

RHODE ISLAND ETHICS COMMISSION

Advisory Opinion No. 2025-44

Approved: July 1, 2025

Re: Priscilla Glucksman

QUESTION PRESENTED:

The Petitioner, the administrator of the Office of Child Support Services, a division of the Department of Human Services, a state employee position, requests an advisory opinion regarding whether the proposed alternate chain of command policy will sufficiently insulate her from potential conflicts of interest arising out of her position, given the recent hiring of the Petitioner's daughter as a child support enforcement agent in the same division.

RESPONSE:

It is the opinion of the Rhode Island Ethics Commission that the proposed alternate chain of command policy will sufficiently insulate the Petitioner, the administrator of the Office of Child Support Services, a division of the Department of Human Services, a state employee position, from conflicts of interest arising out of her position, given the recent hiring of the Petitioner's daughter as a child support enforcement agent in the same division.

The Petitioner is employed as the administrator of the Office of Child Support Services (OCSS), a division of the Rhode Island Department of Human Services.¹ In her role as administrator, the Petitioner assists the OCSS associate director with implementing the mission of the OCSS, which is to enhance the well-being of children by assuring that assistance in obtaining support, including financial and medical, is available to children through locating parents, establishing paternity, establishing support obligations, and monitoring and enforcing those obligations in the Rhode Island Family Court. The Petitioner identifies the chain of command at the OCSS in descending order as follows: associate director, administrator, two assistant administrators, three senior casework supervisors, and 39 child support enforcement agents who are divided into categories 1, 2, and 3, with category 3 agents being the most experienced.

¹ Originally hired in 1999 as OCSS legal counsel, the Petitioner was later promoted to the position of senior legal counsel and, eventually, to the position of deputy legal counsel. She was selected to become the OCSS administrator in May 2025.

The Petitioner represents that her daughter, a new college graduate, recently applied to become a category 1 child support enforcement agent at the OCSS in response to a posting that her daughter had seen on the State of Rhode Island's website. The Petitioner describes the position of child support enforcement agent 1 as entry level, requiring the balancing of a large caseload for which the agent is tasked with enforcing the child support obligations of the parents of minor children. The Petitioner states that the agent is required to engage in telephone calls with both custodial and non-custodial parents, document returns of service for subpoenas issued, make notes to files, respond to internal inquiries from members of the legal department and/or senior casework supervisors about the status of cases and, on a rotating basis, answer the phones and greet members of the public who visit the OCSS.

The Petitioner informs that the state's human resources department originally selected seven candidates who were already members of RI Council 94 AFSCME AFL-CIO (union) and for whom priority was to be given for this position.² She further informs that the three senior casework supervisors to whom all agents report rejected all seven candidates as lacking the required education to perform the job. The Petitioner represents that the state's human resources department then forwarded the applications of the remainder of the candidates, from which the senior casework supervisors selected six people to interview. The Petitioner further represents that three of those candidates withdrew from consideration and two did not appear for the interview. The Petitioner explains that her daughter was the remaining candidate and was interviewed by two of the three senior casework supervisors.

According to the synopsis prepared by an OCSS employee which was submitted to the OCSS associate director, the Petitioner's daughter was found to have possessed the required education and experience, "interviewed well, and was very articulate, demonstrating strong communication skills and clearly explained how her experience matched the skill set we were looking for." See Petitioner's advisory opinion request letter, page 3. The Petitioner states that the decision to submit her daughter's name to human resources for approval to hire was made by the two senior casework supervisors who interviewed her and that on May 29, 2025, the supervisors received approval to offer employment to the Petitioner's daughter. The Petitioner further states that at no time was she consulted or even notified by her colleagues that her daughter was being interviewed and that the Petitioner had no input in the process.³

² The Petitioner's daughter was not among those candidates.

³ The Petitioner explains that when her daughter applied for the position, the Petitioner was still part of the legal department. She further explains that, while the administrator does receive notice when a new agent is hired, the administrator is not typically involved in the interview process or the selection of a candidate for the position of agent.

The Petitioner represents that, as a new agent, her daughter will be required to join the union, and her salary will be determined by the union's collective bargaining agreement with the state, which the Petitioner has no role in negotiating. The Petitioner states that new agents seek instruction from members of the OCSS legal department of which the Petitioner is not a part. The Petitioner further states that other than perhaps running into her daughter in the building in which they will be working on separate floors, or the Petitioner's delivery of an occasional training to OCSS employees, or potentially consulting on a difficult case, interactions with her daughter will not likely occur.

The Petitioner offers that, in the event a disciplinary matter involving her daughter were to require intervention beyond the three casework supervisors and/or two assistant administrators who work under the Petitioner and who would ordinarily address such a matter as part of their official duties, the Petitioner would recuse from participating in all related discussions and decision-making, and the OCSS associate director, who is the Petitioner's direct supervisor, would act in the Petitioner's place. The Petitioner adds that if she were called upon to approve an accommodation request by her daughter for medical or other leave, the Petitioner would recuse from participation and the matter would be addressed by the OCSS associate director. The Petitioner states that both the associate director and his director superior, who is the senior associate director of the Child Care Assistance Program, Office of Rehabilitative Services, and the OCSS, are aware of and agree to this proposed alternate chain of command. It is in the context of these facts that the Petitioner seeks guidance from the Ethics Commission regarding whether the proposed alternate chain of command policy will sufficiently insulate her from potential conflicts of interest arising out of her position, given the recent hiring of the Petitioner's daughter to work as a child support enforcement agent.

