Report on a Case by the Board of Ethical Review

Case No. 87-1

Employment—Refusal to Accept Reassignment

Facts:
Engineer A is a professional engineer employed by the Army Corps of Engineers. Because of a substantial decrease in the work load, Engineer A was informed that his position with the Corps' River Basin Planning Section was being abolished and that he would be reassigned. He was asked to accept a position with the Coastal and Special Studies Section as a staff engineer where he would be supervised by an experienced engineer. Engineer A accepts the new assignment even though he lacks the technical expertise to perform the required duties.

Question:
Was it ethical for Engineer A to accept the new assignment even though he lacks the technical expertise to perform the required duties?

References:

Section II.2. - "Engineers shall perform services only in the areas of their competence."

Section II.2.a. - "Engineers shall undertake assignments only when qualified by education or experience in the specific technical fields involved."

Section III.11. - "Engineers shall cooperate in extending the effectiveness of the profession by interchanging information and experience with other engineers and students, and will endeavor to provide opportunity for the professional development and advancement of engineers under their supervision."

Discussion:
It is universally accepted that it is unprofessional for an engineer to attempt to practice in a field of engineering in which the engineer is not proficient. Most state engineering registration statutes or rules of professional conduct emphasize that view and the point is also clearly articulated in the NSPE Code of Ethics in Section II.2. et seq.

While the language of the Code appears plain in meaning, it is obvious that the language cannot be interpreted only in its literal sense. To do so could restrict an engineer's practice to a very narrow area and would not recognize that the practice of engineering is dynamic and fluid. Indeed, all engineers have a parallel obligation to expand their understanding and knowledge through broadened professional practice.

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In Case 85-3 the Board considered a situation involving a local county ordinance that required that the position of county surveyor be filled by a P.E. The first appointee to the position was not a P.E. and was therefore deemed unqualified to continue in the position. The county commissioners met and decided to appoint a P.E. who had experience and educational background solely in the field of chemical engineering. The engineer accepted the position. The duties and responsibilities of the position of county surveyor included oversight of surveying reports and highway improvement projects but not the actual preparation of engineering and surveying documents. In deciding in Case 85-3 that the engineer was unethical, the BER stated that the Code clearly requires the engineer to perform services only in his area of competence and that it would not be consistent with the Code for the engineer to act as a county surveyor when his expertise was limited to the field of chemical engineering. We noted that the county surveyor must have proficiency and competence in surveying in order to properly perform his responsibilities and could not expect to rely upon his subordinates in execution of his duties.

Case 85-3 can be properly distinguished from the case at hand. It involved an engineer who was responsible for personally performing supervisory functions and administering the operations of a technical services department within a governmental body. In Case 85-3 the engineer had to possess the knowledge, experience, and background in surveying to direct and manage the technical aspects of his department.

In the case at hand, Engineer A is accepting a position as a staff engineer of a governmental agency and would be reporting to an experienced engineer. We do not read the Code to prohibit Engineer A from accepting this new assignment. To do so would be to limit the ability of engineers to expand their level of experience and knowledge. We believe the intent of Section II.2. et seq. is to limit individual engineers from undertaking assignments or positions of authority and responsibility where they lack adequate competence or experience. We do not believe the Code's intent is to prohibit engineers, whose work is subject to review and oversight by senior engineers, from accepting new and different tasks and duties, thereby growing professionally. To decide otherwise would be to ignore the practical realities of engineering and impose inflexible practice requirements on the profession.

In addition, we would emphasize that the Code also contains the implicit obligation on all engineers to improve their competence through continuing education and professional development. (See Section III.11.) While we recognize that he will presumably acquire the necessary skills and experience in performing his new duties, we believe it would be of value if Engineer A also pursued related study to ease the transition to his new tasks. Finally, as noted in Section III.11., Engineer A's supervisors have an ethical obligation to encourage and support him in that effort.

Conclusion:
It was ethical for Engineer A to accept the new assignment even though he lacks the technical competence to perform the required duties.

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