

MARYLAND WORKFORCE DEVELOPMENT SYSTEM

# Maryland Policy Issuance

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**Policy Issuance No. 06-2013**  Policy  Information  Guidance

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**To:** Chief Elected Officials  
Workforce Investment Board Chairs  
Workforce Investment Board Directors

**cc:** WIA State Partners

**From:** Julie Squire, Assistant Secretary,   
Department of Workforce Development and Adult Learning

**Date:** December 1, 2013

**Effective Date:** January 1, 2014

**Expiration Date:** Until rescinded

**GWIB Approval Date:** August 11, 2013

**Authority:** WIA Sections 111(f) and 117(g). WIA Sections 112(b)(13), 111(f), 117(g); State Government §15-501 et seq. and §15-803 et seq. Maryland Annotated Code; COMAR 23.02.01.

**Subject:** Conflict of Interest policy for local workforce boards

**I. Purpose.**

The purpose of the conflict of interest policy for state or local workforce investment board members is to ensure that board members' private financial interests and personal relationships do not conflict with their public obligations. The law is broadly written to prevent a board member from becoming involved in a situation that would result in a conflict or give the appearance of a conflict.

The Department of Labor, as part of its assessment of the workforce system of Maryland, identified the need for the development of a policy that guides state and local workforce agencies.

**II. Background.**

The Workforce Investment Act of 1998 (WIA) Sections 111 (f) Conflict of Interest states "A member of a State board may not--(1) vote on a matter under consideration by the State board--(A) regarding the provision of services by such member (or by an entity that such member represents); or(B) that would provide direct financial benefit to such member or the immediate family of such

member; or(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan.”

WIA Section 117 (g) further states “A member of a local board may not--(1) vote on a matter under consideration by the local board--(A) regarding the provision of services by such member (or by an entity that such member represents); or(B) that would provide direct financial benefit to such member or the immediate family of such member; or(2) engage in any other activity determined by the Governor to constitute a conflict of interest as specified in the State plan. ”Finally, WIA Section 112(b)(13) states the State Plan must contain “information specifying the actions that constitute a conflict of interest prohibited in the State for purposes of sections 111(f) and 117(g).”

Maryland State Law governing Conflicts of Interest and Regulations governing Travel Policy is found at State Government §15-501 *et seq.* and §15-803 *et seq.* Maryland Annotated Code; COMAR 23.02.01.

### **III. Policy.**

Members of the Governor’s Workforce Investment Board (GWIB or State Board) and its staff are subject to the Maryland State Government Public Ethics Conflict of Interest Provisions found at State Government §15-501 *et seq.* Maryland Annotated Code (ATTACHED).

Members of the Local Workforce Investment Boards and their employees are subject to the ethics laws enacted by their local jurisdiction pursuant to State Government §15-803 *et seq.* Maryland Annotated Code (ATTACHED). To the extent that a local board and their employees are subject to more than one jurisdiction, in the event of a conflict among the ethics rules, the most stringent rule will apply.

Each member of the State and local boards serves without compensation, but is entitled to reimbursement for expenses in accordance with the Maryland Standard State Travel Regulations, COMAR23.02.01 (ATTACHED).

### **IV. Action Required by LWIB.**

All Local Workforce Investment Boards will have a signed acknowledgement by each member that they are aware of the Ethics requirements and agree to comply.

The members of the Governor’s Workforce Board (GWIB) will provide the GWIB Director with the confirmation of the filing of their annual Maryland State Ethics Commission Financial Disclosure Statement each year.

### **V. Inquiries.**

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**STATE GOVERNMENT  
TITLE 15. PUBLIC ETHICS  
SUBTITLE 5. CONFLICTS OF INTEREST  
PART I. GENERAL PROVISIONS**

**Md. STATE GOVERNMENT Code Ann. § 15-501 (2013)**

§ 15-501. Restrictions on participation

(a) In general. -- Except as otherwise provided in subsection (c) of this section, an official or employee may not participate in a matter if:

(1) the official or employee or a qualifying relative of the official or employee has an interest in the matter and the official or employee knows of the interest; or

(2) any of the following is a party to the matter:

(i) a business entity in which the official or employee has a direct financial interest of which the official or employee reasonably may be expected to know;

(ii) a business entity, including a limited liability company or a limited liability partnership, of which any of the following is an officer, director, trustee, partner, or employee:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iii) a business entity with which any of the following has applied for a position, is negotiating employment, or has arranged prospective employment:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(iv) if the contract reasonably could be expected to result in a conflict between the private interest and the official State duties of the official or employee, a

business entity that is a party to a contract with:

1. the official or employee; or

2. if known to the official or employee, a qualifying relative of the official or employee;

(v) a business entity, either engaged in a transaction with the State or subject to regulation by the official's or employee's governmental unit, in which a direct financial interest is owned by another business entity if the official or employee:

1. has a direct financial interest in the other business entity; and

2. reasonably may be expected to know of both financial interests; or

(vi) a business entity that:

1. the official or employee knows is a creditor or obligee of the official or employee, or of a qualifying relative of the official or employee, with respect to a thing of economic value; and

2. as a creditor or obligee, is in a position to affect directly and substantially the interest of the official, employee, or qualifying relative.

(b) Exceptions. --

(1) The prohibitions of subsection (a) of this section do not apply if participation is allowed:

- (i) as to officials and employees subject to the authority of the Ethics Commission, by regulation of the Ethics Commission;

- (ii) by the opinion of an advisory body; or

- (iii) by another provision of this subtitle.

