Everyday Ethics for Local Officials

Promoting a Culture of Ethics at Your Agency

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QUESTION

Our agency recently experienced an embarrassing scandal when one of our department heads circumvented our contracting procedures to steer a contract to a friend. To make matters worse, there were cost overruns and the product that was ultimately delivered didn't fully meet the agency's needs. The media had a field day, accusing the agency of cronyism and misuse of taxpayer resources.

This showed a major lapse in judgment by the department head, who is otherwise a very hard-working and conscientious person. Top management and elected officials are evaluating ways to prevent such lapses from occurring again. Do you have any suggestions?

ANSWER

Human nature being what it is, it can be difficult to prevent all lapses of judgment. There are, however, some strategies an organization can pursue to minimize them. It all boils down to promoting a culture of ethics within the organization.

What's the Message?

Organizations send messages in various ways to their employees about what's important. For example, one way people can get into trouble is if the prevailing culture of the organization is to value a "just get it done" or "do whatever it takes" approach to job tasks and responsibilities. It's an issue of the ends versus the means. Are the ends all-important or is the process by which ends are achieved also an important concern?

Ethics, of course, is about the *means* by which ends are achieved. If your organization emphasizes and rewards only outcomes, you may be inadvertently signaling that the means or processes by which people go about doing their jobs doesn't matter to the organization or - even worse - that the organization views the ends as justifying any means.

The Role of Ethics Codes or Including Values in a Mission Statement

Another way of signaling that ethics is important to the organization is to have an adopted set of organizational values to guide staff and, potentially, other members of the agency's leadership. Simply adopting such a set of principles is not enough, however. As the Ethics Resource Center counsels, "Don't just print, post and pray." The organizational values need to be integrated and highlighted at every opportunity for such a statement to truly play a role in fostering a culture of ethics.

For example, are the mission statement and organizational values posted on the agency's website? This is part of making a public commitment to live by those values and "walk the talk."

Are the agency's values part of the regular expression of management's expectations of employees? For example, in its book *The Ethics Edge,* the International City/County Management Association (ICMA) recommends that managers use staff meetings to explore and review the ethical dimensions of decisions and actions. ICMA notes that this helps employees be aware of the priority given to ethical concerns and communicates that ethical considerations are an integral part of their job responsibilities.

Are candidates for employment provided with the statement of organizational values? Are they asked to commit to it upon accepting employment with the city? (For example, the City of Santa Rosa does this with its executive staff ethical guidelines.) Are the values included as part of the employee orientation process? Are they part of the employee evaluation and discipline process?

If the agency has a mission statement, are one or more values relating to ethics (for example, trustworthiness) part of that mission statement? It can be confusing for employees and the public if an agency has too many separate statements about which principles the organization says it lives by. It's better to have one statement that everyone can remember and internalize than multiple statements that may lead readers to question which set of statements are really important or whether it's just about making statements for the sake of making statements.

Hiring for Ethics

As Brian Kammerer, human resources director for the City of Oceanside, observes, the prevailing wisdom is that organizations need to hire for attitude and train for skills. Ethics, of course, is a major aspect of an individual's attitude. In fact, the Josephson Ethics Institute goes so far as to modify this advice to "hire for character and train for skills." Although this advice may be too broad for top-level positions, the point remains that character is an important consideration in any hiring situation.

Strategies for Fostering a Culture of Ethics

1. Evaluate the prevailing message being sent by the organization's leaders: Is it about "getting it done" or is it also about *how* the organization's work is accomplished?

2. Include ethics-related values in the organization's mission statement and/or adopt a values-based code of ethics to help guide conduct.

3. An organization's leaders must model the kinds of values-based behaviors the organization seeks from its staff.
4. Hire for ethics.

5. First impressions are lasting ones. Include the organization's commitment to ethical behavior in employee orientations, including information on who employees can consult if they face an ethical dilemma.

6. Provide ongoing training and resources to employees on ethical decision-making.

7. Include ethics-related considerations in employee performance reviews.

8. Consider whether a more structured assessment of the organization's ethical culture would be useful.

How Can You Screen for Character?

The goal is to attract candidates whose values are compatible with those of your agency. One strategy for doing this is to publicize the agency's values as part of the recruitment and application process.

Another is to conduct a thorough background review of applicants, according to Dana Whitson, Sausalito city manager. This includes routinely verifying college degrees and certifications and checking driving and criminal records. An applicant who is willing to mislead an employer in order to be favorably considered for a job is likely to mislead the employer on other matters.

Reference checks are also critically important and should include questions about behaviors and attitudes as well as skills and communications ability. Whitson recommends that reference checkers listen for what is *not* said. He also suggests asking

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references to add anything that was not asked. A warning sign may be references who struggle to find the right and diplomatic thing to say about a candidate.

