



Ethics in its place

MANY PROFESSIONS USE A code of ethics that establishes a standard or set of principles members of those professions must follow. Some professions require ethics training for license renewal. Recently, the State of Wisconsin made such training a continuing education requirement for renewing the Professional Engineer (PE) license.

Director with the University of Wisconsin Department of Engineering Professional Development (EPD). Philip Freeburg, J.D., is a Law Educator with the Local Government Center (LGC) at the University of Wisconsin-Extension. Both men address ethics issues in the courses they teach for local government and public works professionals.

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Freeburg's experience in the public sector includes nine years as a municipal judge and four years as an attorney for local governments in Wisconsin. At LGC, a resource for UW System programs that support local governments, he conducts workshops that explore the powers and duties of local government bodies and officials, land use regulation, open meetings and records, and local government law. Where these activities have the potential for conflict of interest or improper actions, Freeburg goes into detail about state statutes that prohibit unethical behavior and discusses the penalties that result.

He explains that the rules apply to public officials who are elected, appointed or serving at the pleasure of the local authority. Many local governments adopt the state code of ethics (Wis. Statute, Sec. 19.59) or modify it to meet local needs.

"I ask people to think of ethics as leadership principles tied to personal integrity and being responsible. The goal is to earn respect as an effective, reliable local official or employee."



"Professionals who work in the public sector have a special responsibility to use their knowledge for the benefit of the public."

Registered PEs are not the only ones concerned with ethics issues. Everyone working in local street and highway departments across Wisconsin should be prepared for situations that present an ethical dilemma and understand the distinction between a legal question and a question of ethics.

Is accepting lunch from a contractor acceptable? Can you, as a local public official, recommend the town board or city council award a road project to a friend?

Two educators who know the practical side of applying ethical standards to questions like these regularly put the topic into perspective for local governments. Howard Rosen, Ph.D., is Program

Responsible and legal

Rosen's experience includes a past affiliation with the Center for the Study of Ethics in the Professions at the Illinois Institute of Technology where he developed and taught their first engineering ethics course. He also spent 15 years on the national staff of the American Public Works Association.

In addition to his EPD courses on public works infrastructure and municipal engineering, Rosen conducts a session on ethics in public works for the Public Works Supervisory Academy at UW-Madison, and helped develop and teach a two-hour ethics class for professional engineers.

"Acting ethically is especially important for professionals who work in the public sector," Rosen

Prohibited conduct

Receiving gifts or participating in decisions where there might be a conflict of interest are situations discussed in Freeburg's local government workshops. He cites the potential pitfalls of public officials accepting gifts or anything of value reasonably seen as intended to influence them. The state can enforce its prohibition of this conduct with a fine and a court might overturn an action seen as resulting from improper influence. Intentional violations are a crime.

For local government officials, conflicts sometimes arise between their public role and private interests, especially when letting contracts for improvement projects or equipment purchases with bidders that include companies they know personally or work with in another capacity. Freeburg says



the state statute is clear on what it terms “prohibited conduct.” Any

elected official or employee of the local authority who stand to gain if a contractor wins the job must remove themselves from all deliberations related to the bid process or risk criminal charges.

Even if there is no intent to act unethically, the public could perceive an action as questionable. In those instances, Freeburg advises public officials to err on the side of caution and disqualify themselves.

Rosen concurs and notes that ethical responsibility is a function of an individual’s role in local government—providing services in a cost-effective manner that serves the public good. “Following a code of ethics helps protect a profession from outside pressures and makes people in that role accountable for their decisions, especially where there is a hint of conflict.”

He describes a situation where someone who works for the highway department owns property that might be affected by a proposed improvement project. Should the public official be involved in selecting a route for the improvements? He has an obligation, Rosen says, to make known the potential conflict and excuse himself from a policy-making role.

Rosen notes that people working in government must maintain the distinction between “public” and “private” actions, arguing that public officials have responsibilities a private person does not.

Measure the consequences

Ethics is not just a matter of following the law, says Rosen. It is a function of what people do in their capacity as professionals. For people serving the public trust, he observes that ethics demands they use their professional knowledge and skills objectively on behalf of the community at large and not for personal gain. That includes doing the right thing even if the outcome is disagreeable or inconvenient.

In the ethics class for engineers, Rosen stresses the value of coping strategies that help people analyze situations before deciding on the best course of action, to identify a potential conflict and respond appropriately. He recommends using a series of tests to measure the consequences of their actions, like the universality test, which asks: *If everyone did what I’m about to do, what then?*

Sense of right and wrong

Freeburg often asks participants representing local governments who take his courses to judge various examples of a conflict of interest involving public officials that are not always clear cut, like a bid process where one vendor is a family member or close friend. Although the public official does not have an interest in the firm submitting the bid, should that official vote on the contract? Most course participants say

“no,” which Freeburg points out is more than the law requires in that case. “It indicates to me their sense of right and wrong, and says something remarkable about those who work in local government.”

Build public trust

Rosen and Freeburg both observe that rules of conduct are tools not traps and that promoting a culture of ethical behavior inside an organization influences every aspect of how it does business. Local public officials can use ethics codes and relevant state law to establish standards throughout an organization, building public trust and giving taxpayers confidence in the agencies they rely on for services.

Local governments that operate with transparency, decide issues honestly and guard against the potential for conflicts benefit the entire community. ■

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Resources

<http://llgc.uwex.edu>


Education resources for locally elected or appointed officials from the UW-Extension Local Government Center with information and trainings about local government structures, laws, and procedures in the State of Wisconsin.

<http://docs.legis.wi.gov/statutes/statutes/19/19111/41>

Code of ethics for public officials and employees.

<http://continuingstudies.wisc.edu/pda/public-mgmt/academy.htm>

Public Works Supervisory Academy website has information about the nine-class program on management training for first- and second-line supervisors.



Ethics Q&A

Public-sector examples that underscore the importance of having an active ethics code.

When does accepting lunch or a cup of coffee from a contractor become unethical?

Ethics code prohibits accepting anything of value that appears reasonably intended to influence a public official or reward past action. The prohibition does not extend to accepting inexpensive freebies a company offers to everybody, like logo pens.

What is the rule about deciding to award a roadwork contract when one of the bidders is a friend?

Mere acquaintance with a bidder does not disqualify the official from participating in a contract decision. But deciding on an award that financially benefits the official, a spouse, dependent or affiliated organization is improper and prohibited. At the very least, ethics obligates a person to disclose **any** relationship in a situation like this.

Can a public official with a private tree-trimming business dispose of branches at a public works facility that is unavailable to other businesses?

This is a case of using public office for personal benefit, which goes against the code. And if the local government tolerates the activity, it also is in violation.