Report on a Case by the Board of Ethical Review

Case No. 69-6

Use of "PE" Designation for Employment Service

Facts:
The "ABC Employment Service" issued a form memorandum to all registered engineers, graduate engineers, technicians, and scientists from John Doe, P.E., showing his state registration number. The purpose of the memorandum was to solicit interest in professional employment, "either permanent, temporary, or part-time."

Among the major features of the memorandum are statements that all placement fees are paid by the employer; all senior counselors of the employment service are either registered engineers or senior certified engineering technicians; tape recording of all interviews without identifying remarks so that the prospective employer can judge only technical content and personal reactions. If the prospective employer is interested, a resume is sent to him, but before this is done the applicant is contacted for permission.

Attached to the memorandum is an "ethics code," stating that the employment service subscribes to the state engineers registration oath, that no employer in conflict with the state engineering registration law will be supplied a non-registered engineer, all job descriptions will be developed as closely as possible with the latest state professional engineering society salary manual, and that no applicant will be contacted at his place of work unless he so requests.

The chairman of the state professional engineering society employment practices committee states that the memorandum is "obviously designed to attract engineers to seek other employment," and is "almost a 'pirating' procedure."

Question:
Is it unethical for a registered engineer to use a "PE" designation after his name on behalf of an employment service for engineers and others?

References:
Code of Ethics-Section 12- "The Engineer will not attempt to injure, maliciously or falsely, directly or indirectly, the professional reputation, prospects, practice, or employment of another engineer, nor will he indiscriminately criticize another engineer's work in public. If he believes that another engineer is guilty of unethical or illegal practice, he shall present such information to the proper authority for action."

Section 13-"The Engineer will not associate with or allow the use of his name by an enterprise of questionable character, nor will he become professionally associated with engineers who do not conform to ethical practices or with persons not legally qualified to render the professional services for which the association is intended."

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Discussion:
We have previously dealt at some length with the "pirating" question (Cases 63-1, 69-3) and need only summarize this point in the context of the fact situation. The memorandum seeking the interest of prospective employees to be processed by the employment service was general in nature and not addressed to any particular employee or group of employees. It is nothing more than an advertisement, similar in purpose to a published advertisement in a telephone book, brochure, newspaper, or magazine. Such advertisements seeking the interest of engineers and others are commonplace. As previously discussed in Case 69-3, one line which can be drawn in the disposition of "pirating" charges is whether the initiative to seek a change in employment comes from the employee, in which case there is no ethical objection. On the basis of the facts before us, that is the situation at hand. The engineer employee who receives the memorandum of the employment service can merely discard it or he can respond, in which event he has taken the initiative to seek a change in employment.

The remaining question is whether the ethical situation or result is affected by the identification of a registered engineer as the representative of the employment service. In part, the mandate of Section 12 of the Code is that an engineer will not attempt to injure the employment of another engineer, directly or indirectly. It could be contended that Engineer Doe was attempting to injure the employment of another engineer indirectly by using his professional status to attract the interest of engineers in other employment. We believe, however, that this line of reasoning would stretch the meaning of Section 12 beyond its intent. In context, we believe that Section 12 deals with a definite and specific situation in which one engineer attempts to displace or remove another engineer from his job by improper means.

To find Section 13 to be applicable to Engineer Doe we would first have to find that the employment service he represents to be an "enterprise of questionable character. . . ." We perceive no basis to find employment services for engineers and others to be in such a category. The fact that the memorandum recognizes and subscribes to the state engineers registration oath and to the state engineering registration law and the salary manual of the state professional engineering society is at least some indication of an intent to operate the employment service on an ethical basis. If there is evidence that these assertions are not adhered to in practice, Engineer Doe might be in violation of Section 13, but neither evidence nor charges to that effect have been submitted to us.

We can find nothing in the Code which prohibits an engineer from engaging in the business of operating an employment service for engineers if his engineering identification is not used to mislead or otherwise take advantage of his professional designation in an unethical manner.

Conclusion*:
It is not unethical for a registered engineer to use a "PE" designation after his name on behalf of an employment service for engineers and others.

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