(2) This section does not prohibit participation by an official or employee that is limited to the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter involved.

(c) Participation notwithstanding conflict. -- An official or employee who otherwise would be disqualified from participation under subsection (a) of this section shall

disclose the nature and circumstances of the conflict, and may participate or act, if:

(1) the disqualification would leave a body with less than a quorum capable of acting;

(2) the disqualified official or employee is required by law to act; or

(3) the disqualified official or employee is the only individual authorized to act.

**Md. STATE GOVERNMENT Code Ann. § 15-502 (2013)**

§ 15-502. Employment or financial interests -- General restriction

(a) General Assembly exempted. -- This section does not apply to members of the General Assembly.

(b) Prohibitions. -- Except as provided in subsections (c) and (d) of this section, an official or employee may not:

(1) be employed by or have a financial interest in:

(i) an entity subject to the authority of that official or employee or of the governmental unit with which the official or employee is affiliated; or

(ii) an entity that is negotiating or has entered a contract with that governmental unit or an entity that is a subcontractor on a contract with that governmental unit; or

(2) hold any other employment relationship if that employment relationship would impair the impartiality and independent judgment of the official or employee.

(c) Exceptions. -- The prohibitions of subsection (b) of this section do not apply:

(1) to employment or a financial interest allowed by regulation of the Ethics Commission if:

(i) the employment does not create a conflict of interest or the appearance of a conflict of interest; or

(ii) the financial interest is disclosed;

(2) to a public official who is appointed to a regulatory or licensing unit pursuant to a statutory requirement that entities subject to the jurisdiction of the unit be represented in appointments to it;

(3) as allowed by regulations adopted by the Commission, to an employee whose government duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest; or

(4) to a member of a board who holds the employment or financial interest when appointed if the employment or financial interest is publicly disclosed to the appointing authority, the Ethics Commission, and, if applicable, the Senate of Maryland before Senate confirmation.

(d) Exemption under extraordinary circumstances. --

(1) Subject to paragraph (2) of this subsection, the Ethics Commission may exempt a public official of an executive unit or an employee of an executive unit from the prohibitions of subsection (b) of this section if the Ethics Commission determines that:

(i) failure to grant the exemption would limit the ability of the State to:

1. recruit and hire highly qualified or uniquely qualified professionals for public service; or

2. assure the availability of competent services to the public; and

(ii) the number of exemptions granted under this subsection has not tended to erode the purposes of subsection (b) of this section or other provisions of this title.

(2) (i) The Ethics Commission may grant an exemption under paragraph (1) of this subsection only:

1. in extraordinary situations; and

2. upon the recommendation of the Governor, at the request of the executive unit involved.

(ii) The Ethics Commission shall apply this subsection as consistently as

possible under similar facts and circumstances.

**Md. STATE GOVERNMENT Code Ann. § 15-503 (2013)**

§ 15-503. Employment restriction -- Entities contracting with the State

(a) General Assembly exempted. -- This section does not apply to members of the General Assembly.

(b) Employment prohibited. -- An official or employee may not be employed by an entity that is a party to a contract that binds or purports to bind the State if:

(1) the duties of the official or employee include matters substantially relating to or affecting the subject matter of the contract; and

(2) the contract binds or purports to bind the State to pay more than \$ 1,000.

**Md. STATE GOVERNMENT Code Ann. § 15-504 (2013)**

§ 15-504. Employment restriction -- Representation or assistance

(a) Contingent compensation. --

(1) This subsection does not apply to members of the General Assembly.

(2) Except as provided in paragraph (3) of this subsection, an official or employee may not, for contingent compensation, assist or represent a party in any matter before or involving any unit of the State or a political subdivision of the State.

(3) Paragraph (2) of this subsection does not apply to assistance to or representation of a party:

(i) in a judicial or quasi-judicial proceeding, including a proceeding before an administrative law judge in the Office of Administrative Hearings, or a matter preliminary, incidental, or collateral to a judicial or quasi-judicial proceeding; or

(ii) in a matter before or involving the Workers' Compensation Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries Compensation Board.

(b) Unit of State or political subdivision matter. --

(1) Except as provided in paragraph (2) of this subsection, a member of the General Assembly may not, for compensation, assist or represent a party in any matter before or involving any unit of the State or a political subdivision of the State.

(2) Paragraph (1) of this subsection does not apply to assistance to or representation of a party:

(i) in matters relating to the performance of ministerial acts by a governmental unit;

(ii) in matters involving the member's regular business, employment, or profession, in which contact with a governmental unit:

1. is an incidental part of the business, employment, or profession;
2. is made in the manner that is customary for persons in that business, employment, or profession; and
3. is not for contingent compensation;

(iii) in a judicial or quasi-judicial proceeding, including a proceeding before an administrative law judge in the Office of Administrative Hearings, or a matter preliminary, incidental, or collateral to a judicial or quasi-judicial proceeding;

(iv) in a matter before or involving the Workers' Compensation Commission, the Maryland Automobile Insurance Fund, or the Criminal Injuries Compensation Board; or

(v) in a matter in which the assistance or representation, other than for contingent compensation, was commenced by the member of the General Assembly before:

1. the member filed a certificate of candidacy for election to the General Assembly at a time when the member was not an incumbent; or



2. if the member was appointed to fill a vacancy, the date of appointment.

