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What are the Types of Ethical Predicaments Encountered in Public Personnel Administration?

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Types of Ethical Predicaments Encountered in Public Personnel

Administration

The success and reputation of governance depends upon the functionalities and conduct of the public administrators. However, public administration could only perform according to the expectations of the public if the all the

people representing the public office adhere to the prescribed ethical standards of governance. The definition of ethical predicament is often contested due to the mixed arguments regarding its meaning. Ethical predicament is commonly referred to as ethical dilemma, which involves the matters of fraud, corruption, misconduct, illegal behaviors, and all other types of actions that defies honesty, integrity, organizational values, and professional codes (Szypszak, 2011, p. 190). There are several types of ethical predicaments encountered by public administrators on a daily basis particularly when dealing with the office personnel. These predicaments will be the focus of discussion for this study, which will include a review of related literatures that provides the framework for analysis and definition ethical predicaments that this study is aiming to explore.

Common Ethical Dilemmas

The types of ethical dilemmas or predicaments can be distinguished according to different categories. The common terms such as truth vs. loyalty can be defined as personal integrity and honesty in contrast to the obligations and promise keeping to other individuals. The other type of dilemma is individual vs. Community wherein one's interest is being weighted against the common good. On the other hand, short-term vs. long-term is defined as real concerns presented and weighted against the future investment initiatives. Lastly, justice vs. mercy is referred to as the practice of fair and equal application of the policies against individual compassion (Boyle, 2011). These ethical dilemmas are attributed to decision-making of administrators, which are the fundamental basis of their leadership's ethical predicaments.

The Context of Ethics

There are two ways in describing the context of ethics one is where the negative approach encompasses the anti-corruption of integrity that frames the discussion of ethics in a negative perspective. On the other hand, integrity approach encompasses the positive perception of ethics. However, it appears that ethical predicaments can be generally defined as an agreement of relationships where one could describe it as a divorce from religious affiliation or morality, but the moral predicaments of disassociation can be measured from the philosophical basis of the religion (Wolf, 2011, p. 3). In the context of ethical predicaments encountered in public personnel administration, ethical deviance can be observed on the way the public personnel have separated from the principles of his position in the public office. An example of ethical predicament can be observed in situations where the public employee defied the moral conduct of governance reflecting on the employee's judgment, claim to authority, and abuse of power (Stillman, 2009, p. 12-14). What defines an action of the public personnel as right or wrong can be decided by taking into consideration the moral grounds presented by the ethical standards of good governance. According to (French and Goodman, 2012), the view of ethical predicament is faced with choices that require decision-making initiatives to enable a morally acceptable public service action.

Predicaments arise in the process where necessities of choice are needed between a set of principles. Therefore, ethical predicament in public personnel administration embodies the definition of necessity of choice between competing principles. One of the most obvious reasons for the

occurrences of ethical predicament is the conflict of interest. It was mentioned earlier about the common ethical dilemmas where short-term competes with the long-term goal. In the context of ethical predicament, conflict of interest is choice between the personnel's long-term versus the short-term goals. For example, public administration involves several transactions with the public, be it a car registration transaction between the employee and the individual getting his vehicle registered. Conflict of interest happens when the employee accepts a monetary offer from the private individual in exchange for a registering a suspicious article. The employee may accept the bribe as a short-term goal of keeping the cash due to immediate need for money and a long-term goal of keeping the anomalous transaction in secrecy, thinking that there might be more individuals that will offer money for the same favor. This type of ethical predicament is mostly attributed to red tape or corruption. However, there are other predicaments encountered by public personnel administrators and the common ones often revolves around the aspects of administrative discretion, corruption, nepotism, information leaks, public accountability, policy dilemma, and administrative secrecy (Gueras and Garofalo, 2011, p. 6).

Administrative Discretion

Public personnel encounter ethical predicaments pertaining to administrative discretion because they are not merely the executors of the policies, but rather make decisions that have a significant effect to the lives of the people. Predicaments vary from survival or dismissal of people, about taxes, and other matters that will require the public official to exercise discretion.

The real question is how public personnel make decisions while avoiding ethical dilemma. This means that public personnel should promote the general welfare of the public they serve and its exercise of administrative discretion should largely depends on the extent of abuse of use of administrative discretion. Despite the ample regulatory policies ascertaining the effective use of administrative discretion by the public personnel, there are still several opportunities that the personnel may use the discretionary privileges for personal or unethical gains. This is when alternative choices may pose ethical problems that may or may be acceptable to the society.

Constitutional Prerequisite

The constitution has long established the legal basis of reservation in relation to the administration's entitlement to make decisions and to take action provided that the law allowed them to do so (Venzke, 2008). This means that public personnel and the administration leaders of public institutions may only do or take actions within the legal premises of the law. For example, one of the essential arguments pertaining to administrative discretion and reservation under the United States Constitution can be found under Subsection 15 where administrative institutions are supplied by the law with legal tools that are imperative to the establishment of discretions exercised by an administration (United Nations, 2007, p. 6-7). This includes an autonomous power for administration personnel to independently assess and make decisions pertaining to risk and planning. However, the decision as to what extent the administration personnel can exercise their right to make administrative decisions is still depends upon the discretion of the Court.

