

ETHICS, COMMUNICATION AND DOCUMENTATION

NMWWA Short School

OHKAY/Casino Conference Center

Monday 13 May 2024; 1-2.10p

Wednesday 15 May 2024; 7.30-9.10a & 1-2.10p

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ETHICS

Definitions

From Concise Oxford American Dictionary, Oxford University Press, 2006:

- ◆ Ethic ► *n.* a set of moral principles, esp. ones relating to or affirming a specified group, field or form of conduct
- ◆ Ethics ► *pl.n.* moral principles that govern a person's or groups behavior. ■ the moral correctness of specified conduct ■ the branch of knowledge that deals with moral principles
- ◆ Ethical ► *adj.* of or relating to moral principles or the branch of knowledge dealing with these ■ morally correct

Driver for Operators

20.7.4 NMAC NM Operator Certification Regulations, 2019; 20.7.4.16 Code of Professional Conduct

A. This code expresses in general terms the level of professional conduct expected of certified operators in the state of New Mexico. This code of professional conduct is intended to guide the actions of certified operators and depends upon the integrity of each certified operator to conduct themselves in a responsible and straightforward manner in operating public water supply systems and public wastewater facilities.

B. All certified operators are charged with understanding this code of professional conduct and are expected to be familiar with the provisions of these rules and the utility operator certification regulations. Failure to follow the code of professional conduct shall be considered gross incompetence by the department. The department shall, following notification of the certified operator, first seek the advisement of the utility operators certification advisory board prior to any application of enforcement made pursuant to this code of professional conduct.

C. The certified operator shall:

- (1) protect the safety, health, and welfare of the public in the performance of the operator's duties;
- (2) report to the proper authority or the department as necessary any conduct that would endanger the safety, health, and welfare of the public in regards to the operation of a public water supply system or public wastewater facility;
- (3) submit objective and truthful information in all reports, statements, and testimony as required by state and federal law;
- (4) conscientiously and proficiently operate and maintain public water supply systems and public wastewater facilities;
- (5) act honestly, responsibly, ethically, and lawfully in a manner that enhances the reputation of the profession;
- (6) avoid any conflict of interest that could influence the operator's professional judgment and promptly report any such conflict of interest to the operator's employer as necessary; and
- (7) not falsify any academic or professional qualifications and not misrepresent such qualifications to the operator's employer, the department, or any member of the public.

Driver for Professional Engineers

16.39 NMAC NMBLPEPS Rules, 2017; 16.39.8.9.A-B Rules of Professional Conduct

A. The protection of the public safety, health, welfare and property in the performance of professional duties.

(1) Perform those duties in conformance with accepted engineering and surveying practices.

(2) Notify their employer or client and such other authority as may be appropriate of any instance in which their professional judgment is overruled under circumstances endangering the public safety, health, welfare or property.

(3) Approve and seal only those engineering and surveying documents which conform to applicable engineering and surveying standards.

(4) Shall not reveal privileged or confidential facts, data or information without prior consent of the client or employer except as authorized or required by law or this code.

(5) Refuse to associate in a business venture with any person or firm whom they may have reason to believe is engaging in fraudulent or dishonest business or professional practices as an engineer or surveyor and refuse to use or permit the use of their name or firm in connection with any such business venture.

(6) Inform the board of any violation of this code. Cooperate with the board in furnishing information or assistance as may be requested by the board in matters concerning violations.

(7) Shall not assist or participate in the unlawful practice of engineering and surveying by a person or firm.

B. Specialization and the performance of services only in specific areas of competence.

(1) Licensees shall undertake assignments only when qualified by education, experience or examination in the specific technical fields of engineering or surveying involved.

(2) Licensees shall not affix their signatures or seals to any plans or documents dealing with subject matter in which they lack competency, nor to any such plan or documents not prepared under their responsible charge.

(3) Licensees may accept an assignment when the total work involves technical fields beyond those in which they are qualified, providing their services are limited to those phases in which they are qualified and that the phases in which they are not qualified are performed by licensees who are properly qualified. In this instance, each qualified licensee will sign and seal the documents for their phase of the assignment.

