

Chapter 15 Ethics, Outside Employment, Nepotism, and Political Activities

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15.01 Code of Ethics

The Wisconsin Code of Ethics is issued by the Administrator of the Division of Merit Recruitment and Selection and is included in the Wisconsin Administrative Code (ER-MRS 24). The ethical standards which are set forth are intended to avoid conflicts of interest between employees' personal interests and their public job responsibilities. ER-MRS 24 is a more complete statement of the code and may be obtained from your division Personnel Representative.

A. Definition

"Organization" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, self-employed individual, trust or any other legal entity other than an individual or body politic which engages either in nonprofit or profit-making activities.

B. Conflict of Interest

Activities which will cause a conflict of interest are prohibited. A conflict of interest exists whenever:

- a. The employee's action or failure to act propitiously could reasonably be expected to directly or indirectly produce or assist in producing a private benefit for the employee or the employee's immediate family or an organization with which the employee is associated; or
- b. The matter is one in which the employee in his or her private capacity, or a member of the employee's immediate family, or an organization with which the employee is associated, has a substantial interest.

C. Rights and Responsibilities

The Code of Ethics affirms certain employee rights and responsibilities:

- a. Employees retain the right to be paid fees for papers, appearances or talks made by an employee on the employee's own time and not directly part of the employee's job duties. It is the employee's responsibility to notify his/her supervisor before accepting such a fee.
- b. Employees are to refrain from use of state property for personal reasons with the exception of the use of state telephones for essential personal local calls.
- c. Outside employment is addressed in Ch. 15.02.
- d. Employees who are involved or about to be involved in any matter that could result in a conflict of interest on his or her part, shall so notify the Personnel Representative or Dean or Director by submitting a written statement describing the matter requiring action or decision, and the nature of the possible conflict of interest with respect to such action or decision.

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15.02 Outside Employment

Employees may engage in outside employment. Colleges, departments or employing units may have a policy which identifies those activities which are likely to cause a conflict of interest and require employees to obtain prior approval before accepting outside employment.

Outside employment is addressed in the Wisconsin Code of Ethics [ER-MRS 24.045].

Full-time state employees are prevented by state statute [s.16.417 (2)] from receiving more than \$12,000 as compensation for services during the same calendar year from another state agency or in another position in the same agency. See Chapter 11 for additional information and the required Overload Request Form.

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15.03 Nepotism

Policy

The UW-Madison often employs members of the same family. Although there is no restriction regarding employment of relatives, there could be conflicts of interest in certain circumstances. Therefore, to avoid possible conflict of interest, any UW-Madison appointing authority or supervisor related by blood, marriage, or adoption to an employee or job applicant must not participate either formally or informally in decisions to hire, retain, promote or determine the salary of that other person.

This policy supersedes the sections of the classified Code of Ethics [ER-MRS 24.04 (e) and (f)] that permit a classified employee to effectively recommend or decide to hire or promote an immediate family member if that person's name has been certified from an open or competitive register. UW-Madison policy requires that another person with hiring authority effectively make the hiring decision. To avoid even the appearance of nepotism you must obtain written approval from the Classified Human Resources, via the appropriate division/dean's office, before making such appointments to the classified staff.

In circumstances where a supervisor and an employee or job applicant have a close personal relationship which can reasonably be perceived as potentially compromising the supervisor's ability to function independently, the relationship is considered equivalent to a family relationship and the parties will be subject to the provisions of the nepotism policy.

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15.04 Political Activities

State law (s.230.40, Wis Stats) places certain restrictions on the political activities of classified state employees. While on state-time or engaged in official duties, classified employees are prohibited from soliciting or receiving political contributions, soliciting political assistance, subscription from other classified employees or engaging in any partisan political activity. A classified employee may be granted a leave of absence to participate in partisan political campaigning.

If a classified employee runs for partisan political office, he/she shall be given a leave of absence during the campaign and, if elected, shall separate from classified employment upon assuming office. A person who leaves classified service to fill an elective office shall have reinstatement eligibility for three years following termination or for one year following the end of the elective term of office, whichever is greater.

Violation of any of these statutory restrictions may be grounds for dismissal.