Kammerer adds that reference checkers need to assure themselves that not only did the person work where and when they have stated on their résumé, but also that they've accurately reported their job title and the scope of their responsibilities.

There are also questions one can ask as part of the interview process.

Include Ethics in Each Employee's Orientation

The adage about the importance of first impressions holds true with new employees' impressions of their new workplace. This is especially true if the employee may be unfamiliar with the special ethical obligations associated with working in the public sector. The employee may be completely unfamiliar with the role perception can play in the public's trust and satisfaction with the way the agency does business; they also may be unaware that practices that are commonplace in the private sector (such as steering business to friends, for example) may not be appropriate in the public sector.

ICMA recommends, for example, that new employee orientations include:

- A clear and concise statement by the chief administrator of the agency's expectations concerning employee's sensitivity to ethical concerns;

- Training on federal, state and local laws that apply to the employee's actions;

- An explanation of the organization's management philosophy - its mission and values; and

- The organization's processes for holding employees accountable for both ethical and lawful behavior, including safeguards that exist against groundless or unfair accusations.

Another issue to cover is where an employee should go for advice within the organization if he or she faces an ethical dilemma and is unsure of how to resolve it. Usually one's immediate supervisor is the first choice (and employees should be encouraged to ask how a given course of action may dovetail with the organization's stated commitment to ethics). If this approach proves unproductive, the employee should be encouraged to work up the chain of command.

Of course, ongoing training and discussion about ethics are important to underscore the agency's commitment to ethics and providing employees the decision-making tools to resolve ethical dilemmas wisely. Such training should include opportunities for employees to share thoughts about how to analyze and resolve commonly faced ethical dilemmas in their respective roles, if possible.

Performance Evaluation

Providing regular feedback - positive and negative - to staff on ethics issues is another important element in promoting a culture of ethics. Management experts note that behaviors that are rewarded are those that will be repeated. ICMA recommends the following as examples of ethics-related performance standards:

- Performing activities in accordance with relevant laws and regulations;

- Setting a good example in situations where discretion is required; and

- Demonstrating commitment to the organization's mission, goals and values.

ICMA also notes that it's helpful to publicly acknowledge positive examples of ethical conduct and to address violations of ethical standards consistently and fairly.

Leading by Example

A key element of fostering an ethical culture is the behavior and attitudes of the organization's leadership. As one longtime observer of government noted in a recent workshop, it's about "the tone at the top." The commitment of agency leaders to consistently demonstrate high standards of honesty, transparency and trustworthiness is key to infusing those standards in the organization's day-to-day operations.

Seeking Feedback

Finally, it can be helpful to assess your agency's culture. The Ethics Resource Center suggests pondering the following questions:

What are the norms of behavior? What is valued? Are employees rewarded for succeeding at any cost or are they urged to be shepherds of the [organization's] reputation as well as its assets? What pressures do they face to commit misconduct? What systemic problems exist that could encourage good people to make bad decisions?

The Institute for Local Government (ILG), in collaboration with ICMA, has developed a questionnaire to assist local agencies with such an assessment. The questionnaire is available online at www.ca-ilg.org/culturechecks. This questionnaire supplements the "Ethics Law Compliance Best Practices" that ILG also makes available to local agencies to reduce the likelihood of ethics law-related missteps (www.ca-ilg.org/ethicsbestpractices).

Conclusion

Vince Lombardi once observed that "Individual commitment to a group effort [is] what makes a team work, a company work, a society work, a civilization work." The challenge for any organization's leaders, as ICMA notes, is to have strategies to inform, inspire and encourage individuals to act ethically - and also to hold them accountable when they do not. This is the best way to prevent ethical and legal lapses at all levels of an organization.

Interviewing for Ethics

1. Carefully probe claimed accomplishments, skills and/or competencies on an applicant's résumé, particularly if an accomplishment seems inconsistent with the job title or an applicant's level of experience.

   A candidate's discomfort or hesitancy in providing specifics may be a sign of résumé inflation; so is a defensive reaction to a question in the first place. This can indicate that the candidate doesn't in fact have the claimed qualification and may be trying to bluff his or her way out of a tight spot. Even if the candidate does have the qualification, a defensive or cranky reaction can indicate sensitivities or proclivities that would contribute negatively to your agency's work environment.

2. Ask the candidate about an ethical dilemma they have faced in a past position and how they resolved it. Also inquire, "Knowing what you know now, would you approach the issue in the same way?"

