

EMPLOYMENT – EXPENSE PAID TRIP BY PROSPECTIVE EMPLOYER***Case No. 01-10*****Facts:**

Engineer A is a graduating senior with excellent credentials from State University. Engineer A has had a series of job interviews with engineering companies from around the U.S. Following interviews with several industrial companies, Engineer A decides to accept an offer with ABC Incorporated located in his hometown of Townville, and plans to notify ABC the following week. In the interim period, Engineer A receives a call from Engineer B, an executive with XYZ Incorporated, a potential employer with whom Engineer A had interviewed. On behalf of XYZ, Engineer B offers Engineer A a position with XYZ and invites Engineer A, at XYZ's expense, to visit XYZ's headquarters in Mountainville, a city located near a resort area, following Engineer A's graduation. Engineer A had earlier decided he would not accept a position with XYZ if offered a position by ABC because Engineer A wanted to be close to family and friends in Townville, and also because ABC provided better long-term professional opportunities. However, after receiving the call from XYZ, Engineer A decides to accept the invitation to visit XYZ's headquarters and combine the trip with a post-graduation vacation, believing that the visit to XYZ will broaden Engineer A's knowledge of the employment market, as well as future professional opportunities with XYZ. A week after the trip, Engineer A calls ABC to inform the company that he will accept the position with ABC.

Question:

Was it ethical for Engineer A to accept the invitation to visit XYZ headquarters?

References:

- Section II.5.* - *Code of Ethics:* *Engineers shall avoid deceptive acts.*
- Section III.1.* - *Code of Ethics:* *Engineers shall be guided in all their relations by the highest standards of honesty and integrity.*
- Section III.1.e.* - *Code of Ethics:* *Engineers shall not promote their own interest at the expense of the dignity and integrity of the profession.*
- Section III.3.b.* - *Code of Ethics:* *Consistent with the foregoing, Engineers may advertise for recruitment of personnel.*

Discussion:

In a time of tight and competitive engineering employment market, many engineering employers use aggressive techniques to recruit and retain engineers. Graduating engineers are often faced with a myriad of employment opportunities in industry, government, private practice, construction, and other areas. Financial and professional opportunities often abound for top notch engineering talent, and these opportunities are often accompanied by tempting financial and other incentives. Young engineers must be careful as they navigate through these issues, and they must understand the ethical dimensions of the decisions they make as they begin their professional careers.

Over the years, the Board has considered ethical issues relating to employment offers and potentially misleading actions by engineers in connection with such offers. Such cases commonly involve various sections of the NSPE Code relating to the ethical obligation of the engineer to be truthful and honest in professional affairs, and the obligation to be faithful to the employer. The Board has consistently taken the position that these are not areas for compromise. Employment issues can be very sensitive, more so than one might think (BER Case 61-5), and the Board believes that it is particularly important for the graduate engineer, early in his/her career, to establish appropriate norms of professional conduct. Over the years, the Board has acknowledged that certain statements or representations made on a resume, or expressions of interest in employment which highlight an employment candidate's positive characteristics and omit less desirable ones, may not run afoul of the NSPE Code. But, as a general proposition, this Board has been quite consistent in its view that full honesty and complete disclosure are the preferred courses of action.

BER Case No. 89-2 illustrates the timing aspect of employment negotiations. This case involved an engineer who aggressively pursued a key position as city engineer/public works director, was offered the position, but delayed starting work and later rejected the position. The Board reviewed the circumstances and stated that the engineer's actions were clearly not justifiable under the letter or the spirit of the NSPE Code. While the Board acknowledged that there may be limited circumstances in which a prospective employee may be justified in providing less than full disclosure, the Board did not view this case as one of those circumstances. As the facts in BER Case No. 89-2 clearly indicated, the engineer was given ample opportunity to make his final intentions known and failed to do so on a number of occasions. Further, noted the Board, the engineer was dealt with in a very fair and straightforward manner. In no sense was the engineer pressured into making a quick decision, nor was the engineer "strung along" by an employer unsure whether it in fact wished to hire the engineer. Finally, the engineer was undoubtedly familiar with the nature of the hiring process and the need for the city to bring the appropriate individual "on board" prior to the retirement of an incumbent city engineer/public works director. The engineer failed to appreciate his responsibility to a city that had offered him a crucial position during a crucial period. The Board said, "Whatever the engineer's reasons may have been (e.g., indecision, a better employment offer, second thoughts, obligations to current employer, family disruption, or other personal reasons), none of them could justify his failure to respond to the many opportunities provided by the city to "bow out" of the position. (For additional discussion about the timing, sensitivity, and importance of employment decisions and considerations, see BER Case Nos. 71-5, 82-3, 95-8, and 99-3).

The present case raises new questions relating to employment offers and potentially misleading actions by engineers in connection with such offers. Here, Engineer A knowingly accepted an offer to visit a potential employer's headquarters with the full belief that he would not take a position with XYZ. Even if there was a possibility that the engineer could be persuaded otherwise, at a minimum, Engineer A had an obligation to disclose to XYZ that he had already made a personal decision to accept the position with ABC. While it could be argued under the

facts that Engineer A could have still been persuaded by Engineer B and others at XYZ that he should change his mind and join XYZ as a new employee, the facts and circumstances described suggest that such an outcome would be highly unlikely. Engineer A's desire to remain near family and friends in Townville, as well as the better professional opportunities provided by ABC, indicate that Engineer A's decision to accept Engineer B and XYZ's offer to visit XYZ's headquarters was motivated by something more than the desire to broaden his "knowledge of the employment market as well as future professional opportunities with XYZ." Instead, it appears that Engineer A was using this opportunity for selfish personal gain and was merely establishing a rationalization for his decision to accept XYZ's offer. In this connection, the Board believes that Engineer A compromised his personal and professional integrity by his decision to accept XYZ's offer to visit their headquarters without disclosing his decision concerning ABC. In a sense, Engineer A's lack of candor in failing to disclose his decision to accept the position with ABC reinforces the perception that Engineer A had no legitimate interest in seeking employment with XYZ. At the same time, Engineer A's decision to thereafter accept the position with ABC and the subsequent visit to XYZ could raise legitimate questions within ABC about Engineer A's commitment to ABC or Engineer A's concern for ABC's reputation.

Negotiation of an employment agreement is among the first of many professional challenges a young engineer faces, and wisdom says it is appropriate to seek the ethical highway as opposed to the back trails when one is starting off on a career. The Board reiterates the points made in earlier Board decisions that in relationships with prospective employers, engineers have a duty to act with a high degree of honesty and truthfulness. Such relationships must be built upon trust and the failure to establish these bonds can easily result in serious consequences for all concerned.

Conclusion:

It was not ethical for Engineer A to accept the invitation to visit XYZ headquarters without informing XYZ of his intent to accept ABC's offer.

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