

FROM THE EXECUTIVE DIRECTOR

Veronica W. Robinson



DID YOU KNOW...

M.C.G.O. 9.03 requires certain public officials and employees to file an annual Statement of Economic Interests (SEI) form. Filing of public disclosure forms is a practice in keeping with Title I of the Ethics in Government Act, passed in 1978 as a response to the **Watergate Scandal** and the **Saturday Night Massacre**. SEI forms are used to publicly disclose financial and employment relationships of public officials and their spouses. The SEI-related language and SEI practices of Milwaukee County's Ethics Code are modeled after Wis. Stats., Ch. 19, Subchapter III, which is enforced by Wisconsin's Government Accountability Board (WGAB).

The Milwaukee County Ethics Board enforces SEI filing at Milwaukee County. **Milwaukee County's Ethics Code applies to all County employees and officials, regardless of whether they are required to file an SEI form.** Required SEI filers are indicated below:

- ⇒ All county elected and appointed officials
- ⇒ All candidates for elected County offices
- ⇒ All county employees whose duties and responsibilities, performed for or on behalf of the County or any board or commission thereof, include the awarding or execution of contracts for the purchase of supplies, services, materials and/or equipment, the construction of public works, and/or the sale or leasing of real estate
- ⇒ Members of County boards and commissions or other County employees, if designated by the Ethics Board

Reminder About New SEI Filers

Section 9.03(2) of the Ethics Code states, *"Upon entering county employment, elected office, or appointment as a public official, persons required to file statements of economic interests shall do so within thirty (30) days after commencement of employment or of taking oath of office."* **Department heads are responsible for identifying required filers in their area.** When new officials or employees will be required filers, both the employee and the Office of the Ethics Board should be notified so that the individual can file in accord with the timeline below. **Failure to file on time is a violation of the Ethics Code and is subject to the penalty identified in M.C.G.O. 9.03 (4):**



"A person required to file a Statement of Economic Interests under this section shall not receive his/her salary or other compensation until he/she files such Statement of Economic Interests."

WHO	WHEN	WHERE
County Elected Officials	<ul style="list-style-type: none"> • Within 30 days of taking office • Within 30 days after the close of the calendar year 	Ethics Board
Candidates for Elected Office	<ul style="list-style-type: none"> • Date of filing nomination papers 	Election Commission
New County Appointed Officials & New County Employees	<ul style="list-style-type: none"> • Within 30 days after commencement of appointment • Within 30 days after the close of each calendar year 	Ethics Board
Members of boards & commissions, if requested by the Ethics Board	<ul style="list-style-type: none"> • Within 30 days of request 	Ethics Board

Food for Thought

We received an anonymous note in our drop box asking how an employee should deal "...with mistreatment in an office? Or if a supervisor or office manager lets another employee get away with inappropriate remarks and comments to other employees within the office?" The note went on to ask how to deal with a manager who defends or makes excuses for another employee's inappropriate behavior or who shows clear acts of favoritism.

Section 9.01 (a) of the Ethics Code identifies several principles by which an ethical County employee or official should abide. These include:

- *Maintain a positive image to pass constant public scrutiny;*
- *Inject the prestige of the office into everyday dealings with the public, employees and associates; and*
- *Maintain a respectful attitude toward employees, other public officials, colleagues and associates.*



As part of ethical decision making, it is important to examine and inquire about any conduct that seems like it might violate a department or County policy. Information received in our office will be referred to the appropriate agency, assuming sufficient detail—and/or contact information—is included. For example, we might refer the situation in the note to Human Resources, where it might be examined against Milwaukee County's Workplace Violence Prevention Policy. An identified objective of that policy is to "*encourage and foster a work environment that is characterized by respect and healthy conflict resolution.*"

The Office of the Ethics Board welcomes any concerns you may have regarding conduct of County employees or officials. We are committed to referring your concerns to the appropriate department, board, or commission for review, and we have many avenues to receive your comments.

