

Chapter 1 : The West Virginia Governmental Ethics Act and the private employer | HR Laws

The code of conduct established by the Ethics Act applies to all public servants including public employees, elected public officials, and appointed public officials, whether full-time or part-time, in the legislative, judicial, and executive branches of state, county and municipal government, including all boards, commissions and agencies.

West Virginia requires less information in the financial disclosure statements, filed by public officials and candidates for public office, than many other states. Former officials who appear in a representative capacity before their former employing agency may encounter issues with which they were previously involved, since the six month prohibition period is relatively short. Since the Code permits the granting of exemptions, these restrictions can be set aside. This subdivision does not require a person filing the statement who derives income from a business, profession or occupation to disclose the individual sources and items of income that constitute the gross income of that business, profession or occupation, nor does this subdivision require a person filing the statement to report the source or amount of income derived by his or her spouse. Some surrounding states require the reporting of spousal income. All positions of a fiduciary nature in a business. Also, Kentucky law requires the ownership of real estate to be reported in addition to income and its sources. Chapter 11 of the Pennsylvania Code requires a statement of financial interests which includes information on "any direct or indirect interest in any real estate which was sold or leased to the Commonwealth, any of its agencies or political subdivisions; or which was the subject of any condemnation proceedings by the Commonwealth, any of its agencies or political subdivisions. There is a standard form and separate forms to be used by members of the General Assembly or part-time members of state boards and commissions. Real estate holdings must be reported on any of these forms. A separate schedule must be completed for real property interests and detailed information about the property is required. Another schedule is required for any interests in corporations or partnerships and includes the same sort of detailed information. The nonpartisan, nonprofit Center for Public Integrity released a report in rating financial disclosure laws in all 50 states. West Virginia ranked 43rd and received a failing grade of Financial disclosure provisions were rated on the basis of the types and completeness of information required in each state. The Center analyzed disclosure requirements on the basis of the following information categories: Washington received the best score, 98 points. The highest rated adjacent state, Virginia, received a score of West Virginia also requires less complete information on investments in that its statement does not contain information on the investments of spouses or dependents. As has already been mentioned, real property is another category in which West Virginia requires no information. Family information listing the names of spouses and dependents was another category for which the State did not require information. The time frames vary from six months to two years. In some states, the prohibition applies only if the employee worked on, or was responsible for, an issue before the agency while in state service. In a couple of states, the prohibition applies to employees who hold certain positions or who receive large salaries. Provisions may apply to public employees in general, executive branch employees, members of the state legislature or their staffs, depending on the state. In many states, former public employees are always prohibited from appearing before their former employing agency in a representative capacity regarding such a matter. No elected or appointed public official and no full-time attorney or accountant shall, during his or her public service or public employment or for a period of six months after the termination of his or her public service or public employment with a governmental entity authorized to hear contested cases or promulgate regulations, appear in a representative capacity before the governmental entity in which he or she serves or served or is or was employed As Table 2 in Issue Area 2 illustrates, exemption requests have usually been denied and only four requests have been made during the period examined. The number of such requests are still relatively small with no more than twenty-two during any one year from No member of the Legislature, appointed state officer, or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of 2 years following vacation of office. No member of the Legislature shall personally represent another person or entity for compensation during his or

