

---

## EMPLOYEE CODE OF ETHICS

---

### 11.1 INTRODUCTION

All employees of the Judicial Branch must comply with the employee code of ethics. Employees who are attorneys or court reporters shall also be bound by their respective codes of ethics. Any official who performs judicial functions, including an Associate Juvenile Judge, Hospitalization or Probate Referee, Special Master, or Magistrate shall comply with the Code of Judicial Conduct.

The appointing authority reserves the right to take timely and appropriate disciplinary action for any violations of this Code. Additionally, charges of unethical conduct involving employees may be submitted to and investigated by the Judicial Qualifications Commission. If the appointing authority has already taken disciplinary action for the ethics violation cited, a record of such action shall be forwarded to the commission upon the commission's formal request. The commission may recommend additional disciplinary action. Upon application by the commission, the Supreme Court may discipline or remove an employee for conduct which violates the employee code of ethics.

## **11.2 ABUSE OF POSITION AND CONFLICT OF INTEREST**

1. An employee shall not use or attempt to use his/her official position to secure unwarranted privileges, advantages, or exemptions for the employee or others.
2. Employees shall not use undue influence to gain, or attempt to gain, personal advantage or advantage for a family member or friend in the courts.
3. No employee shall accept, solicit or agree to accept any gift, favor or anything of value based upon any understanding, either explicit or implicit, that the official actions, decisions or judgment of any employee or official would be influenced thereby.
4. Employees shall report to their supervisor any offer of a bribe or gratuity.
5. No employee shall request or accept any fee or compensation beyond that received by the employee for any matter related to the employee's job.
6. An employee shall avoid conflicts of interest, or the appearance of conflicts, in the performance of the employee's official duties. A conflict of interest exists when the employee's objective ability or independence of judgment in the performance of his/her job is impaired or may reasonably appear to be impaired. A conflict also exists when the employee or the employee's family or business would derive financial gain as a result of the employee's position within the court system.
7. Transacting business as an employee of the Judicial Branch with any business entity in which the employee has an interest is prohibited.
8. Employees shall not keep secret or unavailable information or records which are public or which rightfully should be furnished to government employees and the public.
9. No employee shall intentionally alter, falsify, destroy, mutilate, backdate, or fail to make required entries on any records within the employee's control, or give false information. This provision does not prohibit alteration or expungement of records or documents pursuant to law, court rule or a court order.
10. No employee shall refuse to enforce or otherwise carry out any properly issued rule, directive or court order, nor shall any employee exceed that authority.

## **11.3 OUTSIDE EMPLOYMENT AND ACTIVITIES**

1. Each employee's position with the Judicial Branch is the Employee's primary employment and deserves primary attention. Outside employment is permissible only if it complies with all of the following criteria:
  - a. The outside employment is not with an entity that regularly appears in court or conducts business with the court system.

- b. It does not require the employee to have frequent contact with attorneys who regularly appear in the court system.
- c. The outside employment is capable of being fulfilled outside working hours and is not incompatible, inconsistent, or in conflict with the performance of the employee's duties and responsibilities.
- d. The outside employment does not require or induce the employee to disclose confidential information contained in court records or acquired through official duties.
- e. The employee has received supervisory approval, in writing, prior to accepting the outside employment.
- f. Judicial Branch employees may not perform work for another state agency or department which is the same or substantially similar to the work performed as part of your regular duties.

#### **11.4 POLITICAL ACTIVITY**

1. Employees have the right to register to vote, vote in any primary or general election for the candidate of their choice, privately express their views on off-duty hours, and make voluntary contributions to political parties or individuals running for office.
2. No employee shall engage in any political activity during scheduled work hours, on state property, or when using state vehicles or equipment. Political activity includes, but is not limited to:
  - a. Displaying campaign literature, badges, stickers, signs, or other items of political advertising on behalf of any party, candidate, agency or candidate for political office.
  - b. Soliciting signatures for a political candidacy.
  - c. Soliciting or receiving anything of value as a partisan political contribution or subterfuge for such contribution from any other person for any political party or any person seeking political office.
3. No employee shall use his/her official position or title within the Judicial Branch in connection with any political activities.
4. No employee shall use public property or supplies to secure contributions or to influence an election for any political party or any person seeking political office.
5. No employee shall promise or use influence to secure public employment or other benefits financed from public funds as a reward for political activity.