Ethical Predicaments in Administrative Discretion

Administrative discretion is susceptible to ethical predicaments of abuse (Cox, 2009, p. 173). Such predicament is often observed among public personnel in the police force due to the heterogeneous character of the police power (Lewis and Gilman, 2005, p. 26-27). The condition in which the police force becomes a perpetrator of abuse is because of the power constituted to them by the law to execute policies. In cases such as *People of the State of California v. Christopher* (SO15384, 2002), the appellant (Christopher) was allegedly involved in police violence and misconduct that inflicted serious injuries to 90 direct victims and 200 more people that were affected by the defendant's misconduct while on duty. The alleged misconduct was a result of the shooting incident where the defendant (Christopher) stated that no affirmative intentions of trying to kill the victims on sight was made, but rather an intention to give a warning. The victims are pointing out an argument that the defendant is intentionally inflicting harm to demonstrate control and power over the situation where excessive force was inflicted resulting to serious injuries. However, the decision and evidences presented in the Court deemed the appeal by the defendant to reverse previous Court decision denied.

The case exemplifies the extent of abuse that public officials such as the police may inflict on the public due to administrative discretion to use force, but the lack of judgment from the police personnel encompasses an ethical predicament of abuse of administrative discretion. In another case involving administrative discretion, *George Moore Ice Cream Co. v. Rose* (53 S. Ct. 620, 77 L. Ed. 1265, 1933) is an example of tax related case where the Internal Revenue collector allegedly denied the claim of the plaintiff of an

overpaid tax refund. The company accused the defendant of wrongfully collected an overpayment and demands a refund of the excess income and profit taxes. However, the Court made a decision in favor of Rose on the grounds that the collector or otherwise the officer of the Internal Revenue department have acted upon and performed within his official duty. This exemplifies an argument that the public personnel within the context of his official responsibilities exercised administrative discretion reasonably. Although the official recognized that there was excess on the amount being collected, the discretion whether to collect the amount stated by the ice cream company or to follow the amount stipulated on the tax bill presents a choice. It appears that the collector demonstrated an ethical action to ensure that his decision will not violate his official responsibilities as a public servant.

Corruption

The majority of public personnel uphold the fundamental and the highest possible standard required in administration offices and is expected to provide and promote the general welfare of the public they serve. Upholding the highest service for public welfare encompasses an utmost consideration to ethical standard of public service. This is because the ethical standards imposed on public personnel reflects directly to how the social benefits are delivered to the general public (Manara, 2011). However, corruption is often become an ethical predicament among public personnel administration because this is where conflict of interest becomes an issue. Corruption of public officials by private entities is often a common a very common scene in several public administration offices involving employees from the lowest

rank up to the leadership level. One example of corruption can be seen in project bidding where companies owned by relatives or by the personnel themselves are getting favorable gains from the publicly initiated projects.

Ethical Predicaments in Corruption

Corruption introduces the public personnel into conflict of interest where the needed upheaval of ethical conduct in serving the interest of public is superseded by personal interest by the administration. The ethical dilemma brought by corrupt practices upon public administration is the public servants facing the varying concerns of interest for personal gains by private individuals or groups. Instances of corruption occur in almost all places in the world and possibly happening in some public institutions. One example of a case involving public personnel in a corruption case is the two city employees in New York City Transportation Department who admit to taking bribe money from a bridge contractor (Lambert, 2008). The District Court in Brooklyn tried the case against Balram Chandiramani and Uday Shah who are both working as engineers for movable bridges in the New York Transportation department pleaded guilty of taking bribes in exchange for approving the non-preferred bridge contractor for a repair project of the Third Avenue Bridge.

The case began in 2007 when the accused allegedly intentionally disclosed information about the city's strategy in selecting a contractor and advised the contractor to increase the settlement price of the project in order to obtain the contract. In exchange, the defendants received amounts of \$60,000 as part of the promised \$400,000 worth of bribe promised by the contractor (Lambert, 2008). The problem of accepting money in exchange

for special favors is among the most common form of corruption among public personnel, which is a kind of dilemma that encompasses far more destructive consequences according to (Fry and Raadschelders, 2014, p. 3-6). The problem of corruption does not only end in breach of ethical misconduct. This is because the problem that corruption may inflict is far more critical than expected particularly to public safety particularly if anomalous project involves infrastructures is intended for public use. This cost of resettlement and the bribe money on top of the project cost may push the contractor to cut cost of materials used for the bridge repairs and may be opted to use substandard materials.

