

## **DEPARTMENT OF NATURAL RESOURCES**

**Human Resources Policy No.: 17**

**EFFECTIVE DATE: JUNE 12, 2015**

**SUBJECT: ETHICS AND DUAL EMPLOYMENT**

**AUTHORIZATION: STEPHEN CHUSTZ, SECRETARY**

### **I. POLICY**

It is essential to the proper operation of government that employees be independent and impartial, that public employment not be used for personal gain and that there be public confidence in the integrity of government. These goals are jeopardized when employees have conflicting interests, unclear ethical standards and when public officials hold two or more public offices or jobs which conflict with the duties/interests of one another or result in the accumulation of governmental power. The Department of Natural Resources (DNR) implements this policy to avoid conflicts of interest, establish appropriate ethical standards for its employees and protect against dual employment situations by its employees.

As public servants, DNR's employees are personally and professionally obligated to serve the public with honesty and integrity, and to ensure that private interests do not conflict with the successful fulfillment of our mission. It is increasingly important that employees avoid real, as well as perceived, conflicts of interest and refrain from using their positions of employment to enhance personal interests or economic gain.

### **II. PURPOSE**

This policy serves to ensure compliance with the Louisiana Code of Governmental Ethics (La. R.S. 42:1101 et seq.) and Louisiana's dual employment prohibitions (La. R.S. 42:61 et seq.).

### **III. APPLICABILITY**

This policy applies to all DNR employees, regardless of status.

### **IV. DEFINITIONS**

- 1) "Controlling interest" means ownership in any legal entity or beneficial interest in a trust held by or on behalf of a DNR employee or a member of his/her immediate family, either individually or collectively, which exceeds 25%.

- 2) "Immediate family" means a DNR employee's children and their spouses, siblings and their spouses, parents, spouse and parents-in-law.
- 3) "Person" or "Entity" means an individual or legal entity other than a governmental entity or an agency thereof.
- 4) "Any thing of economic value" means money or any other consideration having economic value, except promotional items having no substantial resale value. Also excludes food, drink or refreshments, up to the limit authorized by the Board of Ethics, consumed by a DNR employee, including reasonable transportation and entertainment incidental thereto, while the personal guest of and in the presence of the provider.

## **V. PROHIBITIONS**

### **1) ETHICS**

Unless prior approval is granted by the Board of Ethics or as otherwise provided by law, employees will be subject to disciplinary action, up to and including termination, if determined to be in violation of these provisions:

- a) Employees are prohibited from receiving any thing of economic value from a source other than DNR for the performance of official duties and responsibilities;
- b) Employees are prohibited from receiving any thing of economic value for the performance of services substantially related to official duties or which draw upon non-public information;
- c) Employees, employees' spouses and any legal entity in which an employee exercises control or owns an interest in excess of 25% are prohibited from receiving any thing of economic value for services rendered to persons who have or are seeking contracts or other business or financial relationships with DNR;
- d) Employees, employees' spouses and any legal entity in which an employee exercises control or owns an interest in excess of 25% are prohibited from receiving any thing of economic value for services rendered to persons who are regulated by DNR;
- e) Employees, employees' spouses and any legal entity in which an employee exercises control or owns an interest in excess of 25% are prohibited from receiving any thing of economic value for services

rendered to persons whose economic interests may be substantially affected by a DNR employee's performance or non-performance of his/her official duties;

- f) Employees are prohibited from, directly or indirectly, soliciting or accepting any thing of economic value as a gift or gratuity from persons (including said person's officers, directors, agents or employees) who:
  - i) Have or are seeking contracts or other business or financial relationships with DNR;
  - ii) Are seeking, for compensation, to influence the passage or defeat of legislation by DNR;
  - iii) Who conduct operations or activities which are regulated by DNR; or
  - iv) Whose economic interests may be substantially affected by a DNR employee's performance or non-performance of official duties;
- g) Employees are prohibited from receiving any thing of economic value for assisting a person in a transaction with DNR;
- h) Employees are prohibited from participating in any DNR transaction in which they have a personal substantial economic interest of which they may be reasonably expected to know;
- i) Employees are prohibited from participating in any DNR transaction in which, to their actual knowledge, any of the following has a substantial economic interest:
  - i) The employee or any member of the employee's immediate family;
  - ii) Any entity in which the employee has a substantial economic interest of which he/she may reasonably be expected to know;
  - iii) Any entity in which the employee is an officer, director, trustee, partner or employee;

- iv) Any entity which is a party to an existing contract with the employee or any legal entity in which the employee exercises control or owns an interest in excess of 25%, or who is indebted to the employee or to any entity in which the employee exercises control or owns an interest in excess of 25% and by reason thereof is in a position to affect the employee's economic interests;

**NOTE:** Employees shall disqualify themselves from participating in any transaction which would violate these provisions. The mechanism to do so is set forth in La. R.S. 42:1112C.

