

BOARD OF EDUCATION OF BALTIMORE COUNTY  
ETHICS REVIEW PANEL  
ADVISORY OPINION 17-01

This Advisory Opinion 17-01 is in response to a request made by petitioners, employees of the Baltimore County Public Schools ("BCPS"), who requested clarification of the Ethics Code as it applies to BCPS employee wellness incentives.

The petitioners requested an advisory opinion regarding whether BCPS employees may accept wellness incentives as part of health programs administered by BCPS and the BCPS Employee Wellness Program. The wellness program, known as "HealthyWage", was selected by the BCPS Wellness Committee and is a voluntary program open to all BCPS employees. The wellness program promotes healthy eating habits, and fitness ideas. Participants pay a fee to participate in a program the end result of which is a group weight loss challenge. Winning teams receive a monetary incentive.

The relevant sections of the Ethics Code are as follows:

ETHICS CODE: Definitions and Conflict of Interest

Policy 8360 Applicability and Definitions

I. Applicability

A. The Ethics Code of the Board of Education of Baltimore County (Board) applies to members of the Board, the Superintendent, employees, consultants of the Baltimore County Public Schools, and the Board's volunteer appointees to its panels and councils (hereinafter, "School System Official").

II. Definitions

(F) Employee - means an individual whose compensation is paid in whole or part by the Board and/or is a student teacher for the school system.

(I) Gift. means the transfer of any service or thing of economic value, regardless of the form, without adequate and lawful consideration.

(I) "Gift" does not include political campaign contributions regulated under the elections law article, Annotated Code of Maryland, or any other provision of state or local law regulating the conduct of elections or the receipt of political campaign contributions.

### III. Gifts to a School System Official

(C) A school system official may not knowingly accept a gift, directly or indirectly, from a person that the official knows or has reason to know:

(1) Is doing business with or seeking to do business with the Board or school system;

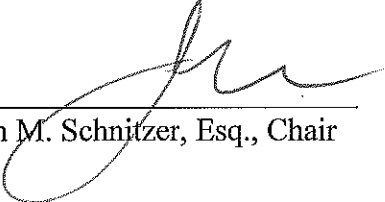
(1) Is subject to the authority of the school system;

(2) Is a lobbyist with respect to matters within the jurisdiction of the school system official; or

(4). Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the school system duties of the school system official.

Based on information received, and on Ethics Review Panel Advisory Opinion 12-03, The Ethics Review Panel agreed that wellness incentives are not a gift. They are a benefit determined by the County and the Board of Education.

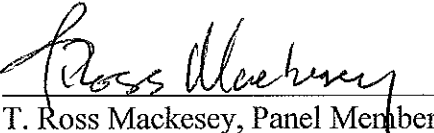
This opinion has been signed by the Ethics Review Panel members and adopted on March 16, 2017.

  
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Joseph M. Schnitzer, Esq., Chair

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Scott Bryson, Vice Chair *Absent*

  
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Theresa E. Barrett, Panel Member

  
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Clare McSpadeh, Esq., Panel Member

  
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T. Ross Mackesey, Panel Member