

City of Alexandria Ethics Initiative

Report and Recommendations of the City-wide Ethics Initiative Committee

March 30, 2012

Prepared By:
City of Alexandria Ethics Initiative Committee

Kathleen Ognibene, Chair
Hassan Aden
G. Bernard Baldwin
Tricia Bassing
Jamie Bridgeman
S. Ashley Ehrhart
Lenny George
Jeffrey Lindsey
Jean Kelleher Niebauer
Linda Odell
Eileen Oviatt
Heather Skeeles-Shiner
Deborah Welch



We honor the public trust by serving with integrity, civility and impartiality.

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I. Executive Summary

In July 2011, at the initiative of Cheryl D. Orr, Director of Human Resources, in concert with Bruce Johnson, then Acting City Manager, an Ethics Initiative Committee was organized and tasked to engage City departments in a review of current ethics policies and to develop recommendations for potential changes. Meetings of the committee began in August and continued through November.

The committee conducted research to gather information about ethics policies, initiatives, and regulations of public and private sector organizations nationwide. Subcommittees focused in greater depth on three areas: an ethics hotline, development of a whistleblower policy, and ethics training.

This report contains the committee's recommendations for substantial changes in Administrative Regulation 6-1, Code of Ethics. The goal of these changes is to create a policy on ethics that encourages City employees to take ownership of the policy and put it into practice in keeping with the first Guiding Principle of the City: "We act ethically by putting the public interest first, communicating openly and consistently demonstrating professional integrity."

In keeping with this goal, the committee recommends the adoption of a City-wide ethics statement that would, in effect, establish a brand that would be promulgated widely. In addition to City documents, it would be incorporated into posters, award ceremonies and other publications or events to reinforce the importance the City ascribes to high ethical standards. The committee recommends the following statement serve as our ethics brand:

"We honor the public trust by serving with integrity, civility and impartiality."

To reinforce the importance of putting this statement into practice on a daily basis, the committee recommends the City take an integrated and holistic approach that would include: (1) Ethics Hotline, (2) Whistleblower Protection Policy and (3) Training. Because these elements are mutually reinforcing, the committee recommends adoption of the entire program, in lieu of a piecemeal approach. The details of each element are presented in Section VIII, Recommendations. The estimated cost of this program is incorporated in Section IX, Budget.

II. Introduction and Mandate

The first Guiding Principle of the City is, "We act ethically by putting the public interest first, communicating openly and consistently demonstrating professional integrity." Guided by this, the City of Alexandria Ethics Initiative Committee was charged with identifying ethical issues, reviewing and recommending changes to the City's current Administrative Regulation on ethics, designing or identify training to be delivered across

the City, and branding of ethics as a principle for the City. This report presents the recommendations of the committee for an ongoing City-wide ethics initiative.

In July 2011, Cheryl D. Orr, Director of Human Resources, began discussing the creation of an ethics initiative committee with Bruce Johnson, Acting City Manager. At the time, development of this initiative was focused on engaging graduates of the City's Leadership and Management Institute in addressing ways in which the City could minimize the discipline and separation of employees due to violations of the City's ethics regulations.

The steering committee, comprised of Ms. Orr, James Banks, City Attorney, and Laura Triggs, Acting Chief Financial Officer, appointed a committee with representatives from various City departments to:

- Identify ethical issues;
- Review and recommend changes to the City's current Administrative Regulation on ethics;
- Design or identify training to be delivered across the City; and
- Brand ethics as a principle for the City.

Six of the thirteen members of the committee are graduates of the Spring 2011 cohort of the Leadership and Management Institute. The committee first convened on August 18 and was welcomed by Mr. Johnson, who stressed the importance of ethics in maintaining public trust.

Following disciplinary measures taken against two City employees who were charged with embezzlement in August 2011, Councilman Frank H. Fannon sent a memorandum to the Acting City Manager, Deputy City Managers, the Mayor, and other members of City Council emphasizing the need for a city-wide ethics training system as a possible way of reducing incidents of employee misconduct¹.

¹ A copy of this memorandum is attached as Addendum A

III. Membership

In accordance with the request by Ms. Orr, the following individuals were asked to serve on the committee:

<u>Member</u>	<u>Department</u>
Kathleen Ognibene, Chair	Human Resources
Hassan Aden	Police
G. Bernard Baldwin	Sheriff's Office
Tricia Bassing	Community and Human Services
Jamie Bridgeman	Police
S. Ashley Ehrhart	Office of Emergency Management
Lenny George	Sheriff's Office
Jeffrey Lindsey	Fire
Jean Kelleher Niebauer	Office of Human Rights
Linda Odell	Court Services Unit
Eileen Oviatt	Planning and Zoning
Heather Skeeles-Shiner	City Attorney
Deborah Welch	Internal Audit

IV. Proceedings

The committee held meetings on: August 18; September 8; September 21; October 18; October 21; November 11; and November 29.

The meetings were typically held in City Hall and lasted approximately 1.5 hours each. During the meetings, the Committee received valuable input and direction from Cheryl Orr, Human Resources Director, Bruce Johnson, Acting City Manager, James Banks, City Attorney, and Chris Spera, Deputy City Attorney.

In addition to committee meetings, members attended the following vendor demonstrations: Ethical Advocate webinar and interactive presentation on October 7, and live presentation with web demonstration on October 25; Lighthouse Services, Inc.

webinar and interactive presentation on October 12; and The Network webinar and interactive presentation on October 17. Subcommittee members also met on additional dates prior to report their findings to the group.

Finally, committee members made special presentations to Human Resources Liaisons on November 17 and Department Heads on December 1.