Ethics Hotline

The Office of the Ethics Board is pleased to announce the installation of the **Ethics Hotline**. The hotline was established to provide individuals with an additional avenue to report potential violations of the Ethics Code. Please call **414-278-2078** and leave a detailed message with your name and telephone number. **All calls are retrieved only by the Ethics Board's Executive Director and will be handled confidentially in accordance with the terms of the Ethics Code.** If you prefer not to leave contact information, it is possible that the Board's director will be unable to follow-up on your call.

If you are unsure about the avenues for reporting violations of the ethics code, a copy of the **Ethics Code** is available on the Ethics Board's webpage. Hard copies of the code are available from the Office of the Ethics Board, which is located in Suite 212 of the Courthouse. As always, you may contact our office via email at mcethicsboard@milwcnty.com.

If you would like to speak directly with someone in the Ethics Board's office, please dial 414-278-5332 or contact the Board's Executive Director at 414-278-5293.

Survey on Whistleblower Provisions

The Dodd-Frank "Whistleblower" Act was passed in July 2010. According to Adam Turteltaub, CHC, CCEP, "Some foresaw this provision triggering a firestorm of both legitimate and mal-intended claims." The Society of Corporate Compliance and Ethics and the Health Care Compliance Association completed a survey to determine the impact of the act. "The survey revealed . . . although companies are increasing communications to employees . . . Whistleblower provisions . . . Have primarily led to what most would likely welcome: **increased communications to employees about what to do when encountering wrongdoing, and greater training of managers about how to handle reported wrongdoing.**" Turteltaub, A. (2011, 12). Dodd-Frank: Much ado about nothing? A survey by the SCCE and HCCA. *Compliance & Ethics Professional*, Vol. 8, No. 6., 26.



ETHICS HOT LINE 414-278-2078

- ◆ Call to express concerns about behavior that may violate the Ethics Code
- ◆ Call to report incidents of inappropriate conduct
- ◆ Call with questions about submitting a request for an investigation or a verified complaint
- ◆ Call for a confidential advisory opinion
- ◆ Call for an interpretation of the Ethics Code or with questions regarding the Ethics Code
- ◆ Call to present ideas to improve the effectiveness of the Ethics Board

CALLS ARE CONFIDENTIAL

You may also contact us via email at mcethicsboard@milwcnty.com.

OTHER IMPORTANT NUMBERS

RISK MANAGEMENT	414-278-4312
DISTRICT ATTORNEY (Public Integrity)	414-278-4645
AUDIT HOTLINE	414-93-FRAUD (933-7283)
HUMAN RESOURCES (Labor Relations)	414-278-4852
CITY OF MILWAUKEE POLICE DEPT	414-933-4444
SHERIFF'S DEPARTMENT	414-226-7000
CITY OF MILWAUKEE FRAUD HOTLINE	414-286-3440
ELDER ABUSE HELPLINE	414-289-6874
CITY OF MILWAUKEE ETHICS BOARD	414-286-8641
CHILD SUPPORT—TIPS HOTLINE	414-278-5222

What Would You Do?

You have worked for several years as an elected official for Milwaukee County. Because soccer is your favorite sport, you are thrilled when your colleague, Mr. Colleague, offers you a ticket to attend a soccer championship game which is being played in Milwaukee. Mr. Colleague offers you the extra ticket and indicates he will meet you at the sports arena on the night of the game.

When you arrive, Mr. Colleague is with Mr. Local Cable. You assume that they had bumped into each other in the lobby, and are surprised to learn that Mr. Local Cable is joining Mr. Colleague and you in the local cable company's luxury box along with Mr. Colleague's family and friends. Because Milwaukee County was beginning to negotiate a new cable contract, you feel uncomfortable when Mr. Local Cable sits down next to you. In an attempt to be clear that this is a social event, you advise Mr. Colleague and Mr. Local Cable that you have no plans to talk about the cable contract or any other issues associated with the county. Even with that said, you find yourself in the middle of a wide-ranging discussion of the future of the telecommunications industry that skirted on the county's expansion into new areas of service.