(c) Certain State or local governmental agency matters. --

(1) A member of the General Assembly may not assist or represent a person, including himself or herself, for compensation before a State or local governmental agency in any matter involving:

(i) procurement; or

(ii) the adoption of regulations.

(2) Paragraph (1) of this subsection does not apply to an administrative proceeding conducted in accordance with Title 10, Subtitle 2 (Administrative Procedure Act -- Contested Cases) of this article.

(d) Former official or employee. --

(1) Except for a former member of the General Assembly, who shall be subject to the restrictions provided under paragraph (2) of this subsection, a former official or employee may not assist or represent a party, other than the State, in a case, contract, or other specific matter for compensation if:

(i) the matter involves State government; and

(ii) the former official or employee participated significantly in the matter as an official or employee.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, until the conclusion of the next regular session that begins after the member leaves office, a former member of the General Assembly may not assist or represent another party for compensation in a matter that is the subject of legislative action.

(ii) The limitation under subparagraph (i) of this paragraph on representation by a former member of the General Assembly does not apply to the former member's representation of a municipal corporation, county, or State governmental entity.

(e) Full-time official or employee in Judicial Branch. -- Notwithstanding subsection (a)(3) of this section or § 15-502 of this subtitle, a full-time official or employee in the Judicial Branch may not represent a party before a court or unit of the Judicial Branch except in the discharge of official duties.

**Md. STATE GOVERNMENT Code Ann. § 15-505 (2013)**

§ 15-505. Solicitation or acceptance of gifts or honoraria

(a) Gift solicitation prohibited. --

(1) An official or employee may not solicit any gift.

(2) An official may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist described in § 15-701(a)(1) of this title.

(b) Gift acceptance prohibited -- Generally. -- Except as provided in subsection (c) of this section, an official or employee may not knowingly accept a gift, directly or indirectly, from an entity that the official or employee knows or has reason to know:

(1) does or seeks to do any business of any kind, regardless of amount, with the official's or employee's governmental unit;

(2) engages in an activity that is regulated or controlled by the official's or employee's governmental unit;

(3) has a financial interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties; or

(4) is a regulated lobbyist with respect to matters within the jurisdiction of the official or employee.

(c) Exceptions. --

(1) Notwithstanding subsection (b) of this section, an official or employee may accept a gift specified in paragraph (2) of this subsection unless:

(i) the gift would tend to impair the impartiality and independent judgment of the official or employee; or

(ii) as to a gift of significant value:

1. the gift would give the appearance of impairing the impartiality and independent judgment of the official or employee; or

2. the official or employee believes or has reason to believe that the gift is designed to impair the impartiality and independent judgment of the official or employee.

(2) Subject to paragraph (1) of this subsection, subsection (b) of this section does not apply to:

(i) 1. except for officials of the Legislative Branch, meals or beverages received and consumed by the official or employee in the presence of the donor or sponsoring entity;

2. for officials of the Legislative Branch, food or beverages received and consumed by the official in the presence of the donor or sponsoring entity as part of a meal or reception, to which were invited all members of a legislative unit;

3. for a member of the General Assembly, food or beverages received from a donor or sponsoring entity, other than an individual regulated lobbyist described in § 15-701(a)(1) of this title, during a period when the General Assembly is not in session, at a location that is within a county that contains the member's district, provided that the donor or sponsoring entity is located within a county that contains the member's district; or

4. for a member of the General Assembly, food or beverages received at the time and geographic location of a meeting of a legislative organization for which the member's presiding officer has approved the member's attendance at State expense;

(ii) ceremonial gifts or awards of insignificant monetary value;

(iii) except for a State official of the Executive or Legislative Branch, unsolicited gifts of nominal value;

(iv) as to a State official of the Executive or Legislative Branch, unsolicited gifts that are not meals or alcoholic beverages and that do not exceed \$ 20 in cost, from a regulated lobbyist;

(v) trivial gifts of informational value;

(vi) in return for participation on a panel or a speaking engagement at a meeting, reasonable expenses for food, travel, lodging, or scheduled entertainment of the official or employee if the expenses are associated with the meeting, except that, if such expenses for a State official of the Legislative or Executive Branch are to be paid by a regulated lobbyist and are anticipated to exceed \$ 500, the official shall notify the appropriate advisory body before attending the meeting;

(vii) as to a member of the General Assembly, reasonable expenses for food, travel, lodging, or scheduled entertainment to attend a legislative conference that has been approved by the member's presiding officer;

(viii) tickets or free admission extended to an elected constitutional officer from the person sponsoring or conducting the event, as a courtesy or ceremony to the office, to attend a charitable, cultural, or political event;

(ix) a specific gift or class of gifts exempted from subsection (b) of this section by the Ethics Commission upon a written finding that:

1. acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of government; and

2. the gift is purely personal and private in nature;

(x) a gift from:

1. an individual related to the official or employee by blood or marriage; or

2. any other individual who is a member of the household of the official or employee; or

(xi) to the extent provided in subsection (d) of this section, honoraria.

(d) Honoraria. --

(1) Except as provided in subsection (c)(2)(vi) of this section, a State official of the Legislative Branch may not accept an honorarium.

