

# Engineering Codes: Ethics or Law?

Continuing Ed workshop by Richard Skeirik, PE

## Pluralistic Utilitarianism Exercise – Potential Conflict of Interest

You are a full time DuPont Engineering consultant, and work with a DuPont business with 3 newer plants and one older one. DuPont does not offer professional engineering services to the general public. (Look at the DPEA excerpts below.) The older plant is sold to Acme chemicals. You continue your work with the 3 DuPont plants.

The Acme plant, now a competitor of the DuPont plants, calls you at home and asks if you want to provide small amount of expert analysis and recommendation in your spare time. You're not sure what to do. The last time an engineer in your organization did such a thing, they were shunted off to a dead end job that stopped their career and income progression, and you expect the same treatment.

Make a pluralistic utilitarian analysis using the factors given below. You could add others if they seem important to you.

### Part 1.

These are factors in the outcome of your decision that probably affect the overall good coming from your decision. Assign a number between -100 and 100 that reflects the relative good/bad of each IF it happens. At this stage don't worry about whether it happens, just how relatively good or bad it is among the others. Use positive for factors that bring good, and negative for factors that reduce good (or have a bad effect). (e.g. if you really need money and really want to become an independent consultant, the first two would be close to +100. If you don't care about a change of pace, that would be near zero. If you are already exhausted from work and home and family responsibilities, then overwork would be very bad and thus close to -100)

| Factor in the outcome   | Rel Good |
|---|----------|
| You get additional income   |          |
| You build basis for possible future as indep Consultant                                   |          |
| You get an exciting change of pace  |          |
| You become overworked from evening/weekend work for Acme                                  |          |
| You lose focus energy for your DuPont work  |          |
| You might disclose trade secret information (Remember the plants use different processes) |          |
| You might "short" a decision made for DuPont to benefit Acme                              |          |
| You are troubled by keeping a secret from DuPont  |          |
| You realize your decision violates the DAPE Code of Ethics                                |          |

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|   |  |
|---|--|
| DuPont transfers you to a lousy job in a dead-end business because of your divided loyalty. |  |
|---|--|

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First, consider the choice that you take the work and don't tell DuPont. If an outcome happens, put the numeric value you assigned above into the right hand column. If it doesn't happen, put zero.

| Factor in the outcome   | Does it happen? | Rel Good |
|---|-----------------|----------|
| You get additional income   |                 |          |
| You build basis for possible future as indep Consultant                                     |                 |          |
| You get an exciting change of pace  |                 |          |
| You become overworked from evening/weekend work for Acme                                    |                 |          |
| You lose focus energy for your DuPont work  |                 |          |
| You might disclose trade secret information (Remember the plants use different processes)   |                 |          |
| You might "short" a decision made for DuPont to benefit Acme                                |                 |          |
| You are troubled by keeping a secret from DuPont  |                 |          |
| You realize your decision violates the DAPE Code of Ethics                                  |                 |          |
| DuPont transfers you to a lousy job in a dead-end business because of your divided loyalty. |                 |          |
| Sum of good from this choice<br><b>Take and don't disclose</b>                              | ---             |          |

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Second, consider the choice that you take the work you do tell DuPont

| Factor in the outcome               | Does it happen? | Rel Good |
|-------------------------------------|-----------------|----------|
| You get additional income           |                 |          |
| You build basis for possible future |                 |          |

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|   |     |  |
|---|-----|--|
| as indep Consultant   |     |  |
| You get an exciting change of pace  |     |  |
| You become overworked from evening/weekend work for Acme                                    |     |  |
| You lose focus energy for your DuPont work  |     |  |
| You might disclose trade secret information (Remember the plants use different processes)   |     |  |
| You might "short" a decision made for DuPont to benefit Acme                                |     |  |
| You are troubled by keeping a secret from DuPont  |     |  |
| You realize your decision violates the DAPE Code of Ethics                                  |     |  |
| DuPont transfers you to a lousy job in a dead-end business because of your divided loyalty. | Yes |  |
| Sum of good from this choice<br><b>Take and Tell DuPont</b>                                 | --- |  |

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Now consider the choice that you turn the work down.

| Factor in the outcome   | Does it happen? | Rel Good |
|---|-----------------|----------|
| You get additional income   |                 |          |
| You build basis for possible future as indep Consultant                                   |                 |          |
| You get an exciting change of pace  |                 |          |
| You become overworked from evening/weekend work for Acme                                  |                 |          |
| You lose focus energy for your DuPont work  |                 |          |
| You might disclose trade secret information (Remember the plants use different processes) |                 |          |
| You might "short" a decision made for DuPont to benefit Acme                              |                 |          |

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|   |     |  |
|---|-----|--|
| You are troubled by keeping a secret from DuPont  |     |  |
| You realize your decision violates the DAPE Code of Ethics                                  |     |  |
| DuPont transfers you to a lousy job in a dead-end business because of your divided loyalty. |     |  |
| Sum of good from this choice<br><b>Turn down the consulting offer</b>                       | --- |  |

Which choice is the ethically right choice according to pluralistic utilitarianism?

Does this process feel “right” to you?

The DAPE Code of Ethics says nothing about personal considerations, but we included them in this analysis. Which do you think is better: including personal factors, or just considering the “professional” impact?

**Title 24 Chapter 28 §2803.** 25. ‘Practice of engineering’ or ‘to practice engineering’ includes any [dotting is my own]

- professional service such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation
  - performed for the general public
  - in connection with any public or private buildings, structures, utilities, machines, equipment, processes, works, or projects
  - wherein the public welfare or the safeguarding of life, health or property is concerned or involved when
  - such professional service requires the application of engineering principles and data,
- but **it does not include**
- the work ordinarily performed by persons who operate or maintain machinery or equipment, neither does it include
  - **engineering services performed by an employee of a firm or corporation that does not offer professional engineering services to the general public.**

**Title 24 Chapter 28 §2816.** Code of Ethics.

- (a) The Council shall prepare and publish a code of ethics designed for the protection of the public.
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- (b) All applicants, members, associate members, affiliate members, adjunct members, holders of certificate of authorization and permittees **must subscribe to and follow this code of ethics in the practice of professional engineering,**
- or in seeking to register as a professional engineer or seeking certification as an Engineer Intern.
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- (c) The Code of Ethics is available on the Delaware Association of Professional Engineers’ website.
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