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 benefit, 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 it could be inferred by a reasonable observer 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 the context of 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 January 13, 2003, 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 heads of all State agencies who are appointed by the Governor.

(iii) Any other employees of Executive Branch officials, departments, boards, bureaus, agencies, commissions, councils, authorities, corporations, entities or instrumentalities of any kind, and others as 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 employee of any agency as define 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 $25, including, but not limited to, food, lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money.

(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 who are appointed by the Governor. For purposes of this Order, 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. 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. <u>Ethics Officer</u>

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 ethics law and policies, including the policies set forth in this Order.

b. The Executive Counsel is hereby designated the Ethics Officer of the Office of the Governor.

Section 3. <u>Conflicts of Interest</u>

a. An employee of the Executive Branch of the State shall make every effort to avoid even the appearance of a conflict of interest. An appearance of conflict 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 conflict could exist even in the absence of a true 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, if any, the employee will be permitted to participate. If the affected employee is the person presiding, then the vice chair or such other substitute presiding officer shall make the determination.

Section 4. <u>Gifts</u>

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 purposes of tradition, ceremony, or 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. Upon the signing of this Order, an employee of the Executive Branch may not accept a gift that retains value after its acceptance.

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 purpose, date, and location of the meeting. Notwithstanding this provision, the preferred practice is for agencies and 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. 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 other personal gain or to influence legislation or procurement decisions. Employees shall decline to communicate on official government matters with any lobbyist who was an officer within the preceding one-year period.

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. DUAL EMPLOYMENT/BOARD SERVICE

a. No employee shall serve for compensation as a corporate officer or director of any for-profit or publicly held company. Voluntary, pro bono services on behalf of non-profit organizations may be permitted, so long as services to such organizations would not have the potential to create a conflict and do not impair the employee's ability to discharge his or her public duties fully, faithfully, and impartially.

b. No officer may have any ongoing dual employment.

SECTION 12. POLITICAL ACTIVITIES

a. Employees wishing to take part in political activities are responsible for complying with applicable federal and state law.

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 his agent. This does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding 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 the wearing of badges or buttons and displaying of bumper stickers and posters. Employees are encouraged to vote.

d. Employees who wish to seek office must comply with applicable federal and state laws. Employees must notify the designated Ethics Officer prior to announcing or qualifying for any elected position or office.

Section 13. Personal Use of Telephone and Internet Access

a. Personal long-distance calls shall not be charged to State telephones. Employees must use their personal long-distance credit card or other personal resource for this purpose. It is also inappropriate to use a State cellular telephone for personal calls.

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 14. Miscellaneous

There may be unique or compelling circumstances warranting exceptions to or waivers from these policies in certain individual cases. In those instances, prior written approval of the designated Ethics Officer is required.

Section 15. Sanctions

Each agency head shall make a copy of this Order available to all employees and shall 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 of each agency shall be responsible to the Office of the Governor for the faithful enforcement of this Order, and shall report all alleged violations to the Inspector General.

This 10th day of January, 2011.

Nathan Deal

GOVERNOR