(2) Except as provided in paragraph (1) of this subsection and subject to subsection (c)(1) of this section, an official or employee may accept an honorarium if:

(i) the honorarium is limited to reasonable expenses for the official's meals, travel, and lodging, and reasonable and verifiable expenses for care of a child or dependent adult, that are actually incurred;

(ii) the honorarium consists of gifts described in subsection (c)(2)(ii) through (iv) of this section; or

(iii) the official or employee is a faculty member of a State institution of higher education who does not hold another position as an official that precludes receiving the honorarium.

(3) Other than as allowed by paragraph (2) of this subsection, an honorarium may not be accepted, even if permitted by subsection (c)(1) of this section, if:

(i) the payor of the honorarium has an interest that may be affected substantially and materially, in a manner distinguishable from the public generally, by the performance or nonperformance of the official's or employee's official duties; and

(ii) the offering of the honorarium is related in any way to the official's or employee's official position.

(d-1) Certain gifts prohibited under State Finance and Procurement Article. -- An official or employee may not accept a gift that is prohibited under [§ 13-211 of the State Finance and Procurement Article](#).

(e) Exemptions from prohibitions. -- By regulation, the Ethics Commission may define further exemptions from this section as may be necessary.

### **Md. STATE GOVERNMENT Code Ann. § 15-506 (2013)**

#### § 15-506. Use of prestige of office

(a) In general. -- An official or employee may not intentionally use the prestige of office or public position for that official's or employee's private gain or that of another.

(b) Constituent services. -- The performance of usual and customary constituent services, without additional compensation, is not prohibited under subsection (a) of this section.

**Md. STATE GOVERNMENT Code Ann. § 15-507 (2013)**

§ 15-507. Disclosure or use of confidential information

Except in the discharge of an official duty, an official or employee may not disclose or use confidential information acquired by reason of the official's or employee's public position and not available to the public:

- (1) for personal economic benefit; or
- (2) for the economic benefit of another.

**Md. STATE GOVERNMENT Code Ann. § 15-508 (2013)**

THIS SECTION HAS MORE THAN ONE DOCUMENT WITH VARYING EFFECTIVE DATES.

§ 15-508. Participation in procurement (Abrogation of amendment effective September 30, 2013.)

(a) In general. -- An individual or a person that employs an individual who assists an executive unit in the drafting of specifications, an invitation for bids, a request for proposals for a procurement, or the selection or award made in response to an invitation for bids or request for proposals may not:

- (1) submit a bid or proposal for that procurement; or
- (2) assist or represent another person, directly or indirectly, who is submitting a bid or proposal for that procurement.

(b) Exemptions. -- For purposes of subsection (a) of this section, assisting in the

drafting of specifications, an invitation for bids, or a request for proposals for a procurement does not include:

(1) providing descriptive literature such as catalogue sheets, brochures, technical data sheets, or standard specification "samples", whether requested by an executive agency or provided on an unsolicited basis;

(2) submitting written or oral comments on a specification prepared by an agency or on a solicitation for a bid or proposal when comments are solicited from two or more persons as part of a request for information or a prebid or preproposal process;

(3) providing specifications for a sole source procurement made in accordance with § 13-107 of the State Finance and Procurement Article;

(4) providing architectural and engineering services for:

(i) programming, master planning, or other project planning services; or

(ii) the design of a construction project if:

1. the design services do not involve lead or prime design responsibilities or construction phase responsibilities on behalf of the State; and

2. A. the anticipated value of the procurement contract at the time of advertisement is at least \$ 2,500,000 and not more than \$ 100,000,000; or

B. regardless of the amount of the procurement contract, the payment to the individual or person for the design services does not exceed \$ 500,000; or

(5) for a procurement of health, human, social or educational services, comments solicited from two or more persons as part of a request for information, including written or oral comments on a draft specification, invitation for bids, or request for proposals.

(c) Retention of written and oral comments. -- A unit that receives comments as described in subsection (b)(2) and (6) of this section shall retain:

(1) any written comments; and

(2) a record of any oral comments.

**END OF DOCUMENT**

**STATE GOVERNMENT  
TITLE 15. PUBLIC ETHICS  
SUBTITLE 8. LOCAL GOVERNMENT PROVISIONS  
PART I. PUBLIC ETHICS LAWS FOR COUNTIES AND MUNICIPAL  
CORPORATIONS**

**Md. STATE GOVERNMENT Code Ann. § 15-801 (2013)**

§ 15-801. Scope

This Part I does not apply to an official or employee of the Judicial Branch of government.

**Md. STATE GOVERNMENT Code Ann. § 15-802 (2013)**

THIS SECTION HAS MORE THAN ONE DOCUMENT WITH VARYING EFFECTIVE DATES.

**§ 15-802. Effect on other provisions of law [Effective until October 1, 2013].**

The express powers contained in Articles 23A, 25A, and 25B of the Code and in the Charter of the City of Baltimore are intended and shall be deemed to incorporate and include the power and authority contained in this Part I.

**§ 15-802. Effect on other provisions of law [Effective October 1, 2013].**

The express powers contained in Title 5, Subtitle 2 and Title 10 of the Local Government Article and in the Charter of the City of Baltimore are intended and shall be deemed to incorporate and include the power and authority contained in this Part I.



**Md. STATE GOVERNMENT Code Ann. § 15-803 (2013)**

§ 15-803. Public Ethics Laws required

(a) In general. -- Subject to § 15-209 of this title, each county and each municipal corporation shall enact provisions to govern the public ethics of local officials relating to:

- (1) conflicts of interest;
- (2) financial disclosure; and
- (3) lobbying.

