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Date: 4/9/2014 8:31:49 AM

Subject: FW: Notes for State IG Discussion @ Cabinet Meeting, 4/9/2014

Attachments: Attachment A\_Summary of SC Statute's Code of Conduct.pdf

Attachment B\_New York State Ethics Plain Language.docx

Attachment C\_SIG Plain Language Code of Conduct.pdf

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From: Maley, Patrick

Sent: Tuesday, April 08, 2014 7:55 PM

To: Haltiwanger, Katherine

Cc: Pitts, Ted

Subject: Notes for State IG Discussion @ Cabinet Meeting, 4/9/2014

Katherine, pls forward this email to the attendees for the Cabinet meeting on Wednesday. I have a simple message to alert Agency Heads of a pattern I am seeing in agencies' codes of conduct, and a few ideas on how they can review their respective agency's code of conduct to stimulate potential improvement. Thanks

#### State Inspector General's Office

#### Agency "Rules of Conduct" Considerations

My comments today are based on two sets of observations. First, in the past eight months, the State Inspector General (SIG) conducted five employee misconduct allegations in five different agencies. These investigations compared the facts of the alleged misconduct with the agency's code of conduct, which then facilitated the agency adjudicating the allegation(s). Ideally, an agency has a clear, concise code of conduct; easily accessible to employees; new employees receive training on the code of conduct; and there is a system of periodic refresher training. The SIG noted wide variability in the content of these five codes of conduct, as well as how agencies implemented their respective codes of conduct.

The second observation leading to today was just the plain fact that the vast majority of complaints to the SIG pertain to misconduct allegations, rather than fraud, waste, or corruption. The largest group of complaints pertain to: 1) T&A abuse, often working a second job on state time; 2) abuse of state cars, which has actually dropped recently; and 3) a broad category of a variety of improprieties inconsistent with a professional workplace. We often see frustration by complainants where the misconduct was known to management but no actions were taken to address. The SIG has a high respect for the state government's workforce, and these complaints to the SIG are not representative of all state government employees. Still, the fact remains unaddressed misconduct can be a cancer in the workplace and impacts employees' engagement levels. Some agencies have great codes of conduct, but we also have the bell curve of lesser codes of conduct. I think it is a good time for agencies to collectively re-examine their respective codes of conduct to look for opportunities to improve.

Based on the SIG's research, the place to start a code of conduct is with the state law. The State Ethics "Rules of Conduct" are found in Title 8, Section 13, 700 series (8-13-700 to 795), and are summarized by the State Ethics Commission on its web site (Attachment A). The state law is the baseline every agency must operate within, but each agency has the authority to further restrict the state law with behaviors, or prohibition of behaviors, in order to meet its mission. Some states recently moved towards a "plain language" code of conduct which summarizes the law in more digestible terms for employees to be more easily understood (Attachment B) As way of an example, the SIG took this concept and applied it to its mission, along with the

latitude to further restrict state law to meet its needs in the areas of gifts; strengthen conflict of interest by avoiding even the appearance of a conflict or impropriety; and mandate employees to have an affirmative duty to report violations (Attachment C).

The SIG has a true appreciation for the complexity and volume of issues Agency Heads deal with, let alone the ones we all don't know about yet. It is the SIG's hope, these types of lessons learned help Agency Heads "kick the tires" in their agencies regarding issue areas found elsewhere in state government which may lead to preventing a problem or stimulate incremental improvement.