

# Engineering Ethics for Consultants and Academics

Presented by:

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# Now Hear This!

- This is not legal advice - it is a lecture on general principles of Ethics.
- For legal advice, see a lawyer licensed in your jurisdiction.



# David's Haiku Poetry for the Day

## Rules of Haiku

3 lines consisting of 5, 7 and 5 syllables for the 3 lines.

No need to rhyme.

**Boss paid for conference**

**Golf or go to dull sessions?**

**Ethics Dilemma!**



# An Acronym to Prod your Conscience! P.L.U.S

## Source: Ethics Resource Center

- **P = Policies**  
Is it consistent with my organization's policies, procedures and guidelines?
- **L= Legal**  
Is it acceptable under the applicable laws and regulations?
- **U = Universal**  
Does it conform to the universal principles/values my organization has adopted?
- **S= Self**  
Does it satisfy my personal definition of right, good and fair?



# Code of Conduct/Ethics Definitions

- There is a subtle difference between Conduct and Ethics – you can have bad conduct that can be interpreted as “non-unethical”.
- A set of rules to guide behavior and decisions in a specified situation (wiktionary.org)
- A set of conventional principles and expectations that are considered binding on any person who is a member of a particular group (thefreedictionary.com)
- A set of principles of conduct within an organization that guide decision making and behavior (uslegal.com)



# CFM Code Of Conduct

- The ASFPM Certified Floodplain Manager (CFM) Program Code of Professional Conduct is available online to anyone
- A copy of this signed document must be submitted with the Certified Floodplain Manager application
- Refers mostly to personal conduct, not business activities
- Certified Floodplain Managers agree to follow this Code as described in the following



# CFM Code Of Conduct

- As a CFM, I agree to abide by the following tenets of the Code of Professional Conduct in all of my professional responsibilities. I will:
  - Practice honesty and integrity in all of my professional relationships with the public, peers, and employer;
  - Be truthful and accurate in my professional communications;
  - Be fair and considerate of all persons;



# CFM Code Of Conduct

- Foster excellence in floodplain management by staying abreast of pertinent issues;
- Enhance individual performance by attention to continuing education and technology;
- Avoid conflicts of interest resulting in personal gain or advantage;
- Be economical in the utilization of the nation's resources through the effective use of funds, accurate assessment of flood-related hazards, and timely decision-making;





# CFM Code Of Conduct

- Maintain the confidentiality of privileged information;
- Promote public awareness and understanding of flood-related hazards, floodplain resources, and flood hazard response; and
- Be dedicated to serving the profession of floodplain management and to improving the quality of life.
- Promote public awareness and understanding of flood-related hazards, floodplain resources, and flood hazard response



# An Ethical Framework for Maricopa County Employees

- Mostly related to conduct as an employee of the County and to the public that they serve



# Maricopa County Code Of Ethics (Ethics Handbook)

- Conflict of interest: occurs when an employee, elected or appointed official, volunteer, or a member of an appointed board, committee, or commission:
  - (1) Has a substantial interest in any decision, contract, sale, purchase, or invoice with Maricopa County;
  - (2) Solicits, accepts or agrees to accept, any compensation, favor, gift, promise or other items of value (whether tangible or intangible) in return for influencing, attempting to influence, rewarding or not rewarding an official action or decision; or,
  - (3) Participates in a Maricopa County action while negotiating prospective employment with a person who has a financial interest in the negotiation.

# Maricopa County Code Of Ethics (Ethics Handbook)

- Accepting gifts: one should refuse any gift or favor which may reasonably be interpreted to be offered in order to influence a County decision. However, acceptable gifts are:
  - a personal gift from a friend or family member.
  - winning or receiving a promotional gift from a community business, where the opportunity to win/receive the gift is open to the community in general.
  - gifts of nominal value.
  - normal and customary hospitality in a social setting.



# Maricopa County Code Of Ethics (Ethics Handbook) Other things it covers

- Handbook recommends the “Headline Test”
- Gifts Between Employees – permissible if there exists a relationship outside of work
- Honoraria – can accept if not related to the person’s official duties
- Voting Conflicts – related to conflicts of interests



# Maricopa County Code Of Ethics (Ethics Handbook)

- Fair and Equitable Treatment – treat everyone equally and no special treatments to any particular person
- Nepotism – cannot directly or indirectly influence the hiring, promotion, re-assignment, reward, etc. of a relative
- Use of Public Property – public property cannot be used for other than official activities
- Voice and Electronic Mail – only for official business, but can be used for incidental personal business



# Maricopa County

## Code Of Ethics (Ethics Handbook)

- Disclosure of County Information – record retention requirements and non-confidential information readily available to the public
- Dedicated Service – implement official objectives and ordinances, adhere to work and performance standards
- Political Activity – can participate on their own time and only as a private citizen
- Use of Paid Work Time – adhere to start and end work times, lunch and breaks, be productive, etc.