   In this question, you are looking at a threshold matter for whether an individual thinks in terms of ethical dilemmas. Unless the candidate is applying for an entry-level position or is early in his or her career in terms of previous work experience, most applicants will have encountered some situation that gave them pause for thought. If he or she hasn't, it may be that the candidate doesn't look at situations in terms of presenting ethical dilemmas.

   If he or she has faced a dilemma, what do you think of the way the applicant resolved the dilemma? Does it appear that the individual is concerned with doing the "right thing," even at a potential cost? If the individual took the expedient route over what might be characterized as the ethical route, is there a sense of regret and a realization that he or she should have approached the issue differently? Honesty, self reflection and a capacity for growth can be valuable qualities in a candidate.

Conversely, a candidate can react too righteously to a situation. If the candidate perceived a wrong and then immediately went to the media without making any effort to work up the chain of command, this can indicate a superficial commitment to promoting ethics in the workplace.

3. Probe how the candidate would deal with the following situation: "You're facing an important deadline, but meeting it would involve not complying either with city practices or legal requirements. Do you meet the deadline or do you follow the city's requirements? Why?"

    With this kind of question, the issue is the extent to which process and following the law is important to the candidate. Candidates with either a "get it done" or "whatever it takes" mentality can get a public agency into trouble. To the extent that an agency has publicized its values as part of the application process, the applicant's answer may reflect how seriously he or she took the agency's stated commitment to those values.

4. Explore a scenario like the following that might arise in the position for which the person is applying. An example might be: "An individual who does business with the city or has an application pending with the city asks you to lunch and offers to pay. Do you accept the invitation to lunch? Do you let him or her pay? Why or why not? What do you say?"

    This kind of question (or some variation relevant to the position for which the candidate is applying) can help the interviewer assess how sensitive the candidate is to issues of public trust and the appearance of impropriety. There might also be an issue of perception even on the part of the individual who is extending the invitation. Even if the individual extending the invitation "plays the game," he or she may resent having to do so or may simply assume that currying favor is necessary to achieve a desired outcome.

5. Present a situation - relevant to the position - where an employee might be tempted to act dishonestly. Alternatively, ask them how they have handled a situation in which they made a mistake in a past position, noting that virtually everyone makes mistakes.

    Again, unless the applicant is very early in his or her career in terms of previous work experience, most applicants will have had occasion to err. If they deny that they ever have, it may be a signal that they are not willing to admit to mistakes and alert their manager to situations that may benefit from corrective action before developing into something more embarrassing for the agency.

What you're looking for in this answer is a willingness to admit mistakes and be part of the corrective action. Not only is this a useful quality in terms of the organization's ability to do damage control, it also signals a willingness to take personal responsibility for one's actions, even if it comes at a potential cost in terms of embarrassment, discipline or something more severe.

6. For applicants for more senior-level positions, ask about the relationship the candidate had with the agency attorney in prior employment situations.

   If the positions an individual held in the past should have involved some consultation with attorneys, a lack of consultation may signal a sort of "don't ask, don't tell" attitude about complying with the law. Similarly, a derisive or dismissive reaction to the role attorneys play within an agency can signal a tendency to want to cut corners in terms of complying with the law. While lawyer-bashing may be popular, candidates that are committed to following the law on their employers' behalf are likely to have had a solid working relationship with past employers' attorneys.

7. Ask whether the candidate is familiar with and ascribes to his or her profession's code of ethics (see list below).

   The following organizations have adopted statements relating to professional standards of ethics:

   - The International City/County Management Association;

   - The American Institute of Certified Planners;

   - The International Institute of Municipal Clerks;

   - The California Society of Municipal Finance Officials; and

   - The City Attorneys Department of the League.

   An applicant's familiarity with his or her profession's standards is an indicator of his or her sensitivity to the unique ethical issues the profession faces, as is his or her adherence to those standards. (Links to these various codes are available from the "Staff Relations" section of the ILG Ethics Resource Center at www.ca-ilg.org/trust.)

Tips on Adopting Values-Based Ethics Codes

A values-based ethics code identifies the values that are important to the organization and how they apply to the organization's efforts. A values-based code is a list of "do's," whereas a rule-based code tends to be more of a list of "don'ts." Typical values include trustworthiness, respect, responsibility and fairness.

The Institute for Local Government (ILG) has published a process-oriented guide on adopting a values-based ethics code. The guide is available free online in electronic form at www.ca-ilg.org/ethicscodes; hard copies can also be purchased at (www.ca-ilg.org/ilgpubs). In fact, the "Ethics Codes" section of the ILG website offers a number of resources on the topic, including sample codes adopted by other public agencies.

This piece originally ran in *Western City* Magazine and is a service of the Institute for Local Government (ILG) Ethics Project, which offers resources on public service ethics for local officials. For more information, visit www.ca-ilg.org/trust.