The Code of Ethics provides that a public employee shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, employment, transaction, or professional activity which is in substantial conflict with the proper discharge of her duties in the public interest. R.I. Gen. Laws § 36-14-5(a). A substantial conflict of interest exists if the public employee has reason to believe or expect that any person within her family, among others, will derive a direct monetary gain or suffer a direct monetary loss by reason of her official activity. R.I. Gen. Laws § 36-14-7(a). Also, a public employee may not use her public position to obtain financial gain, other than that provided by law, for any person within her family, among others. § 36-14-5(d).

The Code of Ethics contains specific provisions aimed at curbing nepotism which are laid out in 520-RICR-00-00-1.3.1 Prohibited Activities - Nepotism (36-14-5004) (Regulation 1.3.1). Pursuant to Regulation 1.3.1(B)(1), a public employee may not participate in any matter as part of her public duties if there is reason to believe or expect that any person

within her family is a party to or participant in such matter or will be financially impacted or obtain an employment advantage by reason of the public employee's participation. Additionally, Regulation 1.3.1(B)(2) prohibits a public employee from participating in the supervision, evaluation, appointment, classification, promotion, transfer, or discipline of any person within her family, or from delegating such tasks to a subordinate, except in accordance with advice received in a formal advisory opinion from the Ethics Commission. The phrase "any person within her [] family" expressly includes "daughter." Regulation 1.3.1(A)(2).

The Ethics Commission has issued numerous advisory opinions applying the provisions of the Code of Ethics to analogous questions involving family members. In those opinions, the Ethics Commission took the position that a public employee serving in a supervisory capacity would satisfy the conflict of interest and nepotism provisions of the Code of Ethics by recusing from participation in matters directly affecting his or her family member. For example, in Advisory Opinion 2023-25, in anticipation of his appointment to the position of director of the Rhode Island Department of Administration (DOA), the petitioner proposed an alternate chain of command for a determination by the Ethics Commission regarding whether it would suffice to insulate him from conflicts of interest, given that his spouse was employed by the same state agency as an analyst in the Office of Regulatory Reform (ORR). There, the organizational structure of the DOA was such that there were already three levels of supervision separating the petitioner from his spouse. Also, the petitioner's proposed alternate chain of command removed him from any decision-making relative to his spouse and transferred such responsibilities to the governor's senior advisor who was not a subordinate or otherwise under the supervision or authority of the petitioner, and who was closely familiar with the functions of the DOA and the ORR. See also A.O. 2009-34 (opining that the chief of the West Warwick Fire Department was not prohibited from serving in that position if his son-in-law was a successful candidate for a firefighter position within the same department, provided that certain procedures were followed so that the petitioner was removed from personnel decisions or other matters that particularly affected his family member, pursuant to an alternate chain of command proposed by the petitioner which effectively insulated him from decisions directly affecting his son-in-law); A.O. 2002-43 (opining that the daughter of the Newport schools superintendent could accept employment as a teacher at the Thompson Middle School in Newport, provided that the superintendent did not take action on personnel or other matters that affected her daughter financially).

Here, the Petitioner was not involved in creating the advertisement for the position to which her daughter applied, nor did she participate in the selection or interviewing of candidates or the decision to seek approval from the state to extend an offer of employment to her daughter. Also, as the OCSS administrator, the Petitioner is already insulated from the supervision of her daughter by two assistant administrators and three senior casework supervisors. Because her daughter will become a union member, her salary will be determined by a collective bargaining agreement which the Petitioner has no role in

negotiating. If a disciplinary matter involving her daughter were to reach the Petitioner, or if the Petitioner were called upon to approve a request by her daughter for medical or other leave, the Petitioner has indicated that she would recuse and that her immediate supervisor, the OCSS associate director, would instead address the matter without the Petitioner's involvement.

Accordingly, in consideration of the Petitioner's representations, the applicable provisions of the Code of Ethics, and past advisory opinions issued, it is the opinion of the Ethics Commission that the proposed alternate supervisory chain of command described by the Petitioner is reasonable and sufficient to insulate her from apparent conflicts of interest regarding matters involving her daughter's employment as a child support enforcement agent, such as those related to her salary, benefits, or other terms of employment, and/or such tasks relating to the supervision, evaluation, appointment, classification, promotion, transfer or discipline of the Petitioner's daughter. The Petitioner is advised, however, to remain vigilant in identifying and avoiding any conflicts of interest that might arise given her position of authority over her daughter that are not addressed herein and is encouraged to seek further guidance from the Ethics Commission as needed.

This Advisory Opinion is strictly limited to the facts stated herein and relates only to the application of the Rhode Island Code of Ethics. Under the Code of Ethics, advisory opinions are based on the representations made by, or on behalf of, a public official or employee and are not adversarial or investigative proceedings. Finally, this Commission offers no opinion on the effect that any other statute, regulation, agency policy, ordinance, constitutional provision, charter provision, or canon of judicial or professional ethics may have on this situation.

Code Citations:

§ 36-14-5(a)

§ 36-14-5(d) `

§ 36-14-7(a)

520-RICR - 00-00-1.3.1 Prohibited Activities – Nepotism (36-14-5004)

Related Advisory Opinions:

A.O. 2023-25

A.O. 2009-34

A.O. 2002-43

Keywords:

Family: Public Employment

Family: Supervision

Nepotism