(b) Certification of compliance. -- Each local ethics commission or appropriate entity shall certify to the Ethics Commission that the county or municipal corporation is in compliance with the requirements for elected local officials of this Part I on or before October 1 of each year.

**Md. STATE GOVERNMENT Code Ann. § 15-804 (2013)**

§ 15-804. Conflict of interest laws

(a) In general. -- Except as provided in subsection (b) of this section, the conflict of interest provisions enacted by a county or municipal corporation under § 15-803 of this subtitle shall be similar to the provisions of Subtitle 5 of this title, but may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(b) For elected local officials. -- The conflict of interest provisions for elected local officials enacted by a county or municipal corporation under § 15-803 of this subtitle shall be equivalent to or exceed the requirements of Subtitle 5 of this title, but may be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

**Md. STATE GOVERNMENT Code Ann. § 15-805 (2013)**

§ 15-805. Financial disclosure laws

(a) "Elected local official" and "local official" defined. --

(1) In this section the following words have the meanings indicated.

(2) "Elected local official" includes:

(i) any individual who holds an elective office of a county or municipal corporation; and

(ii) a candidate for elective office as a local official of a county or municipal corporation.

(3) "Local official" includes an individual, designated as a local official, whose position is funded wholly or partly by the State.

(b) Similarity to Ethics Law. --

(1) Except as provided in paragraph (2) of this subsection and subsection (c) of this section, the financial disclosure provisions enacted by a county or municipal corporation under § 15-803 of this subtitle shall be similar to the provisions of Subtitle 6 of this title, but shall be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(2) The financial disclosure provisions for elected local officials enacted by a county or municipal corporation under § 15-803 of this subtitle shall be equivalent to or exceed the requirements of Subtitle 6 of this title, but shall be modified to the extent necessary to make the provisions relevant to the prevention of conflicts of interest in that jurisdiction.

(c) Minimum standards. --

(1) This subtitle does not compel the governing body of a county or municipal corporation to require a local official to file a financial disclosure statement except:

(i) when the personal interest of the local official will present a potential conflict with the public interest in connection with an anticipated public action of the local

official; and

(ii) at least annually to report on gifts received by the local official.

(2) The provisions shall require:

(i) that a statement filed under paragraph (1)(i) of this subsection be filed sufficiently in advance of the action to provide adequate disclosure to the public; and

(ii) a statement filed by an elected local official under subsection (b)(2) of this section to be filed on or before April 30 of each year.

(d) Standards for candidates. -- Financial disclosure provisions applicable to a candidate shall be consistent with the provisions applicable to an incumbent holding the office involved.

#### **Md. STATE GOVERNMENT Code Ann. § 15-806 (2013)**

§ 15-806. Lobbying

The lobbying provisions enacted by a county or municipal corporation under § 15-803 of this subtitle shall be substantially similar to the provisions of Subtitle 7 of this title, but:

(1) shall be modified to the extent necessary to make the provisions relevant to that jurisdiction; and

(2) may be further modified to the extent considered necessary and appropriate by and for that jurisdiction.

#### **Md. STATE GOVERNMENT Code Ann. § 15-807 (2013)**

§ 15-807. Special requirements for definition of "local official" in specific counties

(a) Baltimore City. -- In Baltimore City, "local official" includes:

(1) city employees and officials of the Baltimore City Health Department;

(2) the Police Commissioner of Baltimore City and the civilian employees and police officers of the Police Department of Baltimore City; and

(3) each member of and the employees of the Civilian Review Board.

(b) Baltimore County. -- In Baltimore County, "local official" includes:

(1) each board member and the chief executive of the Baltimore County Revenue Authority; and

(2) for the purpose of the financial disclosure provisions enacted by the governing body of Baltimore County, except for a member of the Baltimore County Board of Education, each member of a board of a State agency that is wholly or partly funded by Baltimore County, regardless of whether the member is compensated.

(c) Montgomery County. -- In Montgomery County, "local official" includes:

(1) each member and employee of the Montgomery County Revenue Authority;

(2) each commissioner and employee of the Montgomery County Housing Opportunities Commission; and

(3) county employees of the Montgomery County Department of Health and Human Services.

(d) Prince George's County. --

(1) This subsection applies to Prince George's County.

(2) "Local official" includes:

(i) each member of the Board of License Commissioners;

(ii) the chief inspector and any other inspector of the Board of License Commissioners;

(iii) the administrator of the Board of License Commissioners; and

(iv) the attorney to the Board of License Commissioners.

(3) The conflict-of-interest provisions required under § 15-803(a)(1) of this subtitle:

(i) shall prohibit the county government from issuing a credit card to an elected county official or a member of the county school board; and

(ii) shall prohibit an elected county official from directly or indirectly soliciting a person to enter into a business relationship with or provide anything of monetary value to a specific individual or entity, if the person being solicited is seeking:

1. the success or defeat of county legislation;
2. a county contract; or
3. any other county benefit.

(4) Any conflict-of-interest provision enacted in accordance with paragraph (3)(ii) of this subsection may not be construed to affect the validity of any legally enacted requirement or condition, proposed and adopted on the public record at a public hearing, the purpose of which is to mitigate the impact of a development on the property owners in the areas surrounding the development, including:

- (i) an adequate public facilities requirement;
- (ii) a minority business requirement; or
- (iii) a community benefit requirement.

