ETHICS MOMENTS IN GOVERNMENT CASES AND CONTROVERSIES

DONALD C. MENZEL, Past President, ASPA

"...a marvelous addition to the resources on ethics in government. Thoughtful and engaging in style, the book draws the reader into a serious examination of what it means to be ethically competent."
—James H. Svara, Arizona State University

"It is difficult to find sufficiently comprehensive material on ethics in governance in a single volume... Don Menzel has surpassed other efforts to date."
—Terry L. Cooper, Ph.D., University of Southern California

Ethical concerns are among the most common problems public administrators face, yet the issues are often complex, and the correct choices are not always clear. Living up to the public trust is much more than just an act of compliance. It also involves perceiving, preventing, avoiding, and resolving accusations of illegal or unethical behavior, including appearances of inappropriate behavior. Ethics Moments in Government: Cases and Controversies examines how to identify, assess, and resolve the ethical issues and dilemmas that often confront those who govern the cities, counties, states, and federal agencies throughout America.

Providing a one-stop resource for all those who must contend with thorny ethical issues, this volume
- Defines the concept of an ethically competent public administrator
- Introduces the essential elements of ethical reasoning
- Provides case studies of situations routinely faced by public administrators
- Presents a usable, concrete methodology for handling a range of ethical issues
- Includes an accompanying CD with PowerPoint® slide presentations, articles, workshop programs, tests, and links to organizations

For many of the scenarios presented in this volume, there are no easy answers. Practical guidance on reasoning through difficult decision-making situations enables public administrators to acquire the ethical knowledge, skills, abilities, and instincts that will ultimately help them gain the trust of their citizens and advance in their careers.
intended it or not, since Irene may be treated differently by her supervisors just because of her relationship. Doing nothing is not a viable option since situations like this only fester and become more problematic. So, the question is what to do.

While it may have been appropriate to reprimand Officer Stone if his initial complaining to his supervisor was unprofessional in nature, unless it is clear that Stone supported his wife’s letter writing it may be difficult to hold him accountable for the media issue. This may very well be the case where trying to diffuse a negative situation through direct contact is the best approach. The PSD could meet with Officer Stone and his wife in an effort to defuse the situation, and only if that does not help the situation find other ways to deal with Officer Stone more officially. Caution is dictated in the area of official action, because adverse action against Officer Stone carries with it ethical implications or at least will likely contribute to even greater problems relating to perceptions of getting back at Stone. After all, perception is reality, and working to change perceptions could address the problem. The PSD might also totally divorce himself from the personnel evaluation process for Irene because of their relationship—again as a way to address perception.

Last but not least, the PSD should put to rest the question of the legality of his marriage to avoid future accusations.

6.8 Stacking the Deck

Controversies: 4.10, 5.17
Key Words: county, law, contractors, fairness
Case Complexity → Moderate

As the assistant to the director of a county department responsible for managing capital construction projects, your responsibilities are defined through an ordinance that requires that contractors be qualified each year, through a fair and consistent process, to bid on large construction projects. The process requires the submission of a nineteen-page form on the basis of which the contractor would be placed on a list that is distributed to county agencies.

Your office is under pressure to make the bidding process more open, particularly to minority-owned companies. As a result, the office is inundated with dozens of forms each week. It is your job to process these forms and maintain an accurate, up-to-date list and then distribute the list.
Your office is also responsible for assessing the county’s "controlled maintenance" needs, which include everything from toilets that won't flush to unsafe elevators. The available funding for these projects is estimated at about 10 percent of what is needed each year. Accordingly, one of the director's responsibilities is to increase funding by working with the capital development committee. This is primarily a technical responsibility insofar as the maintenance needs can be documented and prioritized according to their importance in the operation of county agencies. But there is also politics involved. The importance of the office, not to mention its funding, depends on the level of its responsibilities.

You receive a call from the director, who has been making his rounds on the road visiting facilities in the county. He informs you that a contractor has sent us the qualification form and hopes to bid on a rather large capital construction project. He also informs you that the president of this particular company was a good friend of a county commissioner who happens to be on the capital development committee. His instructions to you are simple: "Put the form on the top of the stack as soon as it arrives and get them on the list so that they can submit a bid."

Discussion Questions
1. Should you put the form on the top of the stack?
2. Should you confront the director and ask for an explanation?
3. Should you resign?

Case Assessment

Paul Lachapelle, Assistant Professor, Extension Community, Development Specialist, Department of Political Science, Montana State University:

The issue of "stacking the deck" is a recurrent ethics dilemma, but it is also a dilemma that is avoidable and can be readily addressed. In fact, in the interest of applying good governance principles—transparency, accountability, and equity—the matter should be addressed promptly and resolved.

Your responsibilities, as the assistant to the director of a county department, are clearly defined in statute. You are the administrator who makes certain that the process is fair and consistent. What this means is that you are responsible for ensuring that all parties have an equal opportunity to bid on any capital construction project. Your responsibilities, however, do not stop there. You are also obliged to address the unscrupulous request of your director. For this reason, you should confront the director immediately and verbally "remind" the individual that the request violates county ordinance
and would be illegal. This would give the supervisor the opportunity to withdraw the request, avoid a public embarrassment, and end the situation.

If the director persists, then you should document in writing the details of the situation and the specific request to “move the form” and provide copies to the local government’s legal counsel, elected public body, and ethics board (if one exists). “Stacking the deck” is neither ethical nor sensible; it “trumps” principles of good governance and the “gamble” is far too risky.

6.9 The Chief-of-Staff’s Daughter

The mayor of Edisonville, a midwestern community of 50,000, was reelected on a campaign pledge to make the city more responsive to its citizens. During the campaign, one irate citizen described how difficult it was to obtain city budget data. “I just found the city bureaucracy to be a labyrinth, a maze, to work through.” As a member of council, you agree—“a lot of people don’t know who to call. I think it just shows we’re not as user-friendly as we might be.”

“What should we do?” you ask. A colleague pipes up: “Why not appoint an ombudsman—a person who can troubleshoot citizen problems and perhaps get things done faster and more effectively.” The idea is brought to the mayor, who thinks it is terrific. “Let’s do it! There’s money in the current year’s budget to cover the position; all that we need to do is to write the job description.”

A few weeks later the job description is posted in the city’s personnel job directory. Seven finalists are interviewed; all are well qualified. Among the finalists is the mayor’s chief-of-staff’s daughter, June. Her work experience includes nearly three years as a constituent services representative for Governor Hur. The mayor reviews the list of finalists and appoints his chief-of-staff’s daughter.

Discussion Questions

1. Is this an act of cronyism?
2. Is it an act of nepotism? June does not report directly to her dad, the chief-of-staff, but reports to the director of the Citizen Information Center. The