

Frequently Asked Questions Regarding Executive Order 2011-03K, Ethics Policy and Training

This fact sheet addresses recent questions about the Ethics Policy and Training Requirements in Executive Order 2011-03K.

1. Does the annual training requirement apply to each calendar year, or is the one-year period determined from the time the person last received a training session in compliance with the policy?

Answer: The training applies on a calendar-year basis. Item 3 of the Executive Order provides for reporting by each agency, board or commission, each January 31 beginning with 2012, the nature of the Ethics Laws instruction provided to the agency, board or commission employees “in the previous calendar year.”

2. What if there is no Chief Legal Counsel or other in-house attorney at the board or commission? Who serves as Chief Ethics Officer, and who is required to provide the training and assistance contemplated by the policy?

Answer: If the board or commission has no Chief Legal Counsel or other in-house attorney, the board or commission may arrange for its employees and board members to attend a training session provided by the Ohio Ethics Commission. For entities that do not have any in-house attorneys, an employee of the board or commission shall be designated as the person responsible to ensure that those in the entity to which the Ethics Executive Order applies have attended a training session that complies with the Executive Order, and to keep a record of such attendance for the purpose of reporting compliance as required by item 3 of the Executive Order. For questions about the Ethics Laws or available training sessions, please contact the Ohio Ethics Commission at 466-7090.

3. Does the Ethics Executive Order apply to community college and technical college trustees, some of whom are not appointed by the Governor?

Answer: Yes. The Executive Order applies to all individuals employed in the Executive Branch of State government and members and employees of State boards, commissions and agencies. All of the members or employees above who

are subject to the Ethics Laws will be subject to the training requirements in the Executive Order.

4. Does the Ethics Executive Order apply to uncompensated board members? If so, are such board members required to attend ethics training as required by the policy annually, or every two years?

Answer: Yes, the Ethics Executive Order applies to uncompensated board members. Accordingly, they are subject to the annual training requirement in the Executive Order, particularly, in item 2 of that order. The requirements of item 3 of the Executive Order apply to “all employees of th[e] agency, board or commission subject to the financial disclosure requirement of Ohio Revised Code Section 102.02.”

5. Does a board or commission member who will be leaving the entity at the end of the year need to complete the ethics training required by the Executive Order?

Answer: Each board or commission member subject to the policy should complete ethics training annually.

6. How many hours of Ethics Law training must each employee or board or commission member subject to the Executive Order receive per year?

Answer: This Executive Order does not specify a minimum number of hours for ethics training. The amount of training may vary with the position at issue. For example, it may be appropriate for board and commission members generally to receive more training than the entity’s other employees. However, a minimum of one hour of instruction should be given each employee. Two hours of training annually may be helpful to Board and commission members and management-level employees.