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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

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A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES - CODE OF CONDUCT

Introduced By: Representatives McLaughlin, and Messier

Date Introduced: February 05, 2015

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 36 of the General Laws entitled "PUBLIC OFFICERS AND  
2 EMPLOYEES" is hereby amended by adding thereto the following chapter:

3 CHAPTER 14.2

4 CODE OF CONDUCT

5 **36-14.2-1. Declaration of policy.** – It is the policy of the state of Rhode Island that  
6 public officials, public employees, and candidates for public office must adhere to the highest  
7 standards of civility and decorum in the conduct of their duties, responsibilities, and campaigns  
8 for public office.

9 **36-14.2-2. Definitions.** – As used in this chapter:

10 (1) "Employees of state and local government, of boards, commissions, and agencies"  
11 means any full-time or part-time employees in the classified, nonclassified, and unclassified  
12 service of the state or of any city or town within the state, any individuals serving in any  
13 appointed state or municipal position, and any employees of any public or quasi-public state or  
14 municipal board, commission, or corporation;

15 (2)(i) "State agency" means any department, division, agency, commission, board, office,  
16 bureau, authority, or quasi-public authority within Rhode Island, either branch of the Rhode  
17 Island general assembly, or an agency or committee thereof, the judiciary, or any other agency  
18 that is in any branch of Rhode Island state government and which exercises governmental  
19 functions other than in an advisory nature;

1 (ii) "Municipal agency" means any department, division, agency, commission, board,  
2 office, bureau, authority, quasi-public authority, or school, fire, or water district within Rhode  
3 Island other than a state agency and any other agency that is in any branch of municipal  
4 government and exercises governmental functions other than in an advisory nature;

5 (3) "State or municipal appointed official" means any officer or member of a state or  
6 municipal agency as defined herein who is appointed for a term of office specified by the  
7 constitution or a statute of this state or a charter or ordinance of any city or town, or who is  
8 appointed by or through the governing body or highest official of state or municipal government;  
9 and

10 (4) "State or municipal elected official" means any person holding any elective public  
11 office pursuant to a general or special election.

12 **36-14.2-3. Code of conduct.** – Sections 36-14.2-4 and 36-14.2-5 shall constitute the  
13 Rhode Island code of conduct in government.

14 **36-14.2-4. Persons subject to code of conduct.** – The following persons shall be subject  
15 to the provisions of the Rhode Island code of conduct in government:

16 (1) State and municipal elected officials;

17 (2) State and municipal appointed officials;

18 (3) Employees of state and local governments, boards, commissions, and agencies; and

19 (4) Candidates for state and local offices.

20 **36-14.2-5. Persons subject to code of conduct.** – (a) All persons subject to this code of  
21 conduct have a responsibility to adhere to the highest ideals of civility and decorum in dealing  
22 with their fellow state and local elected and appointed officials, state and local employees, and  
23 other candidates for state and local offices, and shall at all times honor the public trust and dignity  
24 bestowed upon them as community leaders.

25 (b) All persons subject to this code of conduct shall:

26 (1) Demonstrate honesty and integrity in every action and statement;

27 (2) Comply with both the letter and spirit of the laws and policies affecting the operation  
28 of government;

29 (3) Serve as a model of leadership and civility to the community;

30 (4) Inspire public confidence in state and local government;

31 (5) Work for the common good, not personal interest;

32 (6) Fully participate in sessions, meetings, and other public forums while demonstrating  
33 respect, kindness, consideration, and courtesy to others;

34 (7) Be responsible for the highest standards of respect, civility, and honesty in ensuring

1 the effective maintenance of intergovernmental relations; and

2 (8) Respect the proper roles of state and local elected officials, and state and local staff  
3 and employees in ensuring open, transparent, and effective government.

4 (c) All persons subject to this code of conduct serving in the general assembly, or on city  
5 or town councils or as members of any board, commission, or agency shall:

6 (1) Keep in mind that despite the wide variety of backgrounds, personalities, values,  
7 opinions, and goals, all serve the common goal to improve the quality of life in this state and the  
8 various cities and towns, even as these individuals may "agree to disagree" on contentious issues.

9 (2) In public meetings:

10 (i) Use formal titles;

11 (ii) Practice civility and respect in discussions and debate and be respectful of diverse  
12 opinions;

13 (iii) Honor the role of the presiding officer in maintaining order and equity;

14 (iv) Demonstrate effective problem-solving approaches; and

15 (v) Be respectful of other people's time.

16 (3) In private encounters:

17 (i) Treat others as one would like to be treated;

18 (4) Conduct with staff and employees:

19 (i) Treat all staff and employees as professionals;

20 (ii) Channel communications through the appropriate senior staff and managers;

21 (iii) All members should have the same information with which to make decisions;

22 (iv) Never publicly criticize an individual employee. Criticism is differentiated from  
23 questioning facts or the opinion of staff;

24 (v) Do not get involved in administrative functions; and

25 (vi) Respect the competing demands for staff and employee work.

26 (5) Conduct with boards and commissions:

27 (i) If attending a board or commission meeting, identify one's comments as personal  
28 views or opinions;

29 (ii) Remember that boards and commissions are advisory to the state, city, or town as a  
30 whole, not individual state, city, and town officials;

31 (iii) Concerns about an individual board or commission member should be pursued with  
32 tact;

33 (iv) Be respectful of diverse opinions;

34 (v) Keep political support away from public forums; and

- 1           (vi) Maintain an active liaison relationship.
- 2           (6) Employees of state and elected public officials, city and town councils, and the  
3 general assembly shall conduct themselves as follows:
- 4           (i) Respond to questions as fully and as expeditiously as is practical;
- 5           (ii) Respect the role of elected public officials, members of city and town councils, and  
6 the general assembly as policy makers for the state, city, or town;
- 7           (iii) Demonstrate professionalism and non-partisanship in all interactions with the  
8 community and in public meetings; and
- 9           (iv) Demonstrate respect for the general assembly and city and town councils at all times.

10 All members should be treated equally.

11           **36-14.2-6. Enforcement.** – Any violations of this chapter shall be enforced by the Rhode  
12 Island ethics commission pursuant to the provisions of §§ 36-14-8 through 36-14-14.

13           **36-14.2-7. Judicial review.** – Any action taken by the commission pursuant to this  
14 chapter shall be subject to review pursuant to chapter 35 of title 42.

15           **36-14.2-8. Penalties.** – Any person who knowingly and willfully violates the provisions  
16 of this chapter, in addition to the civil penalties provided in chapter 14 of title 36, shall be subject  
17 to a fine of not more than one thousand dollars (\$1,000).

18           **36-14.2-9. Construction.** – The provisions of this chapter shall be construed to be in  
19 addition to, and not in substitution of, any other provisions of law not inconsistent herewith.

20           **36-14.2-10. Severability.** – If any provision of this chapter, or the application thereof to  
21 any person or circumstance is held invalid, the validity of the remainder of the chapter and the  
22 application of the provisions to other persons and circumstances shall not be affected thereby.

23           SECTION 2. This act shall take effect on September 1, 2015.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO PUBLIC OFFICERS AND EMPLOYEES - CODE OF CONDUCT

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1           This act would establish a code of conduct for elected public offices, state and municipal  
2 employees, and candidates for state and local office enforced by the Rhode Island ethics  
3 commission.

4           This act would take effect on September 1, 2015.

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