

Procedure: 4.3.2p1. (III.L.1.)

Ethical Responsibilities of Employees

Revised: March 13, 2019; and March 13, 2018.

Last Reviewed: September 20, 2022; and March 13, 2019.

Adopted: July 16, 2014.



I. PURPOSE:

Technical College System of Georgia [TCSG] is to provide quality technical education and customized business and industry workforce training to the citizens of Georgia. Employees of TCSG must maintain the highest level of ethics, integrity, and objectivity as they perform their duties in support of these objectives. In addition, maintaining the public's trust in all of our operations is vital as a public agency.

To this end and according to the State Board 4.3.2., all TCSG employees shall adhere to the provisions of the Code of Ethics of Government Service outlined in O.C.G.A. § 45-10-1 and all provisions of the Governor's January 14, 2019, Executive Order establishing a Code of Ethics for Executive Branch Officers and Employees. Failure to adhere to these provisions may result in disciplinary action or dismissal from employment.

II. RELATED AUTHORITY:

45 CFR 94 – Responsible Prospective Contractors.

45 CFR 602 – Uniform Administrative Requirements for Grants and Cooperative Agreements for State and Local Governments.

The Foreign Corrupt Practices Act of 1977, as amended.

15 U.S.C. §§ 78dd-1, et seq. – Prohibited Foreign Trade Practices by Issuers.

O.C.G.A. § 21-5-70(6) – Definitions.

O.C.G.A. § 45-10-1 – Code of Ethics for Government Services Generally-Establishment and Text.

Attachment: 4.3.2p1.a1. Governor Kemp's April 1, 2021, Executive Order on Ethics.

TCSG State Board Policy 4.3.2. Ethics and Standards of Conduct for Employees.

TCSG State Board Policy 4.3.4. – Employment of Relatives.

TCSG Procedure 4.3.2p3. – Gifts, Honoraria, and Expenses.

TCSG Procedure 4.3.2p6. – Other Employment.

III. APPLICABILITY:

All work units and Technical Colleges are associated with the Technical College System of Georgia.

IV. DEFINITIONS:

Agency: All work units and Technical Colleges are associated with the Technical

College System of Georgia

Agency Head: The Commissioner of the Technical College System of Georgia

Employee: The Commissioner and any employee of the TCSG System Office, including Quick Start and associated Technical Colleges.

Executive Order: Governor Kemp's April 1, 2021, Executive Order on Ethics

Family Member: a spouse, parent, grandparent, child, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half-brother, or half-sister.

Lobbyist: shall have the meaning defined in O.C.G.A. § 21-5-70(5)

Pro Bono: professional work is undertaken voluntarily and without payment as a public service.

Proceeding: any event requires a decision, act, or course of action relating to an employee's official duties or area of responsibility. Examples of proceedings include, but may not be limited to, internal investigations or appeals processes, governing board or committee meetings, vendor selections, whether or not subject to bid, and financial transactions or reporting.

Public Officer: The Commissioner of the Technical College System of Georgia

V. ATTACHMENTS:

4.3.2p1.a1. Governor Kemp's April 1, 2021, Executive Order on Ethics

4.3.2p1.a2. Sample Employee Ethics Acknowledgement Form

VI. PROCEDURE:

A. General Provisions:

1. Employees must safeguard their ability to make objective, fair, and impartial decisions and, therefore, should not accept any benefits when a reasonable observer could infer that the benefit was intended to influence a pending or future decision or to reward a past decision.
2. Employees must avoid any conduct, whether in the context of business, financial or social relationships, which may undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.
3. In carrying out their official duties and responsibilities, all employees must work solely for the public good, striving vigilantly to avoid even the appearance that their actions are motivated by private or personal gain.
4. Employees are responsible for familiarizing themselves with and adhering to the policies and procedures in the State Board Policy Manual located at https://tcsq.edu/tcsgpolicy/tcsg_policy_manual.pdf.
5. The Commissioner of the Technical College System of Georgia is fully responsible to the Office of the Governor for system-wide compliance with the Executive Order on Ethics.

6. The Deputy Commissioners, Assistant Commissioners, and College Presidents are responsible for compliance with the Executive Order on Ethics within their respective areas of responsibility. To ensure compliance, employees should be required to execute an Acknowledgement of Understanding of their responsibilities outlined in State Board Policy and TCSG procedures governing ethics and standards of conduct. (See Attachment 4.3.2p1.a2.).