Driver for Professional Engineers

16.39 NMAC NMBLPEPS Rules, 2017; 16.39.8.9.C-D Rules of Professional Conduct

C. The issuance of public statements.

(1) Licensees shall be objective and truthful in professional reports, statements or testimony.

A professional report or professional opinion issued by or under the responsible charge of a licensee shall not contain any intentionally false, misleading or deceitful statements or testimony. Any report, statement or testimony by a licensee shall contain all relevant and pertinent information as required by accepted engineering or surveying principles.

(2) If a licensee issues statements on technical matters in his or her capacity as a professional engineer or professional surveyor on behalf of an interested party, the licensee must expressly preface his or her remarks by identifying said interested party and by revealing the existence and nature of any interest the licensee may have in the matter.

(3) A licensee who is competent in the subject matter may express publicly technical opinions that are found upon knowledge of the facts.

D. Professional relationships with employer or client.

(1) Licensees shall act in professional matters for each employer or client to avoid conflicts of interest. Licensees shall disclose all known or potential conflicts of interest to their employers or clients by promptly informing them of any business association, interest or other circumstances which could reasonably be expected to influence their judgment or the quality of their services.

(2) Licensees shall not accept compensation, financial or otherwise, from more than one party for services on the same project, unless the circumstances are fully disclosed to, and agreed to, by all interested parties.

(3) Licensees shall not solicit or accept any gratuity, material favor, or any valuable consideration, directly or indirectly, from contractors, their agents, servants or employees or from any other party dealing with his client or employer in connection with any project for which he is performing or has contracted to perform engineering or surveying services. (The phrase "valuable consideration" is defined to mean any act, article, money or other material possession which is of such value or proportion that its acceptance creates a clandestine obligation on the part of the receiver or otherwise compromises his ability to exercise his own judgment.)

(4) Licensees in public service as a member or employee of a governmental body, agency or department shall not participate, directly or indirectly in deliberations or actions which would constitute a conflict of interest with respect to services offered or provided by him, his associates, or the licensee's business entity to such governmental body, agency or department.

(5) Licensees shall not solicit or accept a professional contract from a governmental body on which a principal or officer of their business entity serves as a member, except upon public disclosure of all pertinent facts and circumstances and consent of appropriate public authority.

(6) Licensees shall not reveal privileged or confidential facts, data or information obtained in a professional capacity without prior consent of the client or employer except:

Driver for Professional Engineers

16.39 NMAC NMBLPEPS Rules, 2017; 16.39.8.9.D-E Rules of Professional Conduct

16.39.8.9 NMAC. (a) As provided in Subparagraph (b) and (f) of Paragraph (1) of Subsection A of a public agency. (b) As authorized or required by law. (c) Any document that is a matter of public record by virtue of it being on file with a surveyor. (d) Any fact, data or information which is clearly the property of the engineer or

E. Solicitation of professional employment.

(1) Licensees shall not falsify or permit misrepresentation of their, or their associates' academic or professional qualifications. They shall not misrepresent or exaggerate their degree of responsibility in or for the subject matter of prior assignments. Brochures or other representations incident to the solicitation of employment shall not misrepresent pertinent facts concerning employers, employees, associates, joint ventures or past accomplishments with the intent and purpose of enhancing their qualifications and their work.

(2) Licensees shall not offer, give, solicit or receive, either directly or indirectly, any commission, gift, or other valuable consideration in order to secure or influence the award of work and shall not make any political contribution in an amount intended to influence the award of a contract by public authority, and which may be reasonably construed by the public as having the effect or intent to influence the award of a contract.

F. Avoiding conduct or practice that deceives the public.

(1) Licensees shall avoid the use of a statement containing a material misrepresentation of a fact or omitting a material fact.

(2) Consistent with the foregoing, licensees may prepare articles for the lay or technical press, but such articles shall not imply credit to the author for work performed by others.

