



● Ethics Officer's November Monthly Report

Summary

This report provides a general update on the progress and activities for the Ethics Office for November 2013.

Attachments

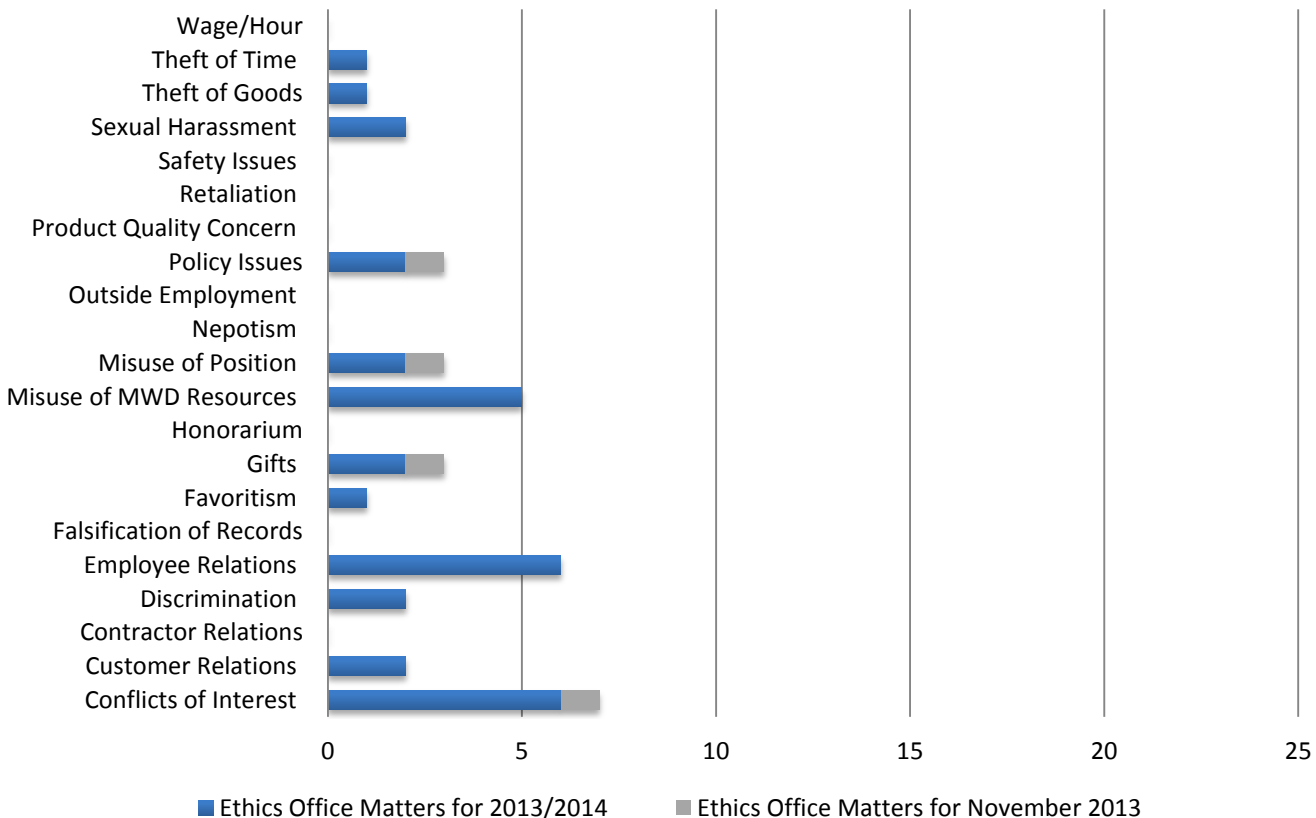
None

Detailed Report

Activities

1. An Audit and Ethics Committee Workshop was held on November 18, 2013 where existing and recommended ethics provisions were reviewed.
2. The Ethics Educator conducted New Employee Orientation for eight employees.
3. The Ethics Office website logged 756 visitors from November 1-30, 2013.
4. The Ethics Officer has employed the services of Robert M. Stern, Ethics and Campaign Finance Specialist for a focused short-term project. (Administrative Code section 6472.)

