

Terms Commonly Used in the Ethics for Public Servants Course

For the purposes of the Louisiana Code of Governmental Ethics, some terms have definitions specific to the Code. Unless otherwise noted, the following definitions have been excerpted from or derived from the definitions of the Louisiana Code of Governmental Ethics under La. R.S. 42:1102. Some definitions have been shortened. Consult the Code itself for more detailed definitions.

action of a governmental entity

Any action on the part of a governmental entity or agency of the government.

agency

An agency may be a department, office, division, agency commission, board, committee or other organizational unit of a governmental entity.

agency for elected officials

For elected officials, the state of Louisiana or the political subdivisions they have been elected to represent.

Example: When someone is elected mayor of a town, his or her agency is the town government.

agency head

An agency head is the chief administrative officer of an agency or any member of a board or commission who exercises supervision or jurisdiction over that agency.

From Black's Law Dictionary: Supervision generally means "the series of acts involved in managing, directing, or overseeing persons or projects"

assist

to act in such a way as to help, advise, furnish information to, or aid a person with the intent to assist that person.

compensation

any thing of economic value which is paid, loaned, granted, given, donated, or transferred or to be paid, loaned, granted, given, donated, or transferred for or in consideration of personal services for any person.

controlling interest

any ownership in any legal entity or beneficial interest in a trust held by or on behalf of an individual or a member of his immediate family, either individually or collectively, which exceeds twenty-five percent of that legal entity.

elected official

any person holding an office in a governmental entity that is filled by the vote of the appropriate electorate. It shall also include any person appointed to fill a vacancy in such offices.

governing authority

the body which exercises the legislative functions of a political subdivision.

governmental entity

the state or any political subdivision which employs the public employee or employed the former public employee or to which the elected official is elected, as the case may be.

governmental ethics

As defined by ethics scholar Robert F. Weschsler, governmental ethics is the practice of "acting responsibly and professionally as a government official or employee under certain circumstances and following certain rules and procedures. It is about preserving institutional rather than personal integrity."

immediate family

as the term relates to a public servant means his children, the spouses of his children, his brothers and their spouses, his sisters and their spouses, his parents, his spouse, and the parents of his spouse.

nepotism

As it is defined in *Public Servants training* and for the purposes of the Code, nepotism violations occur when agency heads hire their immediate family members for positions at the agency head's agency.

participate

to take part in or to have or share responsibility for an action of a governmental entity or a proceeding, personally, as a public servant of the governmental entity through approval, disapproval, decision, recommendation, the rendering of advice, investigation, or the failure to act or perform a duty.

person

an individual or legal entity that is not a governmental entity or an agency of a governmental entity.

political subdivision

any unit of local government, including a special district, authorized by law to perform governmental functions.

prohibited source

- 1.) A person who has or is seeking a contractual, business, or a financial relationship with your agency. [R.S. 42:1115A(1)]
(applies to both elected officials and public employees)
- 2.) Someone who for compensation attempts to influence any legislation or ordinance of the elected body. *(applies to both elected officials and public employees)*
- 3.) Additional prohibited source for public employees -- A person who conducts activities which are regulated by the public employee's agency. [R.S. 42:1115B(1)]
- 4.) Additional prohibited source for public employees -- A person who has a substantial economic interest that may be substantially affected by the performance or non-performance, of the public employee's job duties. [R.S. 42:1115B(2)]

public employee

(18)(a) "Public employee" means anyone, whether compensated or not, who is one of the following:

- (i) An administrative officer or official of a governmental entity who is not filling an elective office.
- (ii) Appointed by any elected official when acting in an official capacity, and the appointment is to a post or position wherein the appointee is to serve the governmental entity or an agency thereof, either as a member of an agency, or as an employee thereof.
- (iii) Engaged in the performance of a governmental function.

(iv) Under the supervision or authority of an elected official or another employee of the governmental entity.

(b) However, "public employee" shall not mean a person whose public service is limited to the following:

- (i) Periodic duty in the National Guard pursuant to 32 U.S.C. 502.
- (ii) A contract to provide attest services as a certified public accountant.
- (c) A public employee shall be in such status on days on which he performs no services as well as days on which he performs services. The termination of any particular term of employment of a public employee shall take effect on the day the termination is clearly evidenced.

public servant

a public employee or elected official.

responsibility

In connection with a transaction involving a governmental entity, responsibility means the direct administration or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through or with others or subordinates, to effectively direct action of the governmental entity, as the case may be, in respect to such transaction.

service

means the performance of work, duties, or responsibilities, or the leasing, rental, or sale of movable or immovable property.

substantial economic interest

an economic interest which is of greater benefit to the public servant or other person than to a general class or group of persons, except:

- (a) The interest that the public servant has in his position, office, rank, salary, per diem, or other matter arising solely from his public employment or office.
- (b) The interest that an elected official who is elected to a house, body, or authority has in a position or office of such house, body, or authority which is required to be filled by a member of such house, body, or authority by law, legislative rule, or home rule charter.
- (c) The interest that a person has as a member of the general public.

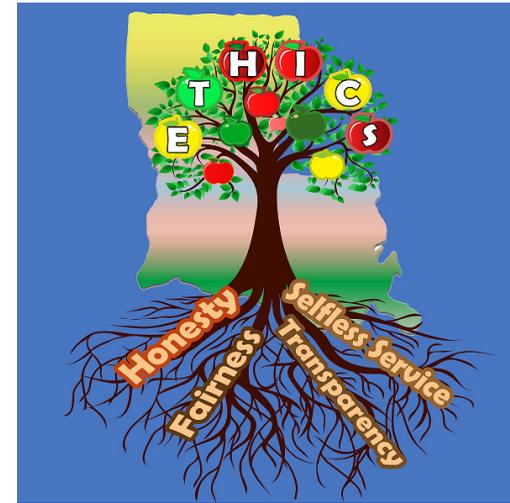
thing of economic value

money or any other thing having economic value, except promotional items having no substantial resale value. (Consult the Louisiana Code of Governmental Ethics for additional exceptions/considerations.)

transaction involving a governmental entity

any proceeding, application, submission, request for a ruling or other determination, contract, claim, case, or other such particular matter which the public servant or former public servant of the governmental entity in question knows or should know:

- (a) Is or will be the subject of action by the governmental entity.
- (b) Is one to which the governmental entity is or will be a party.
- (c) Is one in which the governmental entity has a direct interest. A transaction involving the agency of a governmental entity shall



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