B. Conflicts of Interest:

1. Employees shall make every effort to avoid even the appearance of a conflict of interest. An appearance of a conflict of interest exists when a reasonable person would conclude from the circumstance that the employee's ability to protect the public interest or perform public duties is compromised by personal interests. An appearance of a conflict of interest could exist even in the absence of an actual conflict of interest.
2. An employee shall recuse himself or herself from any proceeding in which the employee's impartiality might reasonably be questioned due to his/her personal or financial relationship with a participant in the proceeding. A "participant" includes, but is not limited to, an owner, shareholder, partner, employee, or agency of a business entity involved in the proceeding. If the employee is uncertain whether the relationship justifies recusal, the employee shall disclose the relationship to the person presiding over the proceeding. The presiding officer shall determine the extent to which the employee will be permitted to participate. If the affected employee is the person presiding, then the vice chair or other substitute presiding officer shall make the determination.
3. Employees shall not directly or indirectly ask, accept, demand, solicit, seek or receive financial or other benefits for themselves or others in return for being influenced in the discharge of their official duties and responsibilities.
4. A conflict of interest may also arise in situations in which an employee engages in an outside activity/business activity which, while not necessarily incompatible, inconsistent, or impermissible in conjunction with his/her official duties and responsibilities, may, nevertheless, interfere with the employee's ability to perform his/her official duties properly.
5. Questions regarding situations or circumstances which may result in an actual or perceived conflict of interest should be directed to the System Office's General Counsel or Ethics Officer.
6. Any employee of a TCSG Technical College who accepts federal research monies and whose position is funded by or utilizes such funds is subject to relevant federal conflict of interest regulations as promulgated in CFR 45 and CFR 602.
7. Any employee engaged in activities or transactions with other countries must comply with all relevant anti-corruption laws, including the federal Foreign Corrupt Practices Act. Regulated transactions with other countries include, but may not be limited to, gifts to foreign officials, travel and entertainment expenses, facilitating payments, and political/charitable donations.

C. Nepotism/Employment of Relatives:

1. A Technical College System of Georgia employee shall not advocate for or

cause the advancement, appointment, employment, promotion, or transfer of a family member to an office or position with the System Office or an associated Technical College.

2. State Board Policy 4.3.4 governing the employment of relatives defines the parameters in which the relative of a current employee may be appointed to a System Office or a Technical College position.

D. Dual Employment/Board Service:

1. Organizations are permissible, provided such service would not have the potential to create a conflict and does not impair the employee's ability to discharge their public duties fully, faithfully, and impartially.
2. According to the Executive Order, the Commissioner may not have ongoing dual employment.
3. All full-time and part-time employees must request and receive approval to engage in other employment according to TCSG Procedure 4.3.2p6.

E. Lobbying:

1. According to the Executive Order, state agencies are not permitted to contract with any person to provide lobbying, as that term is defined in O.C.G.A. § 21-5-70(5).
2. Employees shall decline to communicate official government matters with any lobbyist who was a public officer within the preceding one-year period.

F. Gifts, Honoraria, and Expenses

Ethical responsibilities governing gifts, honoraria, and expenses are addressed in TCSG Procedure 4.3.2p3.

VII. RECORD RETENTION:

All records developed in response to the Governor's Executive Order on Ethics shall be maintained for a minimum of four (4) calendar years. Employee Acknowledgement statements, if required by colleges, shall be maintained in personnel files, or may be maintained in an electronic format consistent with the State of Georgia's Secretary of State's Records Retention Schedule.



THE STATE OF GEORGIA

EXECUTIVE ORDER

BY THE GOVERNOR:

**ESTABLISHING A CODE OF ETHICS
FOR EXECUTIVE BRANCH OFFICERS AND EMPLOYEES**

WHEREAS: In order to maintain the public trust, it is essential that the government function in a manner consistent with the highest ethical standards; and

WHEREAS: In carrying out their official duties and obligations, all officers and employees of state government must work solely for the public good, striving vigilantly to avoid even the appearance that their actions are motivated by private or personal interest; and

WHEREAS: It is in the best interests of the State of Georgia that consistent policies on ethics be applied to all executive officers and employees; and

WHEREAS: State employees should use their powers and resources to further the public interest and not for any financial or other personal benefits other than salaried compensation and employer-provided benefits; and

WHEREAS: State employees must safeguard their ability to make objective, fair, and impartial decisions and, therefore, should not accept benefits of any sort under circumstances in which a reasonable observer could infer that the benefit was intended to influence a pending or future decision or to reward a past decision; and

WHEREAS: State employees must avoid any conduct, whether in business, financial, or social relationships, which might undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.