6. No employee shall engage in partisan political activities during working hours.
7. No employee shall discriminate in favor of, or against, a judicial officer, employee or applicant for employment on account of their political preferences, contributions or political activity permitted by this code.
8. See Section 5.13, Election leave, regarding statutory provisions (Iowa Code §55.4) for employee leave in the event of candidacy for a contested primary, special, or general election, and election or appointment to paid, partisan office.

## **11.5 CONFIDENTIALITY**

Definition: For the purposes of this rule, confidential information includes, but is not limited to, information that must be kept confidential pursuant to the Iowa Code, federal law, court rule or court order, unless otherwise ordered by a court or by a person authorized to release such information, and any information that is the work product of any Judge, Judicial Law Clerk, or Attorney employed by the Judicial Branch including, but not limited to, notes, papers, and memoranda.

1. No employees shall disclose to any unauthorized person for any purpose any confidential information or records acquired in the course of employment, or acquired through unauthorized disclosure by another.
2. No employee shall unethically use confidential information.
3. Employees shall not remove confidential records without proper authorization.
4. Employees should avoid initiating or repeating ex parte communications from litigants, witnesses, attorneys, or any other source to Judges or jury members unless necessary for legitimate procedural reasons associated with discharging official duties.

## **11.6 RELEASE OF NEWS INFORMATION**

No personnel rule is intended to restrict the rights of an individual employee to comment as a private citizen on a public matter. However, all media requests for information on Judicial Branch business should be referred to a supervisor or an employee designated to respond to such requests.

## **11.7 GIFTS**

The Iowa Supreme Court has approved rules which regulate the acceptance of gifts, honoraria, outside employment, and outside business in Iowa Court Rule 22.22.

1. **Definition of a gift.** Gifts subject to restriction must be 1) something of value given to a Judge, employee, spouse or child, 2) for which something of equal or greater value was not given in return, 3) by a person who is a restricted donor, and, 4) for which no exception applies.

There are 11 **exceptions**. A gift is **not**:

- a. Information material relevant to the official's or employee's duties, such as books, pamphlets, reports, documents or periodicals, or the cost of registration for an education conference or seminar which is relevant to the official's or employee's duties.
- b. Anything received from a person related within the fourth degree of kinship\* or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

- \*1st Degree: Parents, children, spouses.
- 2nd Degree: Grandparents, grandchildren, brothers, sisters.
- 3rd Degree: Aunts, uncles, nephews, nieces, great-grandparents.
- 4th Degree: Cousins, great aunts, great uncles, great-great-grandparents, grandnephews, grandnieces.

- c. An inheritance or bequest.
- d. Anything available or distributed to the public generally without regard to the official status of the recipient.
- e. Actual expenses of a donee for food, beverages, travel, and lodging, which is given in return for participation at a meeting as a speaker, panel member or facilitator, when the expenses relate directly to the day or days on which the donee participates at the meeting, including necessary travel time.
- f. Plaques or items of negligible resale value given as recognition for public service.
- g. Non-monetary items with a value of three dollars or less that are received from any one donor during one calendar day.
- h. Items or services solicited or given to a state, national or regional organization in which the state of Iowa or a political subdivision of the state is a member.
- i. Items or services received as part of a regularly scheduled event that is part of a conference, seminar or other meeting that is sponsored and directed by any state, national or regional organization of which the Judicial Branch is a member.
- j. Funeral flowers or memorial to a church or nonprofit organization.

- k. Gifts which are given to an official or employee for the official's or the employee's wedding or twenty-fifth or fiftieth wedding anniversary.

2. **Definition of Restricted Donor.**

- a. A party or person involved in a case pending before the donee.
- b. A party or person seeking to be a party to any sale, purchase, lease or contract involving the Judicial Branch or any of its offices if the donee has authority to approve the sale, purchase, lease or contract, or if the donee assists or advises the person with authority to approve the sale, purchase, lease or contract.
- c. A person who will be directly or substantially affected by the performance or nonperformance of the donee's official duties in a way that is greater than the effect on the public generally or on a substantial class of persons to which the donor belongs as a member of a profession, occupation, industry or region.

[NOTE: This prohibits employees from giving gifts valued over \$3 to their supervisors unless covered by an exception (wedding or 25th wedding anniversary, for example), or where there is an exchange of gifts of roughly equivalent value.]

