

BOARD OF EDUCATION OF BALTIMORE COUNTY
Ethics Review Panel

Meryl D. Burgin, Esq., Chair
Raymond A. Hein Esq., Vice Chair
Mary C. Burke, LCSW-C, BCD
Sharon M. Pusin, M.D., Esq.
Janel D. Sexton, M.A., Ph.D.

6901 Charles Street
Towson, Maryland 21204-3711
Phone: 410-887-4138
Fax: 410-887-4308

TO: Principals and Office Heads

FROM: Ethics Review Panel

DATE: December 12, 2008

RE: Advisory Opinion 08-12

On November 20, 2008, the Ethics Review Panel adopted Advisory Opinion 08-12 in response to an application received from a petitioner.

In compliance with Ethics Code Policy 8366, "any board member, employee, volunteer, or other person subject to the provisions of the policies of the Ethics Code may request that the Ethics Review Panel issue an advisory opinion concerning the applications of these policies." In an effort to keep individuals abreast of the panel's interpretations of the Ethics Code policies, please share this information with your staff.

Consistent with the panel's rules of procedure, you will note the deletion of the petitioner's name and any personally identifiable information in order to ensure anonymity. As subsequent advisory opinions are issued, they will be made available through the *Superintendent's Bulletin* and Outlook.

If you or members of your staff have any questions, please contact Dr. Carol Batoff, administrative liaison to the Ethics Review Panel, at 4138.

BOARD OF EDUCATION OF BALTIMORE COUNTY

ETHICS REVIEW PANEL

ADVISORY OPINION 08-12

Advisory Opinion 08-12 is in response to a request made by the petitioner, a supervisory employee of Baltimore County Public Schools (BCPS), inquiring as to whether it is permissible for the petitioner's son and/or other relative, who are both current BCPS employees, to be granted requested lateral transfers to positions which do not directly report, but which ultimately report, to their parent and relative who is the supervisor.

There is another position on the organizational chart to whom these individuals would directly report which in turn reports to the parent and relative of the employees.

The relevant section(s) of the Ethics Code are as follows:

Definitions (Section 8360)

The following terms used within the Ethics Code are defined as follows:

Immediate family means father, mother, brother, sister, husband, wife, son, daughter, grandmother and grandfather by blood (not marriage), grandson, granddaughter, mother-in-law, father-in-law, son-in-law, daughter-in-law, equivalent stepfamily members, legal dependent of the employee, or a person residing as a member of the household where the employee is making his or her home.

Conflict of Interest (Section 8363)

6. Prohibitions

(b) *An employee may not be in a position that directly supervises, evaluates, or disciplines an immediate family member. An employee may not use his or her position to benefit an immediate family member.*

The matter before the Ethics Review Panel is whether a son and/or another relative of a supervisor may be transferred to the supervisor's department when the supervisor will not be directly supervising either family member. The Ethics Code prohibits a BCPS employee from being in a position that *directly* supervises an *immediate family member*.

The son of the BCPS employee is clearly an *immediate family member* as set forth in the Ethics Code's definition of *immediate family member*. However, as the facts have been presented to the panel, the parent would not be *directly* supervising the son and, therefore, such a lateral transfer is not prohibited by the Ethics Code. The Ethics Code does, however, prevent an employee from using his or her position to benefit an *immediate family member*, and while this provision does not prohibit the transfer, the parties involved should be aware of it.

The other relative of the BCPS employee is not included in the definition of *immediate family member* and, therefore, the transfer of the other relative to a position which ultimately reports to a relative is not prohibited by the Ethics Code.

This opinion has been signed by the Ethics Review Panel members and adopted on November 20, 2008.

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Raymond A. Hein, Esq., vice chair
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