G. Interaction with other licenses.

(1) Licensees shall not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice or employment of other licensees.

(2) Licensees in private practice shall not review the work of another licensee for the same client, except with the knowledge of such licensees, or unless the connection of such licensee with the work has been terminated.

(3) Licensees in governmental, industrial, or educational employment are entitled to review and evaluate the work of other licensees when so required by their employment duties.

NMBLPEPS requires specific ethics CEU classes every 2 years for license renewal

Other Drivers, Based on Profession

- Elected Officials – frequently attorneys, thru State Bar
- City Manager - Certified Public Managers, CPM
- Utility Manager or Public Works Directors – typically CPM, certified “Double” 4 operator or (professional) engineer
- Finance Manager (in-house or contractor) – CPA or other finance-type profession
- Contractors (in-house or call-out) – NMCID GS

Professionalism for Operators

- Perception Issues
- Changing Job Market
 - Water Quantity, Water Quality, Technology
- Responsibilities
- Pay
- Self-Promotion
- Promotion of Profession

COMMUNICATION

Routes of Communication

- Many, depending on size of organization, rigidity of org chart
 - Limited to solid or dashed line relationships
 - Looser and more unlimited – documentation may be more important the more informal the organization
- Supervisor to staff
- Staff to supervisor
- Peer-to-peer
- Internal to external, usually set by policy regarding who can talk with media, regulatory agencies, citizen groups

Types of Communication

- Oral – usually more informal unless in a meeting or presentation setting
- Written
 - Policies and procedures
 - Memos, reports, plans, presentations (mixture)
- Phone, e-mail, text, social media
 - Usage limitations
 - Response-time policy
 - Usage for emergency communications; ie, BWAs
- FOIA

Presentation Audiences

- Internal for staff meetings, major policy changes, specific training
- Internal w/in organization
 - finance, planning and zoning, governing body
- Peer/Professional organizations; ie, trainings
- Regulatory meetings, site visits, inspections
- Citizen groups, customer inquiries/complaints
- Media (Gold King Mine, fish kill)
- Plant tours

Scheduled, Formal Meetings

- Agenda
- Facilitation
- Action items
- Accountability
- Follow-up

Written Communication - Transparency

- Department Mission/Vision
- Short-Term (2-5 yrs) and Long-Term (10-20 yrs) Plans
- Union Contract, if applicable
- Org Chart
- Job Descriptions: duties, salaries and pay differentials
- Hiring Policies and Procedures
 - Probationary period, civil rights, safety
 - Department: time reporting, leave, FMLA, evals
- Annual Budget

DOCUMENTATION

Purpose of Record Keeping

- Effective, consistent management
- Satisfy legal requirements
- Valuable source of information
 - Trend analysis, data for problem solving
 - Can be used for future design or other improvements
- Accurate and complete records provide evidence of what happened and what procedures were followed if legal questions arise about treatment processes or plant operations

Types of Records - General

- Equipment and maintenance records
- Plant operations data
- Logs
 - Meetings, Phone, E-mail
 - Complaints w/map
- Procurement records
- Inventory records
- Personnel records (private and secure)
- Disposition of records: regulatory or non-

Specific Types of Records

- NM Sampler/Operator/Lab Certifications, other certs, awards
- Training Records for staff; ie, HAZWOPER, confined space, forklift, Backflow Inspector/Tester, fusible pipe
- Accident reporting
- Plans with revisions tracking
 - DSSP (regulatory)
 - ERP, OMP, AM, M-36 Water Loss and SWPP (funding), or
 - App K of SWPP w/1000-ft radius map
- SDSs
- NSF certifications – may be on SDS for chemicals
- As Built

Records Retention - Regulatory

Bacteriological samples: 5 years

Chemical samples: 10 years

Records of actions taken to correct violations: 3 years after last action

Reports, correspondence, communications and sanitary surveys: 10 years

Variance granted to the system: 5 years following the expiration of the variance

Lead and copper samples: 12 years

Consumer Confidence Reports: 3 years

**ETHICS,
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*QUESTIONS...?***

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