3. **Determining gift value.** An individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons giving it; the value shall be the value actually received by the recipient.

4. **Donation exception.** Officials, employees, or spouses and minor children may accept a nonmonetary gift or a series of nonmonetary gifts if the gift(s) is donated within thirty days to a public body, the State Court Administrator, the Department of General Services, or a bona fide education or charitable organization, if no part of the net earnings or charitable organization inures to the benefit of any private stockholder or other individual.

5. **Further Clarification.** Here are some answers to questions frequently asked regarding the application of the gift rules.

- Employees are not restricted regarding giving gifts to nonsupervisory co-workers.
- Supervisors are not restricted in giving gifts to subordinate employees.
- A cake brought to the workplace by employees to observe a supervisor's birthday is permissible if consumed in a group context.
- Food or drink valued at \$3 or more cannot be accepted from a restricted donor. If attending an event where a donor provides food and drink over \$3 the donor

should be asked to provide a bill to be paid by the Judge, employee, spouse, or minor child unless exceptions 1(d) or 1(e) apply.

- There is an explicit prohibition (Rule 22.22(3)) against restricted donors pooling money to give a gift valued at \$3 or above. However, there is no such explicit restriction against an office receiving a gift if its value divided among the number of employee recipients is below \$3; food gifts to an office during the holidays may fall in this category.

## 11.8 HONORARIA

Per Court Rule 22.23 an official or employee of the Judicial Branch shall not seek or accept honorarium (anything of value accepted as consideration for an appearance, speech or article) if the donor is:

1. A party or person involved in a case pending before the donee.
2. A party or person seeking to be a party to any sale, lease, or contract involving the Judicial Branch or any of its offices, if the donee has authority to approve the sale, lease, or contract or if the donee assists or advises the person with authority to approve the sale, lease, or contract.
3. A person who will be directly and substantially affected by the performance or nonperformance of the donee's office duties in a way that is greater than the effect on the public generally or on a substantial class of persons to which the donor belongs as a member of profession, occupation, industry or region.

Exceptions. Honorarium does not include:

1. Actual expenses of a donee for food, beverages, travel, lodging and registration which is given in return for participation at a meeting as a speaker, panel member or facilitator when the expenses related directly to the day or days on which the donee participates at the meeting, including necessary travel time.
2. Payment to an employee for services rendered as part of outside employment which has been approved pursuant to the personnel policies, if the payment is commensurate with the actual activity or services rendered and not based upon the employee's position within the Judicial Branch, but rather, because of some special expertise or other qualification.
3. Payment to a Judge or Magistrate for officiating and making return for a marriage pursuant to Court Rule 22.23(b)(3).
4. Payment to a Judge or Senior Judge for instruction at an accredited education institution, if the payment is commensurate with the actual activity or services rendered and not based upon the Judge's official position.
5. Payment to a part-time Judge for services rendered as part of a bona fide business or profession in which the Judge is engaged, if the payment is commensurate with

the actual activity or services rendered and not based upon the Judge's official position.

6. Payment to a Senior Judge for services rendered as an arbitrator or mediator, if the payment is commensurate with the actual activity or services rendered and not based upon the Senior Judge's official position.

#### **11.9 INTERESTS IN PUBLIC CONTRACTS**

Pursuant to Court Rule 22.24, full-time officials or employees shall not sell any goods or services to any state agency except for these exceptions:

1. Services does not include instruction at an accredited education institution by a Judge, Senior Judge or Magistrate if permitted as a quasijudicial or extra judicial activity pursuant to the Code of Judicial Conduct or by an employee as part of outside employment which has been approved pursuant to Judicial Branch policy.
2. Preparation of a transcript by an official Court Reporter.

#### **11.10 SERVICES AGAINST THE STATE**

Pursuant to Court Rule 22.25 no official or employee shall receive, directly or indirectly, or enter into an agreement, express or implied, for any compensation, in whatever form, for the appearance or rendition of services by that person or another against the interest of the state in relation to any case, proceeding, application, or other matter before any state agency, any court of the State of Iowa, any federal court, or any federal bureau, agency, commission or department.

[NOTE: "Appearance or service against the interest of the state" means an appearance or service which conflicts with a person's duties or employment obligations owed to the state.]