# Maricopa County

## Code Of Ethics (Ethics Handbook)

- Incompatible Employment – can have outside work if does not conflict with official business
- Post Employment Restrictions – cannot take improper advantage of previous employment with county, cannot work on a project that the person had an influence on while a county employee within 2 years of separation (some exceptions)
- Employee Concerns – should report to supervisor if Handbook provisions are not being followed
- Citizen Concerns – if a non-employee believes that the Handbook provisions are not being followed, should report to Co. HR Director





# IL PE Code of Conduct - Excerpts

TITLE 68: PROFESSIONS AND OCCUPATIONS

CHAPTER VII: DEPARTMENT OF FINANCIAL AND  
PROFESSIONAL REGULATION

SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1380 THE PROFESSIONAL ENGINEERING PRACTICE  
ACT OF 1989

SECTION 1380.300 STANDARDS OF PROFESSIONAL  
CONDUCT



# IL PE Code of Conduct - Excerpts

- Professional Responsibility

Licensees shall be responsive to the needs of clients and employers, but shall hold paramount life, health, property and the welfare of the public

- Document Responsibility

Licensees shall approve and seal only those designs prepared by them or under their direct supervision and found to be safe for the public health, property and welfare.



# IL PE Code of Conduct - Excerpts

- Confidentiality

Licensees shall not reveal confidential facts, data or information obtained in a professional capacity without the prior consent of the client, except as authorized or required by law.

- Use of License and Fraudulent Activities

Licensees shall not permit the use of their name or firm's name, nor shall they be associated in business ventures with persons or firms which they have reason to believe to be engaging in fraudulent or dishonest business practices.



# IL PE Code of Conduct - Excerpts

- Competence and Acceptance of Assignments

Licensees shall perform services only in areas of their competence.

Licensees can undertake assignments only when qualified by education and experience in the specific technical field of engineering involved

Licensees shall not affix their signature or seal to any plans or documents dealing with subject matter in which they lack competence, nor to any plan or document not prepared by them or under their direct supervisory control.

Licensees may accept an assignment outside of their fields of competence to the extent that their services are restricted to those phases of the project in which they are qualified, and to the extent that all other phases of the project will be performed by registrants qualified in those phases.



# IL PE Code of Conduct - Excerpts

- **Integrity**

Licensees shall be completely objective and truthful in all professional reports, statements or testimony.

Licensees may express a professional opinion on technical subjects only when it is founded upon adequate knowledge of the facts and a background of competence in the subject matter.

A licensee shall issue no statements, criticisms, or arguments on engineering matters without first prefacing such comments by explicitly identifying on whose behalf the comments will be made.

When the licensee is acting as a consultant, expressing a professional opinion, such opinion shall be prefaced by complete personal identification as a consultant, without necessarily naming the client. Such licensee shall reveal any personal interest in the matter.



# IL PE Code of Conduct - Excerpts

- Conflict of Interest.

Licensees shall conscientiously avoid conflicts of interest with their employers or clients. Whenever conflicts of interest appear unavoidable, licensees shall disclose promptly to their employers or clients any business association, interest or circumstance which may influence judgment or quality of services.

Licensees shall not accept compensation, financial or other, from more than one party for services on a project or for services pertaining to a project unless the licensee makes full disclosure and receives consent of all interested parties.

Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their firm or organization serves as a member.



# IL PE Code of Conduct - Excerpts

- Conflict of Interest, continued.

Licensees shall not solicit or accept financial or other valuable consideration from any material supplier or equipment supplier for specifying the supplier's products except when the licensee is a known employee or agent of the supplier.

Licensees shall not solicit or accept gratuities, directly or indirectly, from any contractor, architect, engineer or other party dealing with the licensee's employer or client in connection with work for which the licensee is responsible.

Licensees in public service as members, advisors or employees of a governmental body or department shall not participate in decisions with respect to professional services solicited or provided by them or their organization.



# IL PE Code of Conduct - Excerpts

- Employment Solicitation.

Licensees shall not offer to pay, either directly or indirectly, any commission, political contribution, gift or other consideration in order to secure professional assignments.

Licensees shall not falsify or permit misrepresentation of their, or their associates', academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in or for the subject matter of prior assignments.

Brochures or other presentations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments with the intent or purpose of enhancing their qualifications and/or their work.





# Scenario I

Prince Motel is a supervisor employee with the County. Cash Lapel also works for the county.

***Cash: Hi Prince. Want to go on a break with us?***

Prince: No, I can't. I did not get very good management marks on my last employee evaluation so I signed up for an online management course that the County is paying for. I have to work on a paper that is due tomorrow – but thanks anyways.

***Cash: Well, then will you be able to come to happy hour after work?***

Prince: Nope, I will probably continue working on this until after 5 pm. Have a good time without me!



# Scenario II

Takeo Nasaka is an Asian who works for the Standup Tech company and Sherry Wood also works for the company

***Takeo : Hi Sherry, how are things going?***

Sherry: I have a lot of work to do. It is like a Chinese fire drill here!

***Takeo : Gee, I wish you would not use that phrase.***

Sherry: Don't get so sensitive just because you have work to do up the ying-yang too!

***Takeo : That was not necessary!***

Sherry: Don't go hari-kari on me! If you expect me to kow-tow to your special sensitivities, forget it!