At the end of the game, you go home and write a letter to Mr. Local Cable with a copy to Mr. Colleague, asking for the cost of the ticket so that you can reimburse the local cable company. Both respond that there is no cost; it was a free ticket that was part of the season privileges purchased by the cable company. You feel betrayed by the colleague for setting you up and frustrated that your attempts to pay for the ticket were hindered.

What Would You Do? What are some questions you might have asked yourself before taking the ticket? Would you have left the arena once you realized that you would be seated in the local cable company's luxury box? Would you have stayed, but avoided joining the conversation about the telecommunications industry? Would you have sent a check to cover the approximate cost of the ticket? Do you believe there was an ethical dilemma here? Why, or why not?

Ethics Training

The Ethics Training continues! Beginning in August, the Office of the Ethics Board sent hundreds of invitations to Milwaukee County employees requesting their participation in an online training course. We received a great response, but we are aware that, for a variety of reasons, there are still many employees that did not have an opportunity to complete the training. If you are a supervisor or department head, please

do not hesitate to pass the Ethics training link to your employees. We will automatically receive notice when your employees complete the training program. If you are an employee and would like to take the training, please contact us and we will forward the link to you. Be sure to let your supervisor know that you would like to take some time to complete the training session, which takes about 20 to 30 minutes.



September “What Would You Do?” Responses

This scenario was featured in our October 2011 Newsletter:

You work in Area B of a Milwaukee County government agency. The nature of the agency’s business requires contact with various vendors. Over the years, you have developed a professional, yet friendly relationship with many of the vendors. One day you receive a check for payment for services rendered by one of the vendors. The check has arrived via the U.S. mail. Upon review of the records, you realize this check is a duplicate payment. You notify your supervisor of the double payment. The supervisor advises you not to tell the vendor of their error and to deposit the check anyway; stating further, that if they realize their error that you can deal with it at that time.

Responses: “Oddly many years ago I actually had a similar situation happen to me. I was employed by a different municipality and received a check in the amount of \$100,000.00 made out to me personally. I immediately wrote “VOID” on the check, and sent it back to them. I then called them to tell them of the error and to look for the check. The business thanked me profusely and even wrote a letter to the mayor telling of my honesty. I only informed by supervisor after I sent the check back. This is not a matter of loyalty. This is a matter of doing the right thing.” **J.W.**

“As for me, I would do as the Supervisor said, and then I would make a note to myself, so if and when the situation comes up again, and no doubt it would, I’d know what and how to respond. We must remember that you could be charged with disobeying, but must protect ourselves by making sure we note (our actions). The supervisor knew that what he was asking was wrong, and would probably blame the worker for the mistake when it really was not a mistake at all.” **D.T.**

“I’m sure there’s a Fraud Hotline flyer in her office that she has seen so often that she has it memorized, and can call without identifying herself and get the proper direction!” **J.T.**

“Having lengthy experience in accounting education and departments, I would not have notified my supervisor of the double payment unless it was specifically written in a procedure manual to do so. Upon receipt of the check, I would have immediately phoned the vendor and discussed how they would like me to proceed with THEIR money. Given the scenario as written however, I would not have deposited the check and then [would have] immediately contacted the next level supervisor/manager to report the situation. My loyalties lie in doing what is right.” **J.F.**

