Ethical Challenges Facing Legislators and Legislative Staff

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Purpose of Session

- Learn how you and other legislators and staff perceive, analyze and respond to ethical challenges
- Examine resources and frameworks that help you make ethical decisions
- Challenge your own assumptions and practices
Overview

- Understand why it matters and what it means
- Identify typical areas of ethical tension
- Learn the tools that can help you
- Discuss case studies
2002 Salvation Army Dilemma

- Florida Lotto winner wants to give $100,000 to local branch of Salvation Army
- Salvation Army is a bible-based organization dedicated to meeting human needs (including gambling addiction)
- Take the money---many important uses
- Refuse the money---would violate core beliefs
Why Does Ethical Behavior Matter?

- Builds trust with citizens, legislators and staff
- Builds a better work product
- Creates a healthier environment in which to work
- Fosters a sense of pride and competence
- Promotes personal and professional integrity
Defining Ethics

- Doing what is right
- Elements include requirements and principles/values
- Rules of professional conduct
- Viewpoints of legislators, public and staff
- Practical application
- Group discussion
Themes for Legislators

- Follow your own moral compass-what "should" I do?
- The "mom" test
- The "headline" test
- Find colleagues you respect and talk it through
- Take time to reflect on tough decisions
- Use common sense and experience
Themes for Staff

Themes from other counsel and staff—what’s important:

- Keep your eye on the big picture—what helps the legislative process and institution
- Be strongly nonpartisan
- Zealously work for each legislator
- Use common sense and experience
Themes with Cautions

- Keep your eye on the big picture---what helps the legislative process and institution [but who decides what is best for the institution?]

- Be strongly nonpartisan [but aren’t legislators pushing for something more?]

- Zealously work for each legislator [but what happens when their interests differ?]

- Use common sense and experience [but what if you’re new or stuck in a rut?]
Challenges Come without Warning

- Answer questions and do work on tight time frames
- Committee work can take unexpected turns
- Handling multiple tasks
- Working with the media
- Operating in "transparent" environment
Legislator Tension Points

Typical areas of tension:

- Do I vote or make other decisions based on constituent input, personal belief or party loyalty?
- Do I do what is best for my district or my state?
- How far can I go in providing constituent service?
- What do you get for your campaign contribution?
- What's fair in advocating for or against a bill?
- What's fair in criticizing a colleague?
- Am I loyal to the legislature or …?
Staff Tension Points

Typical areas of tension:

- Who is the client: legislator or legislature?
- What does confidentiality really mean?
- Where do your loyalties lie?
- Do it right or do it quick?
- Do you provide the same level of service to each legislator and for each issue?
- Should you be quiet or speak up?
What’s your opinion?
Should you change your draft or other work product?
What is your province and what is the legislator’s?
What may you accept from lobbyists or others in the legislative arena?
What are your personal beliefs?
What if prevailing practice seems wrong?
Right vs. right - tension involves "good" values or loyalties
- What has priority?
- Is there a way to balance values or loyalties?

Right vs. wrong - tension involves a "good" and "bad" choice
- Why do we make bad choices?
What helps?

Help through ethical challenges:

- Learn on the job
- Seek advice from supervisors and colleagues
- Plan for typical tension areas
- Understand the legal requirements, rules and agency policies
- Follow applicable codes of conduct
- Examine personal and agency values
Values Exercise

Group Discussion:

- What values guide your decisions as a legislator or staffer?
- What are the most important values?
Legal and Regulatory Requirements

- Laws
- Legislative rules
- Supreme Court rules
- Legislator or staff codes of conduct or manuals
- Directives from your leaders or superiors
Small Group Exercise

- Break into small groups
- Choose a facilitator and recorder/reporter for each group
- Work through as many case studies as possible, starting with the case assigned by the trainer
- Large group discussion
Wrap-up

Guidance comes from:

- Learning on the job
- Getting advice from supervisors and colleagues
- Planning for typical tension areas
- Learning laws, rules and policies
- Adhering to your personal and professional values and beliefs