(5) The lobbying provisions required under § 15-803(a)(3) of this subtitle shall prohibit a person from being engaged for lobbying purposes for compensation that is dependent in any manner on the outcome of executive or legislative action before the county government.

(6) The county's ethics enactments shall provide for:

(i) a county board of ethics composed of five members appointed by the county executive, subject to the advice and consent of the county council;

(ii) an executive director of the board of ethics who:

1. shall meet individually with each elected official of the county at least

annually to advise the official regarding the requirements of any applicable ethics law, rule, or standard of conduct;

2. shall assist each elected official of the county in preparing any affidavit or other document required to be filed under the county's ethics enactments;

3. shall conduct ethics-related briefings for the benefit of elected officials of the county; and

4. may provide information to any person regarding laws, rules, and other standards of ethical conduct applicable to elected officials of the county; and

(iii) the county board of ethics to meet at least two times each year.

(e) St. Mary's County. -- In St. Mary's County, "local official" includes each commissioner and employee of the St. Mary's County Metropolitan Commission.

#### **§ 15-808. Enforcement of this part**

(a) Generally. -- If the Ethics Commission determines that a county or municipal corporation has not complied with the requirements of this Part I, the Ethics Commission may petition a circuit court with venue over the proceeding for appropriate relief to compel compliance.

(b) Equitable relief. -- The circuit court may grant any available equitable relief.

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**Title 23 BOARD OF PUBLIC WORKS**  
**Subtitle 02 PROGRAM ADMINISTRATION**  
**Chapter 01 Standard Travel Regulations**

**Authority: State Finance and Procurement Article, §10-203; Education Article, §§14-104 and 14-404; Annotated Code of Maryland**

**.01 Scope.**

A. Unless otherwise provided by law, these regulations apply to all travel for official business undertaken by officials and employees of units of the Executive Branch of the State government, except elected officials and officials and employees of the University of Maryland System, Morgan State University, and St. Mary's College of Maryland.

B. If a contract specifically provides for their application, these regulations may apply to official business travel of persons performing a State contract.

C. These regulations do not apply:

(1) When a line item in the annual State budget specifically identifies an item and amount for exemption.

(2) To State-owned, State-leased, or privately owned motor vehicles. Reimbursement to employees or officials who use State-owned, State-leased, or privately owned motor vehicles to conduct official business for the State is within the jurisdiction of the State Fleet Administrator, Department of Budget and Management, and subject to policies issued by the Secretary of Budget and Management.

**.02 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Board" means the Board of Public Works.

(2) "Conferences, conventions, and seminars" means non-routine official business meetings for the purpose of discussing or deciding matters related to the accomplishment of position responsibilities.

(3) "Credit services contractor" means a private entity under contract with the State to extend the State credit for purposes of charging business travel expenses.

(4) "Department" means the Department of Budget and Management.

(5) Employee.

(a) "Employee" means an employee or official of a unit of the Executive Branch of State government.

(b) "Employee" does not mean elected officials and officials and employees of the University of Maryland System, Morgan State University, and St. Mary's College of Maryland.

- (6) "In-State travel" means travel to destinations inside the boundaries of Maryland, and includes the Washington, D.C. area, and travel to attend meetings with the employee's federal regional counterpart in that federal regional district.
- (7) "Official business" means the authorized duties performed by an employee or official of the State in the employee's or officer's defined capacity under the duties and responsibilities prescribed by the employment or office.
- (8) "Out-of-country travel" means travel to destinations outside the United States, its territories, and Canada.
- (9) Out-of-State travel.
- (a) "Out-of-State travel" means travel to destinations outside Maryland and the Washington, D.C. area.
- (b) "Out-of-State travel" does not mean travel to meetings with federal regional counterparts in that federal regional district.
- (10) "Routine business travel" means authorized travel on a daily basis or periodic basis to a jobsite other than the employee's assigned office for official business.
- (11) "Secretary" means the Secretary of Budget and Management.
- (12) "Training" means the same as provided under COMAR 17.04.10.01.
- (13) "Travel services contractor" means a private business entity under contract with the State to serve as a travel agency for purposes of State employee business travel.
- (14) "Travel status" means the condition of a State employee while traveling on State business. An employee is not in travel status while commuting from home to the employee's assigned office, regardless of the length of time of that commute.
- (15) "Unit" means any department or independent agency within the Executive Branch of State government.

### **.03 Policy.**

A. These regulations establish a State Travel Management Program, under the jurisdiction of the Secretary, Budget and Management, to help ensure fairness in the application and administration of travel expense reimbursement and to reduce and control the State's costs related to travel.

B. An employee traveling on official business is expected to exercise the same care incurring expenses as would a prudent person traveling for personal reasons. Travel for business should be conducted at a minimum cost for achieving the success of the mission. Travelers shall request reservations as far in advance as possible and shall utilize the lowest logical air/rail fares available. Subject to approval by the unit head, use of business class is allowable when traveling to destinations outside North America, the Caribbean Islands, and the Hawaiian Islands. Travel in first class is not allowable unless documented evidence clearly indicates the travel is in the best interest of the State. An employee may not participate in any promotional plan, such as a frequent flyer program, when this participation entails foregoing a more favorable fare rate. Travel awards accrued under a promotional plan as a result of State business travel should be applied to State business travel expenses, whenever feasible. Baltimore/Washington International Airport, as the State's preferred airport, should be used whenever convenient and cost effective.



