Accept the job, but don't work on the contract for which he was a part of the technical review committee.
- D) Accept the job, but don't work on the contract for which he was a part of the technical review committee until he has been retired for two years.

The correct answer is C. Chapter 112, Florida Statutes, places certain restrictions on former executive branch agency employees; DOT is an executive branch agency. An agency employee may not, after retirement or termination, hold any employment or contractual relationship with any business entity, other than another government agency, in connection with any contract in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, advice, or investigation while an employee of the agency. In this case, the employee participated personally and substantially in the contract by being a part of the technical review committee. The prohibition against working on a contract in which you participated personally and substantially, lasts for the entire term of the contract, therefore, answer D is incorrect. A is

incorrect because there are several ethical provisions in Chapter 112, Florida Statutes, that may affect the decisions you make regarding your employment after you leave or retire from DOT and you should be aware of those provisions prior to making future employment plans. B is incorrect because although he could decline the job, the post-employment restrictions in the Code of Ethics do not absolutely prohibit former employees from working with companies that they have dealt with as a public employee. However, employees should be sensitive to the fact that participating in a selection and leaving shortly thereafter to work for the selected vendor could create an appearance of impropriety. Whenever an employee contemplates leaving or retiring from DOT, he or she should discuss his or her future employment plans with the DOT Ethics Officer, or the Florida Commission on Ethics.

Question 7:

An employee has decided to leave DOT and go to work for the XYZ Corporation. Her duties at DOT include the responsibility for supervising other DOT employees who approve invoices, review time sheets, and assess work performance on an XYZ Corporation consulting contract. What should the employee do?

- A) Accept a job and work on anything assigned to her by the XYZ Corporation.
- B) Decline the job offer.
- C) Accept the job, but don't work on any contract with DOT which the DOT employees she supervised managed.
- D) Accept the job, but don't work on any contract with DOT which the DOT employees she supervised managed until two years after leaving DOT.

The correct answer is D. Chapter 112, Florida Statutes, places certain restrictions on former executive branch agency employees; DOT is an executive branch agency. An agency employee may not, after retirement or termination, hold any employment or contractual relationship with any

business entity, other than another agency, in connection with any contract for contractual services which was within his or her responsibility while an employee for two years after retirement or termination. In this case, the XYZ contract was within the responsibility of the DOT employee because she directly supervised the DOT employees who were personally and substantially involved with managing the contract. When a contract is within your responsibility while a DOT employee, if you leave DOT and go to work for the company, you cannot work on that contract for two years after leaving DOT. A is incorrect for the same reason. B is incorrect because although she could decline the job, the post-employment restrictions in the Code of Ethics do not absolutely prohibit former employees from working with companies that DOT does business with. C is incorrect because the post-employment restriction on working on contracts within a public employee's responsibility is only effective for two years after leaving, unlike the permanent post-employment restriction on working on contracts in which a public employee personally and substantially participated. Whenever an employee contemplates leaving or retiring from DOT, he or she should discuss his or her future employment plans with the DOT Ethics Officer, or the Florida Commission on Ethics.

It is hoped that the information provided in this computer based training has made you more aware of, and familiar with many of the relevant provisions of Florida's Code of Ethics, the Department's Ethics Policy, and the Governor's Ethics Code. As indicated throughout this training, if a situation arises and you are unsure how to ethically respond to it, you should contact the Department's Ethics Officer.

This CBT will automatically update TRESS. You may print the certificate for your records, but it is not required to submit a copy to your TRESS Coordinator for you to receive credit in TRESS.

This is the end of the training.