

STATE OF NEW YORK: COUNTY OF SUFFOLK
SUFFOLK COUNTY BOARD OF ETHICS

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In the Matter of the Inquiry of
[REDACTED] in Capacity of a
Supervisory Official of Suffolk County
Department of Social Services
-----X

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
Advisory Opinion 2020-7
July 15, 2020

NOTICE: THIS ADVISORY OPINION IS SUBJECT TO REVISION OR WITHDRAWAL

Applications requesting its modification, clarification, or withdrawal must be made in accordance with Suffolk County Board of Ethics rules. Unless an application for the revision or withdrawal of an advisory opinion is timely received, it shall become final. Nothing shall prohibit the Suffolk County Board of Ethics, on its own motion, from reconsidering, revising or withdrawing an advisory opinion at any time.

Summary: The Requestor, a County Department of Social Services Supervisory Official, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of an outside employment request of a County Department of Social Services recent hire in the job title Medical Services Specialist. The outside employment request is as to the job title "Financial Professional" with [REDACTED]. The Board concludes that as the County Supervisory Official has advised in documentary form that there are no interactions between the employee and outside entity in the employee's job capacity with the County Department of Social Services, that there is no conflict with the proper discharge of official duties.

The Board finds based on the facts presented that the stated prospective outside employment **does not create an impermissible conflict**. Additionally, the Board directs that appropriate recusals occur if necessary under Suffolk County Code 77-7.¹

Analyzed Laws and Rules: The Laws of Suffolk County; Suffolk County Administrative Code XXX, Advisory Opinions; and Suffolk County Code Chapter 77 Sections 77-3(B) and 77-3(C).²

¹ § 77-7. RECUSAL AND DISCLOSURE.

- A.** A public servant shall promptly recuse himself or herself from acting on any matter when acting on the matter, or failing to act on the matter, would constitute prohibited conduct under the Code of Ethics or would financially benefit the public servant, a person or firm associated with the public servant, a customer or client or any person from whom the public servant has received a gift, or any goods or services for less than market value in the preceding 12 months.
- B.** Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:
- (1) Promptly inform his or her immediate supervisor, if any;
 - (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
 - (3) Immediately refrain from participating further in the particular matter

² § 77-3. PROHIBITED CONDUCT.

B. No public servant shall engage in any business, transaction or private employment, or have any financial or private interest which is in conflict with the proper discharge of his or her official duties.

C. No public servant shall use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a personal financial benefit to himself or

STATE OF NEW YORK: COUNTY SUFFOLK
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Procedural History: This request was received on 6/24/2020, standing vote occurred on 7/1/2020 and Board vote occurred on 7/15/2020 within the 45 days of conclusion on fact finding under the Suffolk County Code. The Board determined by majority vote that there is not a conflict under the facts presented.

Opinion: The Requestor, a County Department of Social Services Supervisory Official, has submitted an advisory opinion request to the Suffolk County Board of Ethics as part of an outside employment request of a County Department of Social Services employee hired on 6/15/2020 in the job title Medical Services Specialist. The outside employment request is as to the job title "Financial Professional" with [REDACTED]

The County Supervisory Official has advised in documentary form that there are no interactions between the employee and outside entity in the employee's job capacity with the County Department of Social Services. The job duties as a "Financial Professional" with [REDACTED] has been set forth to include, "providing resources and information to meet financial needs in insurance and retirement planning".

As to the County Job Duties for this employee, the job duties for a "Medical Services Specialist" has been set forth by the Supervisory Official Requestor as, "assessment and provision of services for unskilled care for clients in the community". In further specificity, the Civil Service Job Duties statement additionally include for this title:

"MEDICAL SERVICES SPECIALIST

2641

DISTINGUISHING FEATURES OF THE CLASS

An employee in this class completes medical and social assessments to determine the needs of potential home care and/or long-term home health care clients. The employee may authorize specific hours of personal care services and monitor quality of home care services rendered to eligible Medical Assistance clients or assist vulnerable populations in locating the appropriate care. The incumbent is expected to exercise independent initiative and judgment. Work is performed under general supervision and is reviewed by a professional or administrative superior through conferences and reports for conformance to departmental regulations. Does related work as required.

TYPICAL WORK ACTIVITIES

Performs medical case management functions in accordance with established policies and procedures;
Reviews medical reports to determine the nature of medical care requested, its appropriateness, Comprehensiveness and continuity;

Recommends special and complex items of medical care and services in conformity with established departmental policies and procedures;

Identifies and compiles information on individuals unable to obtain an appropriate level of care;
May work closely with hospital discharge planners;

herself, a person or firm associated with the public servant, a customer or client of the public servant or any person from whom the public servant has received a gift or any goods or services for less than fair market value, during the preceding 12 months.

STATE OF NEW YORK: COUNTY SUFFOLK
COUNTY BOARD OF ETHICS
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Establishes and maintains close contact with physicians and allied professional personnel; informs them of new and revised policies and procedures of the department;

Reviews and makes recommendations for revisions of medical policies and procedures as they relate to home care in accordance with the changing needs of overall medical treatment plans;

Makes on-site visits to providers to insure compliance with departmental policy, state regulations and the law; May represent the agency at Fair Hearings or Legislative Meetings.”

Based upon the above facts and outside employment protocols in place with the Department, the Board finds that this stated outside employment does not create for the employee a business dealing, nor is the employee engaging in a business transaction with the County. The Board concludes that as the requesting County Supervisory Official has advised in credible documentary form that there are no interactions between the employee and outside entity in the employee’s job capacity with the County Department of Social Services, that there is no conflict with the proper discharge of official duties. Pursuant to the County SOP, the Board defers any appearance of impropriety to the Department pursuant to the County dual employment SOP.

CONCLUSION

The Board concludes in this advisory opinion by majority vote that the stated outside employment does not create an impermissible conflict and directs that appropriate recusals occur if necessary under Suffolk County Code 77-7.³

Pursuant to Suffolk County Board of Ethics Resolution 004/2013 passed on January 30, 2013, the requester shall have 15 business days from the time this Advisory Opinion has been rendered (excluding Saturday, Sunday, or a legal holiday) to file a request for reconsideration supported by new material facts submitted to the Board.

The forgoing is the opinion of the Board.

Dated: July 15, 2020
Hauppauge, New York


Eric A. Kopp – Chair

³ § 77-7. RECUSAL AND DISCLOSURE.

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- B. Whenever a public servant is required to recuse himself or herself under the Code of Ethics, he or she shall:
 - (1) Promptly inform his or her immediate supervisor, if any;
 - (2) Promptly file with the Board a signed statement disclosing the nature and extent of the conflict; and
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