



STATE OF CONNECTICUT

OFFICE OF STATE ETHICS

OFFICE OF STATE ETHICS' STATEMENT IN SUPPORT OF RAISED BILL No. 6689 AN ACT CONCERNING CERTAIN PROVISIONS OF THE STATE CODES OF ETHICS

The primary purpose of this bill is to make public officials and state employees aware of certain post-state service and post-state employment restrictions prior to those individuals assuming state service or employment. The Office of State Ethics ("OSE") offers conditional support to passage of Raised Bill No. 6689, and respectfully requests that the following comments be considered.

The OSE supports section 1 of Raised Bill No. 6689, which helps ensure that prospective members of the Citizen's Ethics Advisory Board ("CEAB") receive actual notice of special post-service restrictions. To ensure that there is a public record of such certification and that all relevant subsections specific to the CEAB are included in the certification, the OSE proposes the following additional language noted in *italics*.

(n) Notwithstanding the provisions of subsection (a) of this section, each member, prior to appointment, shall sign a certification indicating that such member is aware of the prohibitions contained in subsections (b), (h), (i), (j) (k) and (l) of this section. Prior to each member accepting the oath of office, such certification shall be filed with the Office of State Ethics.

The OSE does not support section 2 of Raised Bill No. 6689 in its current form. This subsection aims to provide each prospective executive branch or quasi-public official or employee with actual notice of the Code's post-state employment restrictions by requiring the individuals to sign certifications confirming their awareness of the applicable law. As written, the duty for signed certifications falls upon individuals rather than upon agencies. While the OSE supports the general intent of the amendment, the OSE does not believe that the ethical burden to sign certifications should fall upon individuals. As proposed, if an executive branch or quasi-public agency fails to provide such certifications for signature; individual public servants may be subject to ethics complaints. This would create too great of an individual legal burden upon the majority of incoming public servants.

We believe that the duty for providing actual notice to incoming and outgoing executive branch or quasi-public officials that they are subject to the Code should fall upon state agencies or quasi-public agencies. This is already occurring, not by statute, but by Governor Rell's Executive Order No. 1, as implemented by the Ethics Compliance Plan. Compliance with this plan, the procedural requirements of which are beyond the jurisdiction of the OSE, is monitored by the Auditors of Public Accounts through routine audits.

The Ethics Compliance Plan requires that, prior to accepting employment with the State, individuals must be made aware of the Code so that they will understand their general ethical duties as state employees or public officials. During the interview process, each person must be

given a summary of the Code and agency's ethics statement by the hiring agency. Furthermore, the plan requires that each new employee sign a statement acknowledging receipt of such summary and agree to comply with the requirements of the state ethics laws. The OSE's *Guide to the Code of Ethics for Public Officials and State Employees* contains a summary of the Code's restrictions during both state service and a summary of the post-state employment restrictions.

The Ethics Compliance Plan also helps remind public servants of their continuing duties as they depart state service. It requires that before any person leaves state service, an exit interview be conducted by the agency's Ethics Liaison Officer to once again remind the individual of potential issues relating to future employment opportunities. The plan further requires that a written summary of the post-state employment rules be provided to the departing official. As described above, this summary is included in the OSE's *Guide to the Code of Ethics for Public Officials and State Employees*.

So long as the Governor's Ethics Compliance Plan remains in effect, meaningfully implemented and in its current form, the OSE views a statutory mandate as proposed in section 2 as unnecessary. Should the legislature see fit to impose a statutory mandate, the OSE believes the burden for compliance, in this regard, should not be placed on individuals but upon agencies.

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