

Edited Content Extracted from: sections 901–907.docx

PART IX. ETHICS AND SECRECY

Section 901. Nonpublic Information

Employees must not use information acquired during their 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 an Administration employee discloses information about an employer, employee, or person receiving benefits under 41 PNC that they have learned due to their employment, they may be found guilty of a misdemeanor and face imprisonment for up to twelve (12) months, a fine of not more than \$2,000.00, or both. Exceptions to this section include:

- + Disclosure for any function or purpose under 41 PNC;
- + Disclosure required by court order, subpoena, or warrant;
- + Disclosure when there is suspected criminal activity;
- + Disclosure in cooperation with an investigation by the Ministry of Finance, the Office of the Attorney General, or any other government investigation or prosecution; or
- + Any other disclosure authorized by the Board.

[Source 41 PNC § 773]

Section 903. Administration Property

Employees must not use Administration equipment, facilities, assets, or property for private or political purposes.

[Source 41 PNC § 711, § 712(d), § 724 & SSA By-Laws; 33 PNC]

Section 904. Disclosure of Interests

* Each employee must disclose, in writing, all financial interests that may be subject to 41 PNC. For the 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 \$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 \$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 \$1,000.00 or more in value received by or promised to the employee during the preceding four (4) years.

As used in this section, "indirect ownership interest" means any interest owned by the spouse or dependent children of an employee or by an agent on behalf of an employee, or the pro rata share of an interest owned by a business entity in which an employee or an employee's spouse or dependent children cumulatively own a ten percent (10%) or greater interest.

[Source 41 PNC § 711, § 712(d), § 724 & SSA By-Laws; 33 PNC]

Section 905. Conflict of Interest

* No employee may take, participate in taking, or use their 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 themselves on any matter because they are the only person authorized by law to perform the official action must disclose such interest.

* No employee may acquire a financial interest in any business or other undertaking which they have reason to believe may be directly affected by official actions to be taken unless such interest is disclosed.

* 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.

* No employee may use or attempt to use their employment or position to secure or grant privileges, exemptions, advantages, contracts, or treatment, for themselves or others, including but not limited to:

+ 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.

* 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.

* ALL DISCLOSURES SHALL BE MADE TO THE ADMINISTRATOR IN WRITING.

[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 themselves 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.

[Source 41 PNC § 711, § 712(d), § 724 & SSA By-Laws; 33 PNC]

Section 907. Mismanagement of Fund.

* 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 \$100,000.00 or both.

[Source 41 PNC § 774]