C. State facilities shall be used for in-State meetings whenever available, unless the use of outside facilities is more cost effective, or the agency head certifies that the outside facility is more appropriate to completing the business mission.

D. The Secretary shall establish reimbursement rates, subject to the approval of the Board of Public Works. Expenditures for official travel may be considered as reimbursable only if incurred in accordance with these regulations. The Department shall make reimbursement rates available online wherever practicable.

**.04 Travel Management Office.**

A. The State Travel Management Office is established in the Department of Budget and Management to administer the State Travel Management Program.

B. The State travel manager shall:

- (1) Oversee the operations of the Travel Management Office;
- (2) Monitor contractor performance and unit compliance; and
- (3) Work with State units to ensure the effective and efficient operation of the Travel Management Program.

**.05 Unit Heads.**

A. Unit heads shall:

- (1) Be responsible for ensuring compliance with this chapter by providing adequate internal control over employee travel;
- (2) Designate an existing employee or employees to serve in a subsidiary capacity as an agency travel coordinator or coordinators within their organization for the purpose of monitoring employee compliance with these regulations and performing other duties listed in Regulation .06.

B. Exceptions to using the travel and credit service contractor or contractors shall be approved by the unit head or designee in accordance with Regulation .08B, documented by the unit, and forwarded to the Department's Travel Management Office by January 15th and July 15th of each year. Reporting is to cover the periods of July 1 through December 31, and January 1 through June 30, respectively. This section shall be effective upon written notification of the Secretary to the unit head.

**.06 State Agency Travel Coordinators.**

The agency travel coordinators shall be responsible for:

- A. Monitoring employee compliance in accordance with this chapter;
- B. Providing assistance to employees concerning questions and problems with travel;
- C. Serving as liaison with the Department's Travel Management Office and the travel and credit service contractors.

**.07 Secretary.**

The Secretary shall be responsible for the:

- A. Development and promulgation of the regulations in this chapter, including travel reimbursement rates, with the approval of the Board;
- B. Procurement of travel and credit service contracts and rate agreements;
- C. Development and administration of travel and credit service contracts and rate agreements;
- D. Program monitoring, evaluation, and guidance;
- E. Liaison with State units to ensure the effective and efficient operation of the travel management program and compliance with this chapter. This shall include resolving problems and complaints of the units and travel and credit service contractors and providing educational material to agency travel coordinators and employees.

**.08 Travel Services Contractor.**

- A. The Secretary may contract with travel service providers, or with a single provider, to acquire travel services for State employees traveling on official business.
- B. Upon written notification of the Secretary to the unit head, employees shall book all airline, railway, and ship travel, all car rentals, and all lodging reservations through the State travel service contractor, except under the following circumstances:
  - (1) An unusual situation makes it impractical or impossible to use the services of the State travel services contractor;
  - (2) The State travel services contractor does not serve the area where the employee is located;
  - (3) Travel arrangements are to be made for the employee by the organizer of a planned conference, convention, or seminar in order to obtain special discounts not available through the travel services contractor.
- C. When changes in travel planning require cancellation or revision of common carrier tickets, or car rental or lodging arrangements, the employee shall notify the travel services contractor as soon as possible so that the necessary changes can be made.

**.09 Air Travel Accident Insurance.**

Air travel insurance is provided through the State Treasurer's Office. Beneficiaries are those designated with the Maryland State Retirement and Pension System. Questions concerning policy coverage or the designation of beneficiaries shall be directed to the State Treasurer's Office.

**.10 Travel Authorization.**

- A. In-State Business Travel. Subject to appropriated funds, routine business travel may be authorized in accordance with appropriate internal approval procedures of the unit responsible for the official State business.
- B. Out-of-State or Out-of-Country Business Travel. Subject to appropriated funds, a unit head or designee may authorize out-of-State and out-of-country travel for official business. Requests for authorization shall be submitted on the Comptroller of the Treasury's GAD Form X-3A, "Individual Request for Out-of-State Travel."
- C. Conventions, Conferences, Seminars, or Training Travel.

(1) Subject to appropriated funds, a unit head or designee may authorize in-State travel to conventions, conferences, seminars, or training in accordance with appropriate internal approval procedures. A unit head or designee may authorize out-of-State travel for these purposes using the Comptroller of the Treasury's GAD Form X-3A, "Individual Request for Out-of-State Travel."

(2) Travel out-of-country to conventions, conferences, seminars, or training shall be reported to the Board of Public Works. Requests for authorization for this travel shall be submitted to the Secretary. The Secretary shall submit reports of this travel to the Board of Public Works every 3 months.

#### **.11 Travel Payment and Reimbursement.**

A. Each employee's reimbursement request shall include:

(1) The Comptroller of the Treasury's GAD Form X-3A, "Individual Request for Out-of-State Travel," in accordance with Regulation .10 of this chapter;

(2) The Comptroller of the Treasury's GAD Form X-5, "State of Maryland Expense Account";

(3) Itemized receipted bills and such other supporting documentation of expenses as may be required by the Comptroller.

