

Wood County Board of Developmental Disabilities

PROCEDURE

Procedure #: 02-ALL-ALL-0426 (AD) **Subject:** Purpose and Functions of the Ethics Council

Effective Date: 10-01-93 **Last Revision:** 02-12-16

Person Responsible: Superintendent

Approvals/Date: *Shirley J. Stuber* *D. Ma. Baum* 2/26/16
Superintendent, WCBDD Date Department Director Date

The following definitions will apply:

Direct Service Contract – A contract that authorizes payment of Supported Living, Family Support Services, and reimbursement for transportation expenses, to an individual, agency or other entity.

1. The President of the County DD Board shall appoint three members of the Board to an Ethics Council annually at the organizational meeting each January. The President may be one of those appointed and the Superintendent shall be a non-voting member of the Council. The President shall not appoint a Board Member to the Ethics Council if the member, or any member of their family, will have an interest in any direct services contract under review by the Council while the member serves on the Council or during the twelve month period after completion of their council service.

2. The Ethics Council shall meet monthly, or as needed, prior to Board meetings to perform its functions. Ethics Council meetings shall comply with Ohio Revised Code 121.22, the Sunshine Law. Any action taken by the Ethics Council shall be in public to afford the affected party the opportunity to meet with the Ethics Council on matters related to a direct services contract or any action taken by the Council. The Council shall adjourn to Executive Session when matters to be kept confidential and private are to be discussed. Official minutes will be taken at all Ethics Council meetings and shall be part of the Public Records of the County Board.

3. The Ethics Council does not have to approve every Board contract. They must review contracts that could result in payment to an eligible person or to a member of the immediate family of an eligible person.

4. **DIRECT SERVICE CONTRACTS** – The Ethics Council shall approve or disapprove all direct service contracts that may result in direct payments to an eligible person's family according to the policy, a Board member, to an employee of the Board, or a former Board member or employee who has been separated less than 12 months, and develop for recommendation to the Board policies regarding ethical standards, contract audit procedures and grievance procedures with respect to the award and reconciliation of direct service contracts. The Board's policy of anti-nepotism and grievance shall be adhered to in all contracts and bind all parties. The Council or the Board may request an independent audit. The Ethics Council shall review and provide determination of validity of DNR Orders. Ethic Council members have the right to be dismissed from the Council due to personal beliefs of the DNR Policy.

5. **OUTSIDE EMPLOYMENT** - The Ethics Council has an additional responsibility regarding outside employment and when a Board employee may work with an individual, either independently or as an employee of an agency provider. In order for the Board to employ a person who may work for an agency that has a contract with the Board or a person who is employed by, has an ownership interest in, performs or provides administrative duties for, or is a member of the governing board of an entity that provides specialized services, the Ethics Council must find and assure that all 6 factors, shown below, are met

- A. The employee is not in a capacity to influence the award of the contract.
- B. The employee has not attempted in any manner to secure the contract on behalf of the individual, agency, or other entity.
- C. The employee is not employed in management level two or three according to rules adopted by the director of developmental disabilities and does not provide service and support administration.
- D. The employee is not employed by the board during the period when the contract is developed as an administrator or supervisor responsible for approving or supervising services to be provided under the contract and agrees not to take such a position while the contract is in effect, regardless of whether the position is related to the services provided under the contract.
- E. The employee has not taken any actions that create the need for the services to be provided under the contract.
- F. The individual, agency, or other entity seeks the services of the employee because of the employee's expertise and familiarity with the care and condition of one or more eligible persons and other individuals with such expertise and familiarity are unavailable, or an eligible person has requested to have the services provided by that employee.

If the DSC situation does not exist, the Ethics Council must still review the outside employment of an employee who is employed by an agency that has a contract with the Board or who is employed by, has an ownership interest in, performs or provides administrative duties for, or is a member of the governing board of an entity that provides specialized services, regardless of whether the entity contracts with the Board to provide specialized services. No such person may be an employee of the Board unless all six of the above conditions are met. Should an employee receive authorization for outside employment, the employee must notify the Superintendent of any change in employment status (ie. increase in hours, change in responsibilities) with the outside employer.

6. All contracts and information provided to the Ethics Council shall be presented by Superintendent or his designee with appropriate certification that the contracts are within available resources and appropriation made by the Board. The Ethics Council, during its regular meeting, shall determine whether the amount to be paid under the contract is appropriate based on actual expenses or reasonable and

allowable projections. The Ethics Council shall also determine whether the eligible person who would receive services under the contract stands to receive any preferential treatment or any unfair advantage over the other eligible persons.

7. If the amount to be paid is not acceptable or the contract would result in preferential treatment or unfair advantage, the Ethics Council shall recommend that the Board not enter into a contract or shall suggest acceptable, specific revisions. The Board shall not enter into any contract that is not recommended by the Ethics Council or enter into any contract to which revisions are suggested if the contract does not include the specified revisions.

8. The Board, by resolution, shall enter into each direct service contract that the Ethics Council recommends or recommends with specified revisions. The Board may request the Prosecuting Attorney to prepare a legal review of recommended direct services contracts to determine compliance with state law.

9. The Ethics Council shall in no way allow member or employee of a County Board to authorize, or to use the authority of his office or employment, to secure authorization of a direct service contract that the member or employee may benefit from in any way.

10. The Board and Council recognize that community emergencies arise, therefore, the Superintendent has the authority to provide interim approval for direct service contracts in the case of a bonafide emergency. In no case shall the contract be approved for more than 30 days and during this period the Council and Board shall meet to vote on the interim action.

11. The procedure shall be in full compliance with the relevant provisions of the ORC 5126.03 and 5126.034.

References: ORC 5126.0221, 5126.03; 5126.031, 5126.033, 5126.034
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