***Takeo : Look, I just want our conversations just to be on a friendly and ethnically neutral basis. Can't we all get along?***



# Scenario III

John Booty works for the county as a dump truck driver. His friend, Jules Orange, does not work for the county. Jules calls Phil on the cell phone.

**Jules: Hey John, whatcha doing?**

John: I'm on the way back with a ¼ load of gravel that was left over from a job. I was told to drive out about 10 miles out to dump it in one of those sand mining pits and return to the yard. It's going to take me about an extra hour to do all of this.

**Jules: How about dropping by my house and putting it on my driveway?**

John: Well, I don't know about that. However, you are just about a mile from where I am now and it would save the County gas money if I dumped it at your place and go straight to the yard, which is only 2 miles from your place. Also, I would not have to be on over-time.

**Jules: Great! I am glad to see that you are a conscientious County employees, thinking about cutting costs for the county!**



# Scenario IV

Vick Valance is a deputy county sheriff and his friend, George Tervid is a campaign worker for the re-election of Sheriff Pinkard.

**George: Vick, will you be coming to the rally for Sheriff Pinkard after work?**

Vick: Sure, count me in. You know I support his tactics! I'll come over after I go home and change from my uniform to my civilian clothes.

**George: Gee, why bother? Just come as you are – we won't mind!**

Vick: Ok, it would save me some time.



# Scenario V

Dusty Love is about to submit a paper the next day and has a great illustrative figure that he wants to use but cannot find the source to credit.

What should Dusty do?



# Scenario VI

Don Thinner, an engineer for the county, is a personal friend of Mike Cook and used to be students together. Mike works for an engineering firm that does business for the County.

Mike invites Don to go up to Mike's family mountain house for a week.

Should Don accept?

What should Don do if Mike's company is about to do an interview with the County in pursuit of a project?

What should Don do if the house was in Hawaii and Don lives in Independence Falls, MN and Mike offers to pay his way there?



# Scenario VII

Sally Forth, a state employee, is at a conference where the government lodging per diem is \$150. The conference hotel cost \$175/night and is the only hotel close by. It would take a taxi at a cost of \$25 per trip to go from the nearest hotel that has the per diem rate to the conference.

Sally's supervisor suggests that she take a "phantom" taxi ride every day for \$25 and put it on her expense report so that she does not have to pay the extra \$25 per night out of her own pocket. It would also save the state \$25 per day since she would not have to take 2 taxi rides per day if she stayed at the other hotel.

Should Sally do as suggested?



# Scenario VIII

Greg Buyer is an environmental scientist for the Corps of Engineers.

He is asked by people from a company that is doing work on one of his projects (he was the Project Manager) if he would like to be one of the authors of a paper to be presented to the ASCE Journal about the project.

He says he is too busy to contribute but the company says he does not have to do anything and they would do all the work in the paper preparation and submittal.

What should Greg do or say? What if he is made the first author?





# Scenario IX

Tofu Hamu is a FEMA employee and is at an EWRI conference.

Her friends that work for a private FEMA contractor invites her to the contractor's open house for some food and drinks.

Should she accept?

What should Tofu do if the open house was only for FEMA employees.

What should she do if the invitation was for a catered dinner for FEMA employees?



# Scenario X

Lauren Stiller used to work for Michael Spearman but left for another company under unpleasant circumstances.

Michael's company has invited Lauren's company to be a sub consultant in pursuit of a large project.

In the process of putting the proposal together, Lauren notices that Michael has taken credit for work that Lauren did when she was with Michael's company.

What should she do?



# Scenario XI

## from National Institute for Engineering Ethics

Four of the key engineering employees of firm A left the firm at the same time following disagreement on certain firm policies and promptly organized a new engineering firm, B, with the four engineers as the principals.

Firm B promptly contacted the former clients of Firm A, including some former clients of Firm A which had projects under discussion with Firm A, but for which specific selection or negotiation had not taken place.

In some instances one or more of the four engineers had been involved with the former clients of Firm A while in their employ.



## Scenario XI, cont.

While Firm B was making these contacts to indicate the availability of the new firm for assignments from the former clients, Firm A was also making contact with the former clients to indicate that their firm was still available for future commissions and retained its capacity to provide proper services despite the departure of the four engineers.

Firm A has protested the action of the four engineers on ethical grounds, alleging that they violated the rule against supplanting.

Further, Firm A was told by the clients that Firm B had cast doubt on the ability of Firm A to provide quality services. In discussions with the former clients, Firm A indicated doubt that Firm B was qualified to provide quality services.



## Scenario XI, cont.

Did the four engineers who founded Firm B violate the Code of Ethics by seeking work from former clients of Firm A?

Did the four engineers comprising Firm B act unethically in casting doubt on the ability of Firm A to provide quality services?

Did Firm A act unethically in casting doubt on the ability of Firm B to provide quality services?



## Scenario XII

Maury Metro is just exiting from a job interview with the Resistance is Futile company and notices that Chuck Cavern is the next person to be interviewed for the job.

Maury knows that Chuck had a recent disciplinary action against him by the PE Board of Registration.

Should Maury inform the interviewing company about this?



# Final Haiku

Conscience in your thoughts  
Follow what mother would say  
Peace comes to your life



Questions?

