

MAINE STATE LEGISLATURE

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OFFICE OF
THE GOVERNOR

NO. 10 FY88/89
DATE April 1, 1989

**AN ORDER
ESTABLISHING A CODE OF ETHICS AND CONDUCT
FOR THE EXECUTIVE BRANCH
OF MAINE STATE GOVERNMENT**

Whereas, the government of the State of Maine is established to serve the needs and interests of the People of the State of Maine; and

Whereas, the quality and amount of service provided the People depends very largely on the skill, commitment, enthusiasm, effort, and concerns of Maine State employees; and

Whereas, each State employee has inordinate opportunity for service and contribution, just as the employee has a singular trust and responsibility given by the power of the People; and

Whereas, the high quality and character of the collective performance of public servants are a fundamental source of pride and satisfaction to each one of us as individuals; and

Whereas, the Maine Revised Statutes include specific requirements for public employees and officials, including among others: Title 5, Sections 18, 19, and 20; Title 17, Section 3104; and Title 17-A, Chapter 25, Section 601 et. seq.; and

Whereas, our conduct must be more than within the letter of the law; it must seek to fulfill the spirit and intent; and

Whereas, a clear statement of the code of ethics and conduct which guides Maine State Government is both an assurance to the People and an aid to our steadfast efforts;

Now, Therefore, I, John R. McKernan, Jr., Governor of the State of Maine, do hereby set forth a code of ethics and conduct for the Officers and Employees of Maine State Government, as follows:

**Code of Ethics
Maine State Government**

1. Be guided by the highest standards of honor, personal integrity, and fortitude in all public activities in order to merit the respect of other officials, employees, and the public. Strive to inspire public confidence and trust in Maine State Government institutions.

Perceptions of others are critical to the reputation of an individual or a public agency. Nothing is more important to public administrators than the public's opinion regarding their honesty, truthfulness, and personal integrity. The best insurance against loss of public confidence is adherence to the highest standards.

Public administrators are obligated to develop civic virtues as a result of the public responsibilities they have sought and obtained. Respect for the truth, for fairly dealing with others, for sensitivity to rights and responsibilities of citizens, and for the public good must be developed, carefully nurtured and enhanced.

If responsible for the performance of others, share with them the reasons for the importance of integrity. Hold them to high ethical standards and teach them by example the moral, as well as the financial, responsibility entrusted to them.

If responsible only for your own performance, do not compromise honesty and integrity for advancement, honors, or personal gain. Be respectful of proper authority and appointed or elected superiors and sensitive to the expectations and the values of the public you serve. Practice the golden rule: doing to and for others what you would have done to and for you in similar circumstances. Be modest about your talents, letting your work speak for you. Be generous in praise of the good work of fellow workers. Guard the public purse as if it were your own.

By example, give testimony to the regard for the rights of others. Concede gracefully, quickly, and publicly when you have erred. Be fair and sensitive to those who have not fared well in their dealings with your agency and its application of the law, regulations, or administrative procedures.

2. Serve the State with respect, concern, courtesy, and responsiveness, recognizing that government service is service to the People of Maine. Keep the Legislature and public informed on pertinent issues.

Be sure answers to questions on public policy are complete, understandable and true. Encourage staff to be courteous to everyone at all times. Devise a simple system to ensure that staff gives helpful and pleasant service to the public. Wherever possible, show citizens how to deal effectively in their relations with government.

Each citizen's questions should be answered as thoughtfully and as fully as possible. If you or your staff do not know the answer to a question, an effort should be made to obtain an answer or to help the citizen make direct contact with the appropriate office.

Part of serving the public responsively is to encourage citizen cooperation and to involve civic groups. Administrators have responsibility to involve citizens with the government as far as practical, both to secure citizen support of government, and for the economies of increased effectiveness which may result. Respect the right of the public to be aware of the activities of your agency.

3. Strive for professional excellence and encourage the professional development of associates and those seeking to enter the field of public administration in order to provide effective and responsible government to the citizens of Maine. The primary role is to provide the best possible and most cost effective service to the citizens of Maine.

All employees should attend professional development meetings, read books and periodicals related to their field, and talk with specialists. The goal is to keep informed about the present and future issues and problems in a professional field and organization in order to take advantage of opportunities and avoid problems.

Serious mistakes in public administration have been made by people who did their jobs conscientiously but failed to look ahead for emerging problems and issues. State employees should be catalysts to stimulate discussion and reflection about improving efficiency and effectiveness of public services and involvement.

4. Approach organization and operational duties with a positive attitude and constructively support open communication, cooperation, creativity, dedication and compassion.