- j) Employees, the immediate family of employees and any legal entity in which an employee exercises a controlling interest are prohibited from bidding on, entering into or being interested in any contract, subcontract or other transaction under DNR's supervision or jurisdiction;
- k) Employees are prohibited from using the authority of their offices, directly or indirectly, in a manner intended to compel or coerce a person to provide the employee or any third person any thing of economic value that they are not entitled to by law;
- l) Employees are prohibited from using the authority of their offices, directly or indirectly, in a manner intended to compel or coerce a person to engage in political activity;
- m) Employees are prohibited from making a payment, giving, loaning, transferring, delivering or offering to give, loan, transfer or deliver a thing of economic value to a public servant when the public servant is prohibited by the Code of Governmental Ethics from receiving the thing of economic value;
- n) Employees are prohibited from receiving any thing of economic value from persons to whom they have directed DNR business;
- o) Employees are prohibited, during a gubernatorially declared emergency or disaster, from converting property or resources of DNR (or property or resources loaned to DNR) to or for their personal use or to or for the use of a member of their immediate family in a manner which is preferential to a member of their immediate family over members of the general public;
- p) Employees are prohibited from accepting food, drink or refreshments,

the total value of which exceeds the limit<sup>1</sup> authorized by the Board of Ethics for a single event, from any of the following:

- i) Persons/entities that have or are seeking contracts or other business or financial relationships with DNR;
  - ii) Persons/entities that have or are seeking, for compensation, to influence the passage or defeat of legislation by DNR;
  - iii) Persons/entities who conduct operations or activities which are regulated by DNR; or
  - iv) Persons/entities whose economic interests may be substantially affected by a DNR employee's performance or non-performance of official duties;
- q) Employees are prohibited from transferring any thing of economic value or any asset, interest or liability to any person or governmental entity for the purpose of circumventing any provision of the Code of Governmental Ethics unless such transfer is irrevocable; and
- r) Employees are prohibited from soliciting or receiving anything of economic value, directly or indirectly, for or to be used by them or a member of their immediate family to aid in or influence the passage or defeat of legislation affecting DNR.

## **2) DUAL EMPLOYMENT**

- a) DNR employees are prohibited from holding elective or appointive office or employment in the government of a foreign country, in the government of the United States or in the government of another state;
- b) DNR employees are prohibited from holding office or employment in any other branch of state government;
- c) DNR employees are prohibited from holding an elective office in the government of the State of Louisiana or a political subdivision thereof;
- d) DNR employees are prohibited from holding another full-time appointive office or full-time employment in the government of the

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<sup>1</sup> The current limit authorized for a single event for food, drink or refreshment is \$58.00.

State of Louisiana, the government of a political subdivision thereof or a combination of these;

- e) DNR employees may not hold other offices or positions of employment where the following conditions exist:
  - i) The incumbent of one office or employment has the power to appoint or remove the incumbent of the other;
  - ii) The incumbent of one office or employment receives the oath and/or bond of the incumbent of the other;
  - iii) The incumbent of one office or employment is charged by law with instituting actions for penalties against the incumbent of the other;
  - iv) The incumbent of one office or employment is required by law to execute orders and follow directions given by the incumbent of the other;
  - v) One office or employment is charged with auditing the accounts of or approving the budget of the other; or
  - vi) Funds received by one office or employment are deposited with or turned over to the other.

**NOTE:** The dual employment prohibitions established by law do not apply to persons serving in the National Guard or Reserve Military Forces of the United States or the State of Louisiana.

## **VI. RESPONSIBILITY**

- 1) The Secretary (or designee) is responsible for enforcing the requirements and prohibitions of this policy and for reporting possible Code of Governmental Ethics and/or dual officeholding/employment violations to the Board of Ethics, the Office of the Attorney General and/or the Department of State Civil Service, depending upon whose jurisdiction the violation may be subject to.
- 2) All employees are responsible for complying with the requirements and prohibitions set forth in this policy and for reporting possible Code of Governmental Ethics and/or dual officeholding/employment violations to the Secretary, the Board of Ethics, the Office of the Attorney General or

Department of State Civil Service. Alternatively, employees are free to report such violations to their supervisors who, in turn, are required to further report such information through the chain of command or to the appropriate regulatory entity.

**VII. REPRISAL/RETALIATION**

Employees are encouraged to report information which they reasonably believe to be a violation of the requirements and prohibitions of this policy. An employee doing so will be protected from any form of harassment, reprisal and retaliation. In fact, it is a violation of the Code of Governmental Ethics for any employee to be disciplined or otherwise subjected to acts of reprisal or retaliation for reporting to his/her agency head, the Board of Ethics and/or any other person or entity of competent authority or jurisdiction information which he/she reasonably believes to be a violation of any law, order, rule or regulation within the jurisdiction of the Board of Ethics.

**VIII. ENFORCEMENT**

Employees found to be in violation of this policy will be subject to disciplinary action, up to and including termination. In addition, employees may face enforcement action by the Board of Ethics, Office of the Attorney General and/or the Department of State Civil Service which may include, but not be limited to loss of employment and monetary fines/penalties.

**IX. REQUIRED TRAINING**

La. R.S. 42:1170 mandates that every public servant receive a minimum of one hour of education and training on the Code of Governmental Ethics each year of public employment. All DNR employees are required to comply with this requirement.

**X. QUESTIONS:**

Questions regarding the interpretation and enforcement of this policy should be addressed to the Human Resources Division.

  
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**STEPHEN CHUSTZ, SECRETARY**  
  
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**DATE**

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**INITIAL ISSUE DATE: 6/15**