



# A Question of Ethics

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## The Telephone Temptation

The NACM Code of Conduct calls us to use public resources under our control judiciously and for prescribed legal purposes. Further, the code forbids us to accept compensation on the job beyond those wages and regular benefits we receive for our work. The office telephone has long been an ethical and supervisory point of contention. How do we ensure proper use of public resources and appropriate compensation for employees' service? What is the public's perception of abuse of office? When do such concerns become truly trivial?

Similar to my last column, this piece provides a series of short scenarios converging the telephone theme in court administrator Bob's court. Bob had a new telephone system installed in his court about eighteen months ago. One of the features of the new system is a log showing all local and long distance outgoing calls, the originating telephone number of each call, number dialed, and each call's duration.

Even though he was able to review the long-distance log on the previous telephone system, Bob was always too busy. Now, with the added advantage of access to local calls, he decides to pull the new system's log and take a look. After a little research, Bob starts discovering what appears to be abuse.

As Bob begins to discuss some of the problems he has found with his employees, he recalls both the NACM Code of Conduct and his state's law prohibiting state employees from using their position for substantial gain (defined as receiving anything valued more than \$50).

The log shows that Phil has used his office telephone to make more than \$50 in personal phone calls just last month. Gretchen has personal calls totalling just over \$40 during the last six months. Al has more than \$50 in personal calls from the last twelve months.

Harry, the probation officers' union shop steward, has used his office telephone to call the union headquarters twenty-nine times in the last two months. The union contract allows stewards reasonable time to communicate with their union, but some of the calls lasted forty-five minutes.

Phyllis, a single mother who is experiencing problems with her teenage daughter, called home an average of five times a day to assure herself that her

daughter was at home. When Bob confronts Phyllis, she responds that calling home allows her to work with a clear mind. She feels the calls make her more productive and actually saves the court money.

George has health problems that often require him to make medical appointments during work hours. The log reveals George called his doctor thirty-five times in the last two months during all hours of the work day. When confronted by Bob, George merely says, "That's when the doctor's office is open."

Marva, who had filed a discrimination complaint against the court, has called her attorney forty-one times in the last two months. Her attorney is handling Marva's upcoming law suit. When Bob confronts Marva, she responds that no other county department reviews the telephone logs. Reviewing the logs is further evidence of the court's discriminatory policy toward its employees.

Brad Green, traffic and criminal cashiering supervisor in Multnomah County's District and Circuit Courts in Portland, Oregon, along with Brian Doran, deputy district court administrator for the Seventh Judicial District in St. Cloud, Minnesota, and Thomas Ralston, court administrator for the Superior Court of Delaware in Wilmington, Delaware, agreed to comment on the ethical implications regarding use and misuse of the office telephone.

## The Fifty Dollar Limit

Neither Tom, Brad, nor Brian saw any difference between employees' ethical and legal obligations. All three believed that employees' charging the court for personal telephone calls was both illegal and unethical. Brian thought Bob should set some limit on how much money should be charged and over what time period. Tom, however, saw no acceptable limit. Brad thought Bob should either establish a policy that employees reimburse the court for any calls made or forbid the practice altogether. As a practical matter, Brad favored forbidding the practice.

## Harry's Calls to Union Headquarters

Brad saw Harry's calls as ethically appropriate according to most contracts, although the number of calls is probably somewhat overboard. Brad and

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Brian thought Bob ought to negotiate with Harry as to how many calls and how much time is appropriate to both fulfill the union's need for proper employee representation and management's need to complete the court's work. Brad also thought it was worth Bob's time to find out why it was taking so long to deal with these personnel matters.

### Phyllis's Calls to Her Teenage Daughter

Brad and Brian thought Phyllis's calls were ethical because she was legitimately concerned about her daughter. Everyone makes a certain number of personal phone calls that are acceptable. Tom did not see this situation as an ethical issue; rather he thought it was simply a personnel/supervision concern.

Brad and Brian both agreed that the court needs to draw a line regarding an acceptable number of telephone calls employees can make. Bob might consider negotiating with Phyllis to either reduce the number of telephone calls she

makes or changing her hours so she can handle her family concerns. Even though this might be a trivial issue now, it can become more serious later on. Bob needs to deal with it now. Bob could possibly write a memo to all personnel on this issue and also ask the county to establish a policy. The important point is to strive for consistent treatment.

### George's Calls to His Doctor

Brian saw George's situation as more of a supervision question than an ethical one. Tom thought George should simply stay home and take care of his medical business. Brad and Tom both were unsure if the public would see George as potentially misusing government resources, but Tom pointed out the possibility of universalizing the problem to all employees certainly existed. Either way, Bob needs to deal with the work issue, possibly by arranging a flex-time schedule. George might also do well to avail himself of the court's employee assistance program.

### Marva's Calls to Her Attorney

Brian considered Marva's calls to be ethical, though Tom thought Marva should call her attorney on her own time. All three said that the court has the responsibility to define reasonable parameters. Bob needs to set such a standard for all employees. Marva needs to be treated like all other employees. If others have been allowed to make calls, she should not be singled out. Bob should also ensure that all employees within the court are being treated the same and check for similar occurrences of telephone abuse in other departments.

The telephone temptation brings up a number of ethical and supervisory issues with which we all must deal; proper use of public resources, appropriate compensation for service in office, the public's perception of abuse of office, and making issues into trivialities. Thanks again to Tom, Brian, and Brad for their comments. If you have an interesting ethical issue you would like to share, send it to me in care of *The Court Manager*. CM

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## Keeping the Promise:

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viewed. While a survey of attitudes regarding the process has just recently begun, initial comments reflect that those participating appreciate the time and effort to fully review permanency. People are afforded the opportunity to understand why and how decisions are made.

Further, not only is much accomplished at the hearings but much is accomplished *in anticipation* of the hearings. Case managers reflect a clearer commitment to permanency for foster children.

There was a concern that the judge might dominate the hearings. However, as everyone became familiar with the process, participation by members increased. After the first few

months, participation by all members was active and appropriate.

Statistical and historical data are premature. Surveys have begun and ongoing issues are being addressed and monitored by the board participants. The process is improving and efforts will be made to analyze those results when significant information is available. For the present, however, the foster care review board has strengthened the review of children in foster care and has helped Clark County better address the needs of foster children.

While the specific efforts of the core committee can be debated, the transition of Clark County's response to abuse and neglect from a static to dynamic

process cannot. The lesson is that collaboration results in dynamic energy and ideas, and, with change comes growth and improvement. Individual participation increases because the effort is recognized as being worthwhile. Everyone wants to be part of the effort and the outcome. The result is an increased commitment to improving a system that benefits children. Clark County's efforts are not necessarily the best or only way of addressing abuse and neglect issues. What is being demonstrated is that, in a time when financial resources are limited, involvement by participants in the abuse and neglect system under the leadership of the juvenile judge can result in innovative