Other Types of Ethical Predicaments

Nepotism

The ethical problem brought by nepotism occurs when a public personnel holding the position to appoint individuals for administrative function takes greater consideration of appointing individuals of immediate relations (Kizirian, Leese, and Nissan, 2006). This again encompasses a conflict of interest particularly in the workplace when public personnel appoint people in office because it may lead to a mix of personal and business interest causing a conflict. It is also an ingredient for corruption as it disrupts trust and biases in decision-making (Kizirian, Leese, and Nissan, 2006). The Civil Service Reform Act of 1978 stipulates a prohibition in personnel practices of favoritism in public personnel management as observed in cases such as Hudson v. Department of Veterans Affairs (Merit Systems Protection Board, 2006).

Information Leaks

Official and confident information constitutes a violation not only limited to ethical breach of conduct, but may also evolve into a case of treason. Official information that are sensitive in nature such as impending tactical plan for criminal capture or pending tax increase entails ethical predicaments on the grounds of unauthorized disclosure that would lead to social unrest.

Divulging information regarding secret operations for instance to evacuate the people due to an anticipated disaster prior to a proper public announcement would cause panic among the people. In addition, information leaks imposes uncertainty among the people and committing such ethical breach is a clear violation of procedural prescription.

Public Accountability

Public personnel like private employees are subject to accountability, which defines the need for upholding the responsibilities that the personnel's position in the administration are expected to exercise at all times.

Accountability reflects on taking action upon the consequences of a decision and taking responsibility to mitigate and control the possible damages that a wrong decision may have caused. The ethical predicament resulting from the lack of public accountability is the possibilities of the public administrator hiding behind the prescribed procedures of addressing the problems.

Policy Dilemmas

The ethical predicaments that arise in policy dilemma are insubordination due to the conflict between the responsibilities to perform the prescribed duties by the policy versus specific loyalties to the superior. Public personnel are given the freedom to act for the benefit of the public. This includes ratified policies created to improve the public service process that may be

perceived as non-favorable to the public personnel. An example of this situation is a sudden change in management structure within a public office resulting to the removal of an incumbent leader. It is apparent that incumbents do have loyal followers within the workplace and the decision to remove the incumbent may cause an outrage among the followers. However, the loyalty of the public personnel is not to the leader, but to the people that the public office serves. One example of is the Federal Shutdown that happened in the United States that lasted for 21 days (Brass, 2013). The cause the government shutdown is the non-agreement of the Federal and Congress in the proposed national budget of the United States for 2014. The political parties supporting either side caused an ethical predicament in terms of the politicians abandoning their public duties due to non-agreement by shutting down the government (Brass, 2013).

Discussion

The potential problems caused by ethical predicaments ranges from conflict to social chaos. However, conflicts are not necessarily the ethical dilemmas in themselves, but rather the responses made by the public servants when faced with the problem and the activities they perform amidst the occurrence of the problems that makes ethical or unethical. The public personnel are challenged by their judgment to either keep silent about the problems they perceived or to do something to prevent imminent damages caused by the described ethical predicaments. Blowing the whistles of truth may be seen as indications of courage among the witnesses, but further dilemma emerge among the public personnel due to security concerns. Some may fear that blowing the whistle may put their lives in jeopardy or

sacrifice that security for a greater cause (Manara, 2013). However, certain strategies are employed in public personnel administration that are aimed to eliminate the instances of ethical predicaments such as rewarding the honest and punishing the bad eggs in the administration. On the other hand, such strategy can only be deemed effective when ethical predicaments did affect PA's leadership.

Court cases involving ethical predicaments represent the consequences of breaching the public personnel's contract of loyalty to serve the public. In a simple case describing ethical dilemma, a senior public servant for instance working as part of the approval committee that awards government funded projects to private contractors may be tempted to accept monetary exchange for special favors, However, the short-term goal of earning money in return for a favor with long-term consequences encompasses problems not only towards the public personnel, but also puts a stain on the public institution's image. Furthermore, the breach of ethical responsibility among public personnel encompasses a violation of the fundamental obligation to uphold a high standard of governance. This may also result to a negative perception of the public towards the executive, legislative, judiciary, and public service sectors of the government.

Conclusion

Dealing with ethical predicaments in public personnel administration requires diligence and professionalism among the people serving in public institutions. It is expected that public personnel in various ways in control of the government's. However, the perceived ethical predicaments in public administration encompass an imminent misuse and abuse of power and

resources by the public personnel due to conflict of interest. It is imperative that public institutions should uphold its promise of honesty and mutual trust to effectively practice good governance. However, it can only be achieved by ensuring total cooperation among the public personnel to make reasonable and sound-moral judgment in decision-making. Insinuating personal interest for the benefit of the few encompasses a severe violation of ethical promise to the people, which can be mitigated by ensuring that public personnel upholds sincerity in performing its obligation to the people. Therefore, it is imperative that ethical standards are strongly integrated into the public offices' core values and organizational principles.

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