V. Methodology and Fact-Finding

To develop an ethics statement for the City of Alexandria, the committee researched ethics policies, initiatives, and regulations of public and private sector organizations throughout the country. The committee also reviewed the City's existing Administrative Regulation (A.R.) 6-1, Code of Ethics².

Subcommittees researched three specific topics presented in the mandate and presented recommendations to the committee as a whole. These subcommittee areas included: the development of, and recommendation for, an ethics hotline, development of a whistleblower policy, and the compilation of recommendations for an ethics training program.

VI. Proposed Changes to the A.R. 6-1

While not tasked with revising the existing A.R., the committee developed a number of recommended changes for consideration.

The committee recommends that:

- The tone of the A.R. be changed. If the intent of the A.R. is to conform to the City's Guiding Principles, it should be written with less draconian language.
- The current A.R. be shortened. It should be more readily accessible and concise and emphasize the core message. Complementary issues, such as FOIA and political activities, may be documented elsewhere.
- The City's Guiding Principle related to ethics be included in the heading of the A.R.
- The language of the A.R. be modified from the current "prescriptive" style to an "ownership" style. For example, the A.R. currently uses the phrase, "City employees are expected to..." which the committee recommends be changed to: "As City employees, we will..."
- Information be included on how and where employees may get ethical questions answered. For example, an e-mail box for ethics@alexandriava.gov could be set

² A copy of the full A.R. is attached as Addendum B

up for this purpose. Ownership of this box and other options are to be explored later.

- The figure on page 6 that currently limits the amount that an employee may earn over a four-week period for occasional work outside of City employment (that does not require special approval) be raised from \$50 to \$100 to account for inflation.

Finally, the committee offers to review and comment on any proposed Ethics Administrative Regulation that is drafted.

VII. Creation of a City-wide Ethics Statement

One of the specifically mandated tasks of the committee was to develop a City-wide ethics statement to be used in the branding of ethics as a principle of the City. Using the City Guiding Principle of Ethics as the core, the committee reviewed existing published brands as well as brands created originally by members of the Committee. The consensus of the committee is to select the following statement as our ethics brand:

“We honor the public trust by serving with integrity, civility and impartiality.”

The committee recommends that this statement be prominently written on hard copy and electronic publications of the City. This includes, but is not limited to, budget documents, directories, strategic plans, posters, diversity plans, recruiting documents, business cards, and City event notifications (such as graduations, the Health Fair, the annual Service Awards Ceremony, and Public Service Week). The committee recommends that the ethics brand be prominently displayed on the City’s website, as well as on AlexNet and on electronic notices. Further, the statement should be prominently displayed on the CAREER recruiting page for applicants to read.

Given the wide array of departments and documents, and to increase employee engagement in the project, the committee recommends that presentations be made to employee groups to collect their ideas for materials that are appropriate for ethics branding. Some of the formal work groups that meet regularly are the City Communicators, the Financial Representatives and the Human Resource Liaison groups. Input could also be acquired from other stakeholders such as the Unions and Associations and department specific staff meetings.

As mentioned above, an opportunity exists to tie ethics branding in with City sponsored or supported activities such as Spring for Alexandria, Red Cross Blood Drives, United Way, Bike to Work and other community beneficial events. Public Service Week activities provide an opportunity to promote the good that City employees accomplish on a daily basis. While promoting the ethics brand, this also adds to employee job satisfaction and engagement.

VIII. Recommendations

The committee researched best practices in ethics law compliance and found that a multi-faceted campaign that addresses ethics in a comprehensive manner would be more effective and meaningful than simply publishing a new policy³. To make this a successful initiative, the committee recommends an integrated and holistic approach that includes: (1) Ethics Hotline, (2) Whistleblower Protection Policy and (3) Training. We further recommend adoption of the entire program, in lieu of a piecemeal approach.

A. Ethics Hotline

The committee recommends employing an ethics hotline as a means by which City employees, as well as City vendors and residents, may anonymously report suspected ethics violations. According to a 2008 National Government Ethics Survey, though employees seldom act on the spot to stop illegal or unacceptable behavior, they are more likely to take action if there is a complaint system in place that offers absolute confidentiality. The committee recommends that the City contract through a third-party subscription service to facilitate the anonymous hotline. The internal case management process provided by the third-party vendor is similar to the current electronic City FOIA process. The workflow that occurs after a complaint is received would be designed by the City. The committee recommends that the program be overseen by the Office of Internal Audit (assuming additional staffing).

The committee conducted research on vendors offering “fraud reporting hotlines” and interviewed three such vendors, as well as one of their municipal government clients. Based on this research, the committee recommends that the City establish a system that provides City employees the option to report (anonymously) suspected ethics violations either by telephone or online, while also allowing City vendors and residents to make online submissions. In addition to reducing the cost (telephone call center service is priced according to the number of potential users), limiting submissions from non-employees to the online option will reduce the number of misdirected reports of non-ethics related issues (e.g., requests for City services) because the Web site will be able to direct users to the appropriate reporting mechanisms for those requests.

Each of the fraud reporting systems reviewed by the committee offers the opportunity to design the user interface and direct how each report is processed internally, in addition to a robust reporting system. The hotline/reporting system vendors also provide case management services and communication campaign tools that can be customized to meet the needs of the City.

³ “Ethics Law Compliance Best Practices,” a publication of the Institute for Local Government is attached as Addendum C

The Ethics Initiative Committee discussed the potential for abuse of the hotline. The vendors of hotline services were interviewed regarding their processes and the handling of claims. The vendors offered that, while spurious claims were rare, the potential does exist for such abuse. To reduce the likelihood of such abuse, the claim questionnaire will require the individual to provide specificity sufficient to enable an investigator to determine the validity of the claim. (