Americans expect government to be compassionate, well organized, and to operate within the law. Public employees should understand the purposes of their agencies and the roles they play in achieving those purposes. Dedication and creativity of staff members will flow from a sense of purpose.

Maine Government should strive to create a work environment which supports positive and constructive attitudes among workers at all levels. This open environment should permit employees to comment on work activities without fear of reprisal. In addition, managers can strengthen this open environment by establishing procedures ensuring thoughtful and objective review of employee concerns.

Supervisors should inform their staff that suggestions, complaints and constructive criticism may be brought to them without fear of reprisal. Employees should share these concerns and insights with their supervisor before making them public. Supervisors should be aware that employees have rights under the "Whistleblowers' Protection Act," under legislation regarding testimony provided by State employees to legislative committees, and other laws and judicial decisions. Public employees have a right to make public their criticism on matters of public concern, but it is their personal and professional responsibility not to misrepresent facts and to act in good faith. Employees need to make it clear when they are acting as an official representative of their organization and when they are exercising their rights as an individual.

5. Avoid any interest or activity which is in conflict with the conduct of official duties. Serve in a manner as to avoid inappropriate personal gain resulting from the performance of official duties.

Public employees should not undertake any task which is in conflict, or could be viewed as in conflict, with job responsibilities. This general statement addresses a fundamental principle that public employees are trustees for all the people. Actions or inactions which conflict with, injure, or destroy this foundation of trust between the people and State employees must be avoided.

Experience indicates that conflict of interest and corruption often arises as a result of interaction between persons who know each other very well. All public employees, especially those agencies with inspective or investigative responsibilities, have a special obligation to reduce vulnerability to conflicts of interest.

Individuals holding a position recognized by law or regulation as an unclassified or political appointment have a special obligation to behave in ways which do not suggest that official acts are driven by partisan political concerns.

Public employees should remember that, despite whatever preventive steps they might take, situations which hold the possibility for conflict of interest will always emerge. Consequently, constant awareness of the potential for conflict of interest is important.

The gains sought from public employment should be salaries, fringe benefits, respect, and recognition for work. Personal gains may also include the pleasure of doing a good job, helping the public, and achieving career goals. No elected or appointed public official or employee should borrow or accept personal gifts from any person or entity which buys services from, or sells to, or is regulated by, his or her governmental agency. If work requires frequent contact with contractors supplying State government, one should be sure to pay for his or her own expenses. Public property, funds and power should never be directed toward personal or political gain. It should be made clear to every State employee that any use of public funds to benefit self, family, or friends will not be tolerated.

6. Respect and protect the privileged information to which we have access in the course of official duties.

Much information in public offices is privileged for reasons of security or statutes. In conversation with colleagues about privileged matters, be sure they need the information and enjoin them to secrecy. If the work is important enough to be confidential, learn and follow the rules set by the agency. Special care must be taken to secure access to confidential information stored on computers.

Where other governmental agencies have a legitimate public service need for information possessed by an agency, do all possible to cooperate within the limits of statute, administrative regulations and promises made to those who furnish the information.

7. Use discretionary authority to promote the public interest.

If work involves discretionary decisions, first secure policy guidelines from your supervisor. Then ensure that all staff who "need to know" are informed of these policies and have an opportunity to discuss the means of putting them into effect.

There are occasions when a law is unenforceable or has become obsolete. In such cases, recommend to your supervisor that the law be modernized. After consultation with the agency's legal advisor, the manager or highest official should determine the steps necessary to modernize or abolish the law.

Acknowledge frequently that every decision creates a precedent, so all decisions should be ethically sound. This is the best protection for staff as well as for the public.

8. Accept, as a personal duty, the responsibility to be informed of emerging issues and to administer the public's business with professional competence, fairness, impartiality, efficiency and effectiveness.

Staff members, throughout their careers, should be encouraged to participate in professional activities and associations. They should also be reminded of the importance of doing a good job and their responsibility to improve the public service.

9. Support, implement, and promote programs of affirmative action to assure equal opportunity in the recruitment, selection, and advancement of qualified persons from all elements of society.

Oppose any discrimination based on race, color, religion, sex, marital status, ancestor or national origin, political affiliation, physical or mental handicaps, or age in all aspects of personnel policy. A person's lifestyle should not be the occasion for discrimination if it bears no reasonable relation to his or her ability to perform required tasks.

No form of harassment should be tolerated. All employees should be aware of and use appropriate channels to eliminate any form of harassment of which they become aware.

10. Respect and value the work done by all State employees.

Respect the worth and dignity of each individual member of the State Government organization. Through programs enhancing the quality of work life, strive to develop a more humane and caring organization.

The effective date of this Order is April 1, 1989.



John R. McKernan, Jr., Governor