her term of office before any state agency other than judicial tribunals or in settlement negotiations after the filing of a lawsuit. The same applies to employees of state agencies in Florida: No agency employee shall personally represent another person or entity for compensation before the agency with which he or she was employed for a period of 2 years following vacation of position, unless employed by another agency of state government. A survey of the states surrounding West Virginia shows that the statutes of all states except Virginia contain ethics provisions. The House and Senate Rules of Virginia do, however, contain ethics guidelines. Of the other surrounding states, most place greater restrictions on the employment opportunities permitted to former state employees and legislators than those contained in the West Virginia Code. For a period of one year after the conclusion of employment or service as a member or employee of the general assembly, no former member or employee of the general assembly shall represent, or act in a representative capacity for, any person on any matter before the general assembly, any committee of the general assembly, or the controlling board. The Ohio Code also prohibits present or former public officials or employees from representing, for twelve months following employment, a client or any person on any matter in which he or she officially participated. Furthermore, for twenty-four months following the conclusion of employment, no former commissioner or attorney examiner of the Public Utilities Commission can represent a utility before any state board, commission or agency. Kentucky also places restrictions on employment opportunities offered to former employees. Kentucky statutes contain separate ethics provisions for the executive and legislative branches of government. Executive branch employees are also prohibited from accepting employment with a business involved in any matter in which he or she was directly involved for at least six months after terminating employment with the State. No former public official or public employee shall represent a person, with promised or actual compensation, on any matter before the governmental body with which he has been associated for one year after he leaves that body. Pennsylvania also prohibits former executive-level employees for two years, from being employed by, receiving compensation from, assisting or representing a business he or she actively helped 1 recruit to the state, 2 induced to open a new facility or branch in the state, or 3 induced to expand an existing facility in the state. This prohibition only applies if the recruitment or inducement was accompanied by a state grant or loan. The Maryland Code also places restrictions on both former state employees and former members of the General Assembly. This means that a former Maryland state employee may never assist or represent a party under some circumstances, while former members of the General Assembly are effectively prohibited from such activity for at least a year after leaving office. This prohibition does not extend to the representation of a state or local governmental entity by former General Assembly members. Lobbyist Expenditure Reporting Several surrounding states require more information in lobbyist expenditure reports than West Virginia. Such information includes expenditures on offices and salaries. Kentucky law requires lobbyists to report food, beverages, lodging and transportation. Office expenses, consulting fees, educational and promotional items, and miscellaneous expenses must also be reported. Pennsylvania requires an estimate of the total spent for personnel and office expenses related to lobbying, including benefits, vehicle allowances, bonuses and reimbursable expenses. Maryland requires the reporting of salaries, compensation, reimbursed expenses and office expenses. The Commission participates in training programs presented by the State Division of Personnel and several State agencies and associations of public agencies and personnel. The Commission also distributes copies of its quarterly newsletter to all State and county elected officials. As Table 2 illustrates, 16, newsletters are distributed annually. Ethics brochures accompany all financial disclosure forms sent to those required to file. The Commission also makes presentations to public agencies, associations of public servants and the general public. Much information is disseminated informally by the Commission through telephone calls made by public officials requesting information on specific issues. Lists of opinions, including Open Meetings Law advisory opinions, are published and copies of opinions are available from the Commission. Public officials are referred to previous opinions concerning any issue already dealt with by the Commission. Conclusion Given the small staff employed by the Commission, the fact that it is able to distribute 16, newsletters annually plus make presentations as well as respond to numerous telephone requests for information, shows that the Commission is quite active in its role of disseminating information. The Commission has demonstrated a commitment to

informing public officials and the public regarding the requirements of the Ethics Act. The Commission is most active with respect to processing financial disclosure statements and registering and monitoring lobbyists. It also publishes an annual directory of lobbyists. Although the volume of advisory opinions increased slightly during the period examined in Table 2, the Commission issued much larger numbers of opinions during its early years. At the time of this report, the Commission had issued over advisory opinions, thereby providing a considerable body of precedence that makes it unnecessary to duplicate opinions on the same issues. The Commission has received an increasing volume of informal requests for information. Informal requests are not recorded but the Commission feels that they are an important factor in keeping down the number of advisory opinions and formal complaints. As was already mentioned, only four such requests have been made during the period examined. Few officials choose to file a formal request if they are informed that it is unlikely to be granted. Summary of Commission Activities Activity.

Chapter 2 : West Virginia Code

- The West Virginia Ethics Commission announced today that it will offer a one-hour ethics training session on the West Virginia Governmental Ethics Act on Thursday, May 29, beginning at 10 a.m. at the Cabell County Courthouse, located at 5 th Avenue in Huntington.

Chapter 3 : WV Ethics Commission to Conduct Training on Governmental Ethics Act | The West Virginia S

(e) "Ethics Commission" or "commission" means the West Virginia Ethics Commission. (f) "Immediate family", with respect to an individual, means a spouse with whom the individual is living as husband and wife and any dependent child or children, dependent grandchild or grandchildren and dependent parent or parents.