“Any potential course of action would rest on the concept that loyalties regarding vendor payments do not lie with the vendor, the supervisor, or the employee’s family. Instead, loyalties should rest with the employer, as an entity created to serve the public. The employee should act not simply in the responsibility of following directions as an employee, but also in the responsibility of safeguarding the reputation, public confidence level, and legal standing of the employer, namely Milwaukee County. I would begin with voicing ethical concerns to the supervisor. The next step would be to seek guidance from another person such as the next supervisor up in the chain of command. If that manager is in agreement that the employee should do something that the employee continues to view as unethical, then the employee should contact the Ethics Board. By doing so, the employee will either be relieved from the initial instructions, or the direction from the board will substantiate the actions the employee does take, ultimately protecting her job in either instance. If I were this employee and I met dead ends with all requests for an alternate course of action, I would consider also phoning the vendor to thank their accounting department for “pre-payment” and kindly let them know that the vendor has a credit with Milwaukee County. This way, the check may have been deposited per supervisory instruction, but the relationship between the County and the vendor can be preserved. I believe this final action would be justifiable in a disciplinary hearing if management continued to dissent. Ultimately, the employee carried out her ultimate duties of safeguarding the interests of the public that the employer exists to serve.” **D.A.**

Ethics Activities in the News

At 9:00 p.m. on the first Sunday of each month, News/Talk 1130 WISN airs a radio program called “*Inside the County Board*.” The program that aired on Sunday, January 1, 2012 included a segment about activities related to ethics in County government and recent ethics-related activities at Milwaukee County. Guests of this segment of the radio program included Supervisor Joseph Rice, 6th District, Ethics Board Chair David B. Carr, and Veronica W. Robinson, Executive Director of the Ethics Board.



“*Inside the County Board*” is the first and only program of its kind in the Milwaukee area, offering listeners a more in-depth analysis of action taken by County Supervisors.

SEI Project

In late 2010, a resolution was approved to allow the Office of the Ethics Board to begin implementation of a secure, electronic SEI filing system. The idea for the system was modeled after WGAB’s “Eye on Financial Relationships” online index, which identifies the existence of financial interests of SEI filers without revealing the exact nature of the relationship. Another goal of the proposed electronic filing system was to reduce the Ethics Board’s administrative costs associated with annual and quarterly filing requirements by enhancing workflow, organization, auditing, and record keeping of SEI forms. The Ethics Board began its project around the same time the Election Commission was researching a means to post campaign finance reports online. As a result, these two small offices agreed to work together with Milwaukee County’s Information Management Systems Division (IMSD) to find the right solution. As of December 2011, we are pleased with the status of the project; aspects of it are in the test stage now. The shared time, ideas, labor, and dollars, reduced costs associated with the projects and enhanced the overall benefits. **Collaborative projects such as this one — and their outcomes — support good government values like accountability, transparency, and sustainability.** We look forward to sharing more about this project as it gets closer to completion.

“No Solicitation of at-Will Employees”



“No elected county official shall knowingly solicit a campaign contribution from any ‘at-will’ employee.”

The Milwaukee County Ethics Board held a special session on Friday, November 4, 2011. The purpose of the meeting was to examine and discuss the language of **M.C.S.O. 9.05(2)(j) NO SOLICITATION OF AT WILL EMPLOYEES.**

“No elected county official shall knowingly solicit a campaign contribution from any “at-will” employee, defined as an employee who is

not under union or labor contract with the county, who is hired for an indefinite term or who is under any independent contract with county or its subparts or who can be discharged or terminated at any time for any non-discriminatory reason.”

With campaign season upon us, the Board felt it was necessary to revisit this section of the Code to clarify who is an “at-will employee;” to

identify what acts or actions constitute a solicitation for campaign contributions; and to discuss options to reduce the occurrence of this activity. (See copy of brochure on Pgs. 9 & 10)

Principal Assistant Corporation Counsel John Jorgensen and Fred Bau, Labor Relations Specialist, joined the discussion, which was open to the public. A formal opinion will be posted soon.



Thank you
for
completing
the online
ethics
training!

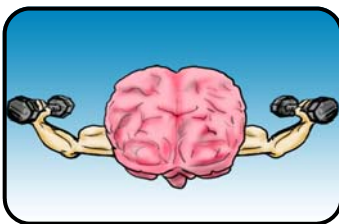
Shout Outs!

