



PRACTICE

Approved by
The Commission

No. 2-24

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without modification

ETHICS

AUTHORITY This Practice was approved by the Commission at its meeting on June 19, 1991.



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Executive Director

PURPOSE To reaffirm ethical standards in pursuit of excellence in public service.

DEFINITIONS In this Practice:

“Commission” means the Maryland –National Capital Park and Planning Commission.

“Employee” means an employee of the Commission within the Merit System – career, non-career and conditional, an appointed officer or appointed official of the Commission, and includes all individuals who receive a salary from the Commission.

“Supervisor” means immediate supervisor or department head.

“Person” means an individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization or institution.

DEFINITIONS

(Continued)

“Gift” means

- Receipt of money
- Receipt of real or personal property
- Receipt of favors, entertainment, trips, vacations, loans, opportunity to purchase an item or to procure a service at cost, no cost, discount, or bargain price, unless such opportunity is available to the general public
- Any other thing of monetary value.

“Ceremonial Occasions” mean functions such as dedications, inaugurations, initiations, awards, tributes, retirements, but not limited to such events, where food, beverages, entertainment, and mementos (souvenirs) may be provided.

Subject to the concurrence of the Executive Committee, the Executive Director will define nominal value annually (January 1). In cases where a charity sponsored gift is involved, the charity donation, rather than the intrinsic cost of the gift, will govern. (Example: A charity event provides a ticket with an intrinsic value of \$20 to each donor of a gift in the amount of \$100. In this example, the gift or donation is considered to be \$100, not \$20.)

APPLICATION

This Practice applies to all employees, officials, and officers of the Commission.

POLICY

Employees must perform their duties within the established rules of conduct of the Commission and Maryland Public Ethic Law, Article 40A, Annotated Code of Maryland 1957, 1990 replacement volume. The Executive Director with the advice of the Department Head will furnish interpretations with advice of the General Counsel’s office if requested on questions of conflicts of interest and will act as an advisor to provide guidance on other matters of ethics and related issues. When deemed appropriate, the Executive Director may refer questions of interpretation or clarification to the Commission for resolution.

An employee shall be provided an opportunity to explain the conflict of interest or appearance of conflict of interest and any other apparent violations of this Practice.

PROCEDURES

I. Ethical Standards

A. An employee shall avoid any action, whether or not specifically prohibited, which might result in, or create the appearance of:

- 1) using public office for private gain;
- 2) giving preferential treatment to a vendor.

(See Commission Practice 4-10, Purchasing Policy II – Ethical Standards.)

B. Gifts, Entertainment and Favors

An employee shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan, or any other thing of more than nominal value from a person who:

- 1) has, or is seeking to obtain, contractual or other business or financial relations with the Commission;
- 2) conducts operations or activities that are regulated by the Commission;
- 3) has interests that may be substantially affected by the performance or non-performance of such employee's official duties.

C. Exceptions

1) Receipt of gifts or entertainment because of obvious family or personal relationships (example between parents, children, or spouse of an employee when it is clear that those relationships rather than the business of the persons concerned are the motivating factors).

2) Ceremonial gifts or awards.

3) Ceremonial attendance at an event as a representative of the Commission. Attendance at such an event shall be authorized by the Executive Director, or for the Commissioners, by the Chairman and Vice-Chairman of the Commission.

PROCEDURES

(Continued)

- 4) Reasonable expenses for food, travel, lodging and scheduled entertainment of the official or employee for a meeting sponsored by a non-profit professional organization which is given in return for participation as a speaker or participant at a meeting.

 - 5) Acceptance of loans from banks or other financial institutions on customary terms for usual activities of employees, such as home mortgage loans, consumer loans, etc.

 - 6) Acceptance of prizes and awards from a person through a "lottery" (i.e. business card selected from a bowl) or through another similar activity where the receipt is selected on a random basis (raffle, drawing, etc.).
- D. An employee shall not solicit or accept a gift from another employee of more than nominal value. However, this paragraph does not prohibit a voluntary contribution of a nominal amount for a gift made on a special occasion such as marriage, illness, retirement or death.
- II. If there is a question concerning the interpretation of the above restrictions, or the propriety of the acceptance of a gift which the employee or official may believe is proper from a person directly or indirectly having or seeking to obtain contractual or other business or financial relations with the Commission, the employee must disclose receipt of such gift in writing.

The disclosure will be made to the Department Head in writing and forwarded to the Executive Director. In the case of Department Heads, disclosure will be made to the appropriate Planning Board Chairman. The written disclosure must be made within 30 days after receipt of gift or gratuity or other item of value. All disclosure statements will be subject to review by the General Counsel, as appropriate.

III. References

COMMISSION ADMINISTRATIVE PRACTICES

- Practice 2-14 – Non-Commission Employment
- Practice 2-15 – Employee Use of Commission Owned/Leased Property
- Practice 4-10 – Purchasing (Policy II, Ethical Standards)
- Practice 6-10 - Policies and Procedures Governing Commission Passenger Vehicles

MERIT SYSTEM RULES AND REGULATIONS

- Merit System Rules and Regulations – Chapter 1600, (Disciplinary Code)

PENALTIES

Employees who violate this Practice may be subject to disciplinary action in accordance with the Merit System Rules and Regulations and other appropriate statutes. In the case of Commissioners, the Planning Board may take appropriate action.