

# ***Edited Content Extracted from: sections 901–907.docx***

## **PART IX. ETHICS AND SECRECY**

### **Section 901. Nonpublic Information**

No employee may use information acquired in the course of official employment for personal gain until such information has been made available to the general public. [Source: 41 PNC § 711, § 712(d), § 724 & SSA By-Laws; 33 PNC]

### **Section 902. Secrecy**

If a member of the Board or employee of the Administration reveals to any other person any information about an employer, an employee, or a person receiving a benefit under 41 PNC that has come to his or her knowledge by virtue of his or her employment with the Administration, that person may be found guilty of a misdemeanor and imprisonment for a period of not exceeding twelve (12) months or a fine of not more than two thousand dollars (\$2,000.00), or both. The following shall not be considered a breach of this section:

- \* Disclosure of information for any function or purpose under 41 PNC;
- \* Disclosure of information as required by order of a court, subpoena, or warrant;
- \* Disclosure of information when there is suspected criminal activities;
- \* Disclosure in cooperation with an investigation with the Ministry of Finance, the Office of the Attorney General, or any other government investigation or prosecution; or
- \* Any other disclosure that is authorized by the Board. [Source: 41 PNC § 773]

### **Section 903. Administration Property**

No employee may use Administration equipment, facilities, assets, or property for private or political use. [Source: 41 PNC § 711, § 712(d), § 724 & SSA By-Laws; 33 PNC]

### **Section 904. Disclosure of Interests**

Each employee shall disclose, in writing, all financial interests that may be subject to 41 PNC. For purposes of this section “financial interest” means:

- \* Any business entity in which an employee has a direct or indirect ownership interest;
- \* Any real or personal property in which an employee has a direct or indirect ownership interest, including a leasehold interest, having a fair market value of one thousand dollars (\$1,000.00) or more;
- \* Any source of income, including compensation and gifts, and loans from sources other than commercial lending institutions made in the normal course of business, aggregating five hundred dollars (\$500.00) or more in value received by or promised to the employee during the preceding twelve (12) months;
- \* A directorship or officership in a business;
- \* Any source of contributions aggregating one thousand dollars (\$1,000.00) or more in value received by or promised to the employee during the preceding four (4) years. [Source: 41 PNC § 711, § 712(d), § 724 & SSA]

## Section 905. Conflict of Interest

(a) No employee may take, participate in taking, or use his or her position to attempt to influence any official action where it is reasonably foreseeable that the action could have a material financial effect on that employee, or on any financial interest of that employee, that is different from the effect on the public generally. Any employee who is unable to disqualify himself or herself on any matter because he or she is the only person authorized by law to perform the official action must disclose such interest.

(b) No employee may acquire a financial interest in any business or other undertaking which he or she has reason to believe may be directly affected by official actions to be taken unless such interest is disclosed.

(c) No employee may assist any person for compensation or act in a representative capacity before any national or state government agency in any matter that relates in any way to the Social Security duties or responsibilities of the employee.

(d) No employee may use or attempt to use their employment or position to secure or grant privileges, exemptions, advantages, contracts, or treatment, for his or herself or others, including but not limited to the following:

- \* Seeking other employment or contracts for services for the employee by the use or attempted use of the employee's employment or position; and
- \* Soliciting, receiving or accepting compensation or other consideration for the performance of the employee's duties or responsibilities except as provided by law;
- \* Soliciting, receiving or accepting any gift or other item of monetary value from any person seeking official action from, doing business with, or conducting activities regulated by the Social Security Administration, or from any person whose interests may be substantially affected by the performance or nonperformance of the employee's duties; provided that this subsection shall not apply to wedding gifts, customary gifts and gifts exchanged between individuals on birthdays, holidays and other similar occasions, provided that the gifts exchanged are not substantially disproportionate in value.

(e) No employee may engage in any outside employment or other outside activity that is incompatible with the full and proper discharge of the employee's position or employment. [Source: 41 PNC § 711, § 712(d), § 724 & SSA By-Laws; 33 PNC]

## Section 906. Recusal

An employee who has disclosed a conflict of interest shall recuse himself or herself from working on or hearing any matter pertaining to the conflict of interest unless the Administrator deems it appropriate for that employee to act or hear the conflicted matter. For example, a collections officer may not collect or reach any agreement with a business in which the collections officer holds a disclosed significant financial interest unless the Administrator deems such action appropriate. Or, a benefits officer may not determine benefit rights for a beneficiary they are related to unless such relationship is disclosed and the Administrator deems such action appropriate.

## Section 907. Mismanagement of Funds

Any person who has a fiduciary relationship with the Fund, including but not limited to any member of the Board and the Administrator, who is found guilty of mismanagement of the Fund, whether by malfeasance, breach of fiduciary duties or other action, shall be guilty of a felony and is liable to imprisonment for a period not to exceed fifteen (15) years or a fine of not more than one hundred thousand dollars (\$100,000.00) or both. [Source: 41 PNC § 774]