The Office of the Ethics Board would like to thank everyone who participated in the mandatory online ethics training. Understanding that all are busy, we appreciate those who value education and realize that every bit of training can only help them become a better Milwaukee County employee.

A very special "A" for effort is awarded to Mr. Kenneth Klimeck, DTPW, who faced numerous technological obstacles and chose to complete the training on his home-based computer.

Also, kudos to the Parks Dept, DTPW, Aging, DHHS, Corporation Counsel and the DA's office, especially David Budde and Laurie Harnicker, for their efforts in promoting the training.

"Is it not the mission and ethical imperative of every . . . establishment to absorb the cost of doing business, produce a quality product for its customers, provide sustenance for its members, and turn a profit that can be reinvested to make the company stronger for lean times? [T]he leader who collaborates ethically makes better decisions for the organization. How is that possible? Leaders who use ethical collaboration keep their circle of advisors more open and fluid. . . while assigning the right people to the variety of issues facing the institution." Excerpted from a section written by Laurie Haughey, appearing in *The Business Ethics Activity Book: 50 Exercises for Promoting Integrity at Work* by Marlene Carosoli. (2005/1/6). Five Standards of Excellence Practiced by Ethical Leaders. AMACOM Books, NY. Retrieved from the internet December 30, 2001 at <http://www.workforce.com/article/20050106/NEWS02/301069996#>.



"Your ethical muscle grows stronger every time you choose right over wrong."

Price Pritchett

Name the Newsletter Contest!

Get your thinking caps on, your creative juices flowing, and enter to win **"The Ethics Board Name the Newsletter Contest."** The newsletter is currently entitled *"From the Executive Director."* We are looking to re-name our newsletter so that potential readers will know it is a publication dedicated to training, educating, and informing about Milwaukee County's Ethics Board, its Ethics Code, and sometimes about ethics and compliance issues in general. We would like your assistance with this task. Please jot down your idea

and fax it to 414-223-1897, or place it in an interoffice mail envelope to Barb Kierzek in the Office of the Ethics Board, Room 212 of the Courthouse. You can also send your idea by email to mcethicsboard@milwcnty.com. A **grand prize** will be given to the creator of the winning title along with **consolation prizes** to a select few who provide "name the newsletter" entries. Be sure to include your name and contact information so we can locate the winners. **Entry deadline is Wednesday, February 1, 2012.**



The Contest is open only to legal residents of the fifty (50) United States and Washington, D.C. who are eighteen (18) years of age or older at the time of entry. Employees, officers and directors of the Ethics Board (including immediate family members: Spouse, parent, child, sibling and their respective spouses), regardless of where they reside and members of the same household, (whether or not related) and any others associated with the Contest are not eligible to participate or win a prize.

The Milwaukee County Ethics Board is located on the second floor of the Courthouse in Suite 212. This newsletter is produced as part of an effort to advance awareness of the Milwaukee County Ethics Board, the Milwaukee County Ethics Code, and to engage employees and officials in learning more about the importance of ethical behavior and sound ethical decision making in the business arena. Please direct any comments or questions to our office by mail, email, fax, or phone at the information identified below.

What's Next?

Ethics Board meetings are regularly held every four months usually in Room 203-R of the Courthouse and are open to the public. The next Ethics Board Meeting is scheduled for Thursday, January 12, 2012 at 3:00 PM in Room 203-R. Look for the meeting notice and agenda on our website. Also, watch for the schedule for next year's meetings which will be posted soon. Meeting minutes and agendas are available on the Board's website.



SIGN UP FOR
E-NOTIFY



Milwaukee County Ethics Board
Courthouse Room 212
901 North 9th Street
Milwaukee, WI 53233

Phone: (414) 278-5332
Fax: (414) 223-1897
E-Mail: mcethicsboard@milwcnty.com

As a registered lobbyist, can I contribute to the campaign of a County official or candidate for County office?

Chapter 14, M.C.G.O. regulates lobbying activities at Milwaukee County. There are no provisions in the ordinance that would prohibit or restrict a registered lobbyist from contributing to an election campaign of County officials. However, refer to the Vendor section of this brochure for restrictions that a registered lobbyist might need to consider prior to making a campaign contribution.

Contact the Milwaukee County Clerk's Office at 414.278.4067 for more information on registration requirements for lobbyists.



County employees may not coerce or attempt to coerce contributions or services from subordinate employees to support a political party or candidate or with regard to referendum position (M.C.G.O. § 9.06(2)).

DISCLAIMER

This brochure highlights certain aspects of the Milwaukee County Ethics Code. In an effort to convey the meaning and purpose of the Ethics Code in the clearest manner, this brochure is written in 'plain English,' and may portray examples of ethical behavior. This brochure is not intended to encompass all the aspects of ethical concerns faced by individuals or groups affected by Milwaukee County's Ethics Code. This brochure is also not intended to replace an advisory opinion, which can be obtained by contacting the Office of the Ethics Board at the address below.



Milwaukee County Ethics Board

Courthouse Room 212
901 North 9th Street
Milwaukee WI 53233

Phone: 414-278-5332
Fax: 414-223-1897

E-mail: micethicsboard@milwaukeety.com

Hours of Operation:
Monday through Friday
8:00 AM - 4:30 PM

MILWAUKEE COUNTY ETHICS BOARD

Campaign Contributions



Courthouse Room 212
901 North 9th Street
Milwaukee, WI 53233

Tel: (414) 278-5332
Fax: (414) 223-1897



The Milwaukee County Ethics Code includes language prohibiting elected officials and Milwaukee County employees from directly or indirectly accepting "anything of value" if

"it could reasonably be expected to influence a public official's or employee's vote, official actions or judgment, or could reasonably be considered as a reward for any official action or inaction or omission by the public official or employee."

What is "anything of value"?

"Anything of value" means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, business, or other consideration having a value greater than \$25.00, but does not include:

- Compensation and expenses paid by the County;
- Fees and expenses which are permitted and reported under section 9.14 of the Code;
- Political contributions which are reported under Ch. 11 Wis. Stats.; or
- Hospitality extended for a purpose unrelated to County business by a person other than an organization.

Does the Ethics Code prohibit elected officials from asking for campaign contributions?

- No. County elected officials are allowed to use the title or prestige of their office to obtain campaign contributions, as long as the contributions are permitted and reported as required by Chapter 11 of the Wisconsin Statutes. (M.C.G.O. § 9.05(2)(a))
- However, County elected officials may not knowingly solicit a campaign contribution from an "at-will" employee. (M.C.G.O. § 9.05(2)(i))



What is an "at-will" employee?

- An "at-will" employee is an employee who:
- ⇒ Serves at the pleasure of a County official;
 - ⇒ Is not under union or labor contract with the county;
 - ⇒ Is hired for an indefinite term;
 - ⇒ Is under an independent contract with the County or its subparts; or
 - ⇒ Can be discharged or terminated at any time for any nondiscriminatory reason. (M.C.G.O. § 9.05(2)(i))

What should I do with a campaign contribution from an individual or business who should not have contributed?

You can return the contribution and report it on your campaign finance report. Contact the Milwaukee County Election Commission at 414.278.4062 for more information.

What do vendors need to know?

Are you a person or business owner with a financial interest in the approval or denial of a contract that is "under consideration" by a County Department or an agency funded by a County department? If so, you are NOT allowed to make a campaign contribution to any official with approval or denial authority over that contract during the contract's consideration. If unsure, do not contribute until final disposition of the contract. (M.C.G.O. § 9.05(2)(k))

When is a contract "under consideration?"

- Contract or proposal consideration begins when a contract or proposal is submitted to a County department or to an agency funded or regulated by a County department.
- Contract or proposal consideration continues until the contract or proposal has reached final disposition, including adoption, County Executive action, proceedings on veto (if necessary), or departmental approval. (M.C.G.O. § 9.05(2)(k))