B. Payment for Airline and Rail Tickets (Common Carrier). The following conditions shall be effective upon written notification of the Secretary to the unit head:

(1) Units shall pay for employee common carrier tickets issued by the contractor travel service using the credit account number provided by the contractor selected for that purpose. Each unit or appropriate unit division shall be issued one account number and shall be centrally billed by the contractor for all charges. The identity of and access to all unit account numbers shall be restricted by the unit to the essential personnel.

(2) Each unit shall have a written policy and assigned responsibility for obtaining and controlling common carrier tickets.

(3) Wholly unused, fully refundable tickets shall be returned by the employee to the designated unit official to obtain credit. The unit official immediately shall return any unused portions of tickets to the contractual travel agency for credit to be applied.

#### **.12 Reimbursable Expenses.**

A. General. The State shall reimburse employees for authorized necessary travel and related expenses incurred by the employee. The State may not reimburse an employee for transportation, lodging, meal expense, or any other costs incurred by a spouse, child, or other person not essential to the business mission, who accompanies the employee on an official business trip.

B. Taxi, Bus, and Airport Limousine. Taxi, bus, and airport limousine fares incurred while on travel status are reimbursable when traveling to and from the airport, train station, or bus station, or when otherwise incurred while conducting official business. Employees shall use the mode of public transportation that results in the lowest logical cost to the State.

C. Rental Cars.

(1) Subject to approval by the unit head or designee, employees may rent cars while on travel status when other means of transportation are unavailable, more costly, or impractical. The lowest cost vehicle necessary to achieve

the traveler's mission shall be reserved. Upon written notification to the unit head, all car rental reservations shall be made through the State travel services contractor, except as provided in Regulation .08B, of this chapter.

(2) In addition to the cost of the rental, the employee shall be reimbursed for necessary and reasonable expenses incurred for the following items:

(a) Gasoline, oil, and emergency repairs;

(b) Parking;

(c) Toll charges.

#### D. Lodging.

(1) This section shall be effective upon written notification by the Secretary to the unit head. Employees shall make all lodging reservations through the State travel services contractor, except as provided in Regulation .08B, of this chapter, when official business requires the employee to remain away from home overnight. Field staff employees shall make in-State lodging reservations through the State travel services contractor whenever practical.

(2) Reimbursement shall be in an amount equal to the actual cost of the least expensive available rate for reasonable accommodations based on single occupancy.

(3) In cases of double occupancy by two State employees, each employee shall be reimbursed 50 percent of the total room charge.

(4) In cases of double occupancy when one of the occupants is not on State business, lodging reimbursement shall be on the basis of the least expensive available rate for reasonable accommodations based on single occupancy.

#### E. Meals.

(1) Meal allowances for employees while in travel status are reimbursable at the rates established by the Secretary.

(2) When an employee is in travel status involving absence from home overnight, all meals are reimbursable.

(3) Reimbursement may not be made for the cost of alcoholic beverages.

(4) The cost of breakfast is reimbursable when an employee in travel status has to leave home on official business 2 hours or more before the beginning time of the employee's place of business. The cost of dinner is reimbursable when an employee in travel status cannot get home within 2 hours after the employee's normal quitting time. In both cases, the 2 hours are in addition to the normal commuting time.

(5) In cases when an employee meets both of the conditions of §E(4), of this regulation, and is in travel status for the entire day, but not overnight, the employee's lunch also is reimbursable.

(6) Reimbursement for either breakfast or dinner may not be made because of the hour at which an employee is required to leave home, or at which the employee returns home, because of commuting to and from the employee's normal place or places of employment.

(7) When a State institution, as a matter of practice, charges an employee for meals regardless of whether the employee eats a particular meal, and the employee is required to be absent from the institution on official business at mealtime, the employee shall be reimbursed to the extent of the cost of the meal charged to the employee by the institution.

(8) Except as provided in §E(2), (4), (5), and (7), of this regulation, an employee may not be reimbursed for the cost of lunch.

(9) If the registration fee for a conference, convention, seminar, or training meeting includes the cost of meals, the State shall reimburse the employee for the full registration fee. For this meeting, the employee may not request reimbursement for the included meals.

(10) Members of boards and commissions established by statute who do not receive compensation from the State may be reimbursed for actual and necessary meal expenses incurred while on official State business. Reimbursable meal expenses including tips may not exceed amounts established by the Secretary.

(11) Meal reimbursement above the standard limits is allowable for employees conducting business in high cost areas designated by the Secretary. Employees shall be reimbursed for actual amounts based on receipts, not to exceed limits set by the Secretary.

(12) Meal reimbursement above the standard limits is allowable for employees on travel status outside the United States and its territories upon submission of itemized receipts approved by the unit head or the unit head's designee.

F. Conference Registration Fees. When a registration fee is charged, participating State officials or employees shall be reimbursed upon submission of a receipt.

G. Porter Fees and Hotel Tips.

(1) Porter fees and hotel tips per each bag carried at common carrier depots and hotels respectively are reimbursable at the rates established by the Secretary.

(2) The same per bag tip is reimbursable when checking into and checking out of a hotel.

H. Telephone and Postage Expenses. Telephone and postage expenses incurred in the performance of official duties are allowable.

I. Cleaning Expenses. When an official or employee is required to be on travel status for a period exceeding 5 working days, the cost of necessary laundry, cleaning, and pressing is reimbursable.

J. Expenses for Passports, Visas, and Traveler's Checks. If incurred as a result of the performance of official duties, fees for passports, visas, and traveler's checks are reimbursable upon submission of a receipt.

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