

**INSTRUCTIONS FOR DISCLOSURE BY SPECIAL COUNTY EMPLOYEE
UNDER G. L. c. 268A, § 14(c)**

FINANCIAL INTEREST IN A COUNTY CONTRACT

SUMMARY

You are a special county employee, as described below. You wish to have a financial interest, directly or indirectly, in a contract made by a county agency other than the one you serve. As a special county employee, you do NOT participate in or have official responsibility for the activities of the county agency that made the contract. To be eligible for an exemption under § 14(c) of the conflict of interest law, you must fill out a § 14(c) disclosure, and the county commissioners must approve the exemption. The approved disclosure must be filed with the State Ethics Commission.

WHO CAN USE A § 14(c) DISCLOSURE FORM

You are an **elected or non-elected special county employee** as defined by G.L. c. 268A, § 1(o), because:

- You serve in a county position for which **no compensation** is provided.
- You are **not an elected official**, and you receive compensation for **fewer than 800 hours** in the preceding 365-day period; OR
- You are **not an elected official**, and by classification by your county agency or by the terms of a contract or the conditions of your employment, **you are permitted to have personal or private employment during normal working hours**, and disclosure of such classification or permission has been filed in writing with the State Ethics Commission and the office of the county commissioners prior to the commencement of any personal or private employment.

You also are a **special county employee** if:

- A **county agency has made a contract with the company or organization where you work**, and
 - o You are a **“key employee”** because the contract names you or makes it clear **the county has contracted for your services in particular**; AND
 - o The contract states that you are a **special county employee** or indicates that you meet one of the eligibility requirements above.

If you need advice about whether you are a special county employee, please contact the State Ethics Commission

WHEN TO USE THE § 14(c) DISCLOSURE FORM

Section 14 of the conflict of interest law prohibits you from having a **financial interest, directly or indirectly, in a contract made by a county agency in the same county which you serve**. This financial interest may be:

- A **non-elected, compensated county position**, or
- A direct financial interest in a **contract between a county agency and you**; or
- An indirect financial interest in a county contract – in other words, you have a **financial stake in a contract or transaction between a county agency and someone else**, such as a company or organization.

You may be able to use a § 14(c) exemption, however, to keep or add such a financial interest in a county contract. You may use a § 14(c) exemption only if it is true that as a special county employee, **you do not participate in or have official responsibility for the activities of the county agency that made the contract in which you have a financial interest**.

You must file a **§ 14(c) disclosure**, and **you will need approval of the exemption from the county commissioners**.

FINANCIAL INTEREST IN A COUNTY CONTRACT

A financial interest may be **direct or indirect, large or small, positive or negative** – a gain or a loss, a benefit or an obligation. Section 14 does not prohibit you from having a financial interest in a county contract by owning less than 1% of the stock of a corporation.

Examples of financial interests in a county contract are:

- You have a **non-elected, compensated county employee position** -- this is a **personal services contract** if you work directly for a county agency.
- **A county agency has a contract with you.**
- **You have a financial stake in a contract or transaction between a county agency and another person or an entity**, such as a company or organization.
- You work for a company or organization that has a contract with a county agency other than the one you serve as a county employee, and you are a **“key employee”** because the contract identifies you by name or otherwise makes it clear that the county has contracted for your services in particular.

KEEPING OR ADDING A FINANCIAL INTEREST IN A COUNTY CONTRACT

Depending on the circumstances, you may use a **§ 14(c) disclosure** to report the following facts:

- You **ALREADY HAD** a financial interest in a county contract **BEFORE** you became a county employee, and you will continue to **KEEP** it, **OR**
- You already are a county employee, and you will **ADD** a **NEW** financial interest in a county contract.

The disclosure form indicates when **ELECTED** and **NON-ELECTED** county employees can use a **§ 14(c) exemption** to **KEEP** or **ADD** a financial interest in a county contract of the types listed above.

WHO SHOULD NOT USE A § 14(c) DISCLOSURE

If you are **ADDING** an **elected or appointed uncompensated special county employee position**, use an **exemption under 930 CMR 6.02** instead of § 14(c).

EXEMPTION FOR SPECIAL COUNTY EMPLOYEES WHO PROVIDE PROFESSIONAL OR LEGAL SERVICES

If you are a **special county employee** because **you provide contracted professional or legal services for a county agency**, you may be able to have a financial interest in a contract made by **the same county agency that made the contract with your company or organization**. You must satisfy the requirements of an **exemption under 930 CMR 6.13**, including filing a disclosure. **You do not need approval from the county commissioners for such an exemption.**

FILING A § 14(c) DISCLOSURE

In the disclosure, enter information about your special county employee position at the top of the form.

Enter information about the financial interest in a county contract in the next parts of the form.

- Answer questions in **Box # 1** if you are an **ELECTED special county employee**.
- Answer questions in **Box # 2** if you are a **NON-ELECTED special county employee**.

Complete and sign the § 14(c) disclosure form. **Submit the completed disclosure to the county commissioners for approval.** Once the county commissioners approve the exemption, the disclosure must be filed with the State Ethics Commission.

If you need advice about completing the disclosure, please call the Attorney of the Day at 617-371-9500 or e-mail the State Ethics Commission at requestadvice@massmail.state.ma.us.

Form revised August 2015