Matters Brought to the Attention of the Ethics Office



Type	July 2013	August 2013	September 2013	October 2013	November 2013	F/Y 2013/14
Ethics Complaints						
<i>Conflict of Interest</i>						
<i>Customer Relations</i>			1			1
<i>Discrimination</i>	1			1P		2
<i>Employee Relations</i>	1	2	1 2P			6
<i>Falsification of Records</i>						
<i>Favoritism</i>			1P			1
<i>Misuse of MWD Resources</i>		1P	1P	1 1P		4
<i>Misuse of Position</i>	1			1P	1P	3
<i>Nepotism</i>						
<i>Policy Issues</i>			1			1
<i>Product Quality Concerns</i>						
<i>Retaliation</i>						
<i>Safety</i>						
<i>Sexual Harassment</i>		2				2
<i>Theft of Time</i>				1P		1
<i>Theft of Goods</i>				1P		1
<i>Wage/Hour</i>						
Total Complaints	3	5	7	6	1	22
Ethics Advice						
<i>Conflicts of Interest</i>	2		3	1	1	7
<i>Contractor Relations</i>						
<i>Customer Relations</i>		1				1
<i>Employee Relations</i>						
<i>Gifts</i>	2				1	3
<i>Honorarium</i>						
<i>Misuse of MWD Funds</i>						
<i>Misuse of MWD Resources</i>		1				1
<i>Nepotism</i>						
<i>Outside Employment</i>						
<i>Policy Issues</i>				1	1	2
<i>Theft of Time</i>						
Total Questions	4	2	3	2	3	14
Total Complaints & Questions:	7	7	10	8	4	36

P = pending

Summaries of Questions and Ethics Office Responses**1. November 4, 2013 – Issue: Potential Conflict of Interest**

An employee submitted a question regarding whether he or she could be a reviewer on a RFP if he or she accepted a ticket and attended a conference given by a potential vendor. Under Metropolitan's internal rules, the employee's attendance at the vendor's conference does not prevent him or her from participating in the RFP. Free or discounted admission to a conference is not considered a gift and therefore cannot create a financial interest in the contractor. The employee was also advised to obtain advice from Metropolitan's General Counsel's Office and the California Fair Political Practices Commission as state law also addresses these issues.

Disposition: Closed

2. November 4, 2013 – Issue: Gifts

An employee submitted a question regarding whether he or she could accept an invitation to attend an event hosted by a potential vendor. Although Metropolitan's ethics provisions for employees are set out in Divisions VI and VII of the Administrative Code and Operating Policy H-03, one applicable provision is Administrative Code section 7130(b) which prohibits employees from receiving any gift "for any action related to the conduct of Metropolitan's business." While it is not completely clear whether the vendor's invitation to attend an event hosted by the potential vendor is expressly for anything the employee might do in relation to his or her dealings with the vendor in the course of his or her Metropolitan duties, the employee was advised to carefully analyze whether the gift is given under circumstances close enough to his or her official dealings with the vendor that it potentially violates this Administrative Code provision.

In addition, under Administrative Code section 7105(b), if Metropolitan enters into a contract or other transaction with this vendor, the employee may be prohibited from participating in this matter if the value of any gifts from the vendor to the employee totals more than the state law gift restriction amount of \$440 in a calendar year.

The employee was also advised to obtain advice from Metropolitan's General Counsel's Office and the California Fair Political Practices Commission as state law also addresses these issues.

Disposition: Closed

3. November 7, 2013 – Issue: Policy Issue

An employee submitted a question regarding whether it would violate Metropolitan's ethics rules if potentially valuable items which have not been claimed were donated after a given amount of time has elapsed. Generally, the scope of ethics provisions delegated to the Ethics Office does not extend to internal policies for handling or disposing of abandoned personal property at Metropolitan facilities.

Disposition: Closed