Now, THEREFORE, BY THE POWER VESTED IN ME AS GOVERNOR OF THE STATE OF GEORGIA, IT IS HEREBY

ORDERED: That the Executive Order establishing a Code of Ethics for Executive Branch Officers and Employees of March 30, 2017, is hereby renewed, and the following ethics policies shall remain in effect

Section 1. Persons Subject to this Executive Order

- a. The following persons are subject to this Executive Order:
- (i) All employees in the Governor's Office and the Office of the Governor.
 - (ii) The Governor appoints the heads of all State agencies.
 - (iii) Any other employees of Executive Branch officials, departments, boards, bureaus, agencies, commissions, councils, authorities, corporations, entities, or instrumentalities of any kind, and others may be designated by the Governor, to the extent that such designation does not conflict with Georgia law.
- b. *As used in this Order, the term:*
- (i) "Agency" means any Executive Branch department, board, bureau, agency, commission, council, authority, corporation, entity, or instrumentality of any kind, and others as may be designated by the Governor, to the extent that such designation does not conflict with Georgia law.
 - (ii) "Agency head" means the executive head of an agency.
 - (iii) "Charitable organization" shall have the meaning defined in O.C.G.A. Section 45-20-51.
 - (iv) "Employee" shall mean any employee in the Office of the Governor, including the Governor, and any agency employee as defined herein.
 - (v) "Family member" means a spouse, parent, grandparent, child, brother, sister, uncle, aunt, nephew, niece, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepparent, stepchild, stepbrother, stepsister, half brother, or half-sister.
 - (vi) "Gift" means anything of value exceeding \$75, including lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, the forgiveness of debts, advances, or money deposits, or anything that retains values after acceptance.
 - (vii) "Lobbyist" shall have the meaning defined in O.C.G.A. Section 21-5-70(6).

- (viii) "Officer" means the Governor and the heads of all State agencies appointed by the Governor. For this Order's purposes, all "officers" are also "employees," as that term is defined herein.
- (ix) "Person" means an individual, partnership, committee, association, corporation, labor organization, or any other organization or group of individuals.
- (x) "Value" means the actual retail price or cost attributable to a gift, less applicable taxes and gratuities, or a reasonable estimate based upon customary charges for like goods or services in the locality. For example, a series of tickets to sporting, entertainment, or similar events shall be valued as one gift. Entrance fees, admission fees, or other tickets shall be valued at the face value of the ticket or fee, excluding any portion attributable to a charitable contribution if provided by a charitable organization.

Section 2. Ethics Officer

- a. Each agency, as well as the Office of the Governor, shall designate an Ethics Officer. The Ethics Officer shall take appropriate measures to ensure that the agency's employees become familiar with applicable laws and policies, including the policies outlined in this Order.
- b. The Executive Council is hereby designated the Ethics Officer of the Office of the Governor.

Section 3. Conflicts of Interest

- a. An employee of the Executive Branch of the State shall make every effort to avoid even the appearance of a conflict of interest. A conflict appears when a reasonable person would conclude from the circumstance that the employee's ability to protect the public interest or perform public duties is compromised by personal interests. A conflict could appear even without a genuine conflict of interest.
- b. An employee of the Executive Branch of the State shall recuse himself or herself from any proceeding in which the employee's impartiality might reasonably be questioned due to the employee's personal or financial relationship with a participant in the proceeding. A "participant" includes, but is not limited to, an owner, shareholder, partner, employee, or agent of a business entity involved in the proceeding. If the employee is uncertain whether the relationship justifies recusal, then the employee shall disclose the relationship to the person presiding over the proceeding. The presiding officer shall determine the extent to which the employee will be permitted to participate. If the affected employee is the person presiding, then the vice chair or other substitute presiding officer shall make the determination.

- c. An employee shall not be employed outside of his or her state employment or serve as a corporate officer or director of any organization if such employment or service conflicts with his or her duties as an employee of the state.

Section 4. Gifts

- a. Except as provided in paragraph "b" below, no employee, nor any person on his or her behalf, shall accept, directly or indirectly, any gift from any person with whom the employee interacts on official state business, including, without limitation, lobbyists, and state vendors. If a gift has been accepted, it must be either returned to the donor or transferred to a charitable organization.
- b. Where appropriate for tradition, ceremony, inter-governmental relations, or when acting as a representative of the Office of the Governor or an agency, an employee may accept a gift on behalf of an agency or the Office of the Governor.

Section 5. Honoraria

No employee may accept any honoraria whatsoever.

Section 6. Expenses

An employee on whose behalf actual and reasonable expenses for food, beverages, travel, lodging, and registration are paid to permit the employee's participation in a meeting related to official or professional duties of the employee shall file a report no later than the 30 days after such expenses are paid. The report shall be filed with the designated Ethics Officer. The report must contain a description of each expense and the meeting's purpose, date, and location. Notwithstanding this provision, the best practice is for agencies, not third parties, to pay such expenses.

Section 7. Nepotism

An employee shall not advocate for or cause the advancement, appointment, employment, promotion, or transfer of a family member to an office or position with an agency or with the Office of the Governor.

Section 8. Lobbying

- a. The use of lobbyists will not be required or preferred as a way to obtain access to employees. However, employees will strongly encourage any lobbyist wishing to meet

with the Governor or his staff regarding his or her client and/or principal to bring a principal of his or her client to such meeting.

- b. Former employees should not use their former positions for financial or personal gain or influence legislation or procurement decisions. Employees shall decline to communicate official government matters with any lobbyist who was an officer the preceding year.
- c. No agency shall be permitted to contract with any person to provide lobbying, as that term is defined in O.C.G.A. Section 21-5-70(5), services on behalf of that agency.
- d. Employees who promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, shall coordinate all such activities with the Office of the Governor.

SECTION 9. JUDICIAL APPOINTMENTS

The following persons shall not be eligible for appointment by the Governor to fill a vacancy on the Supreme Court, the Court of Appeals, the superior courts, or the state courts: (a) any person who has made a contribution to, or expenditure on behalf of, the Governor or the Governor's campaign committee at any time after the vacancy occurs; or (b) any person who has made a contribution to, or expenditure on behalf of, the Governor or the Governor's campaign committee within the 30 days preceding the vacancy, unless such person requests and is granted a refund of such contribution or reimbursement of such expenditure.

SECTION 10. FAIR AND EQUAL ACCESS

Employees are required to afford all constituents fair and equal opportunity to express their concerns and ideas regarding State programs and policies without regard to their political affiliation, sophistication, or affluence. Recommendations and decisions made by employees in the performance of their duties shall be made without bias.

SECTION 11. POLITICAL ACTIVITIES

- a. Employees wishing to participate in political activities are responsible for complying with applicable federal and state laws.
- b. Employees are prohibited from soliciting or knowingly accepting any campaign contribution in a governmental building or office. "Accept" means to receive a contribution by personal hand-delivery from a contributor or agent. However, this does not apply when a government-owned building or any portion thereof is rented to hold a campaign fundraiser.

- c. Employees are permitted to express their opinions on political subjects and candidates and to take an active part in political campaigns outside of working hours, including wearing badges or buttons and displaying bumper stickers and posters. In addition, employees are encouraged to vote.
- d. Employees who wish to seek office must comply with applicable federal and state laws. In addition, employees must notify the designated Ethics Officer before announcing or qualifying for any elected position or office.

Section 12. Personal Use of Telephone and Internet Access

- a. Personal long-distance calls shall not be charged to State telephones. However, employees must use their long-distance credit cards or other personal resources.
- b. State-provided internet access is intended for public business. Employee use of the internet may be recorded and monitored. No employee is permitted to use or access the internet for pornographic, obscene, or other improper purposes.

Section 13. Miscellaneous

There may be unique or compelling circumstances warranting exceptions to or waivers from these policies in certain individual cases. In those instances, approval of the Executive Counsel to the Governor is required.

Section 14. Sanctions

Each agency head shall make a copy of this Order available to all employees and institute procedures for its enforcement consistent with all applicable Georgia laws. Employees who violate this Order are subject to disciplinary action, including termination of employment, subject to review by the Executive Counsel. The agency head shall be responsible to the Office of the Governor for the faithful enforcement of this Order. It shall report all alleged violations to the Inspector General.

This 14th day of January 2019.


GOVERNOR

ATTACHMENT: 4.3.2p1.a2.

SAMPLE EMPLOYEE ACKNOWLEDGEMENT FORM

I acknowledge that as an employee of the Technical College System of Georgia, I am subject to ethical responsibilities contained in the Governor’s January 14, 2019, Executive Order on Ethics and other policies and procedures which are accessible to me in the Technical College System of Georgia’s State Board Policy Manual located at https://tcsq.edu/tcsqpolicy/tcsq_policy_manual.pdf.

ADDITIONAL LANGUAGE FOR COLLEGE EMPLOYEES

In addition, I acknowledge I am subject to the local policies and procedures of [redacted] Technical College is located at [insert web address of college handbook or policy manual].

Employee Signature

Date

cc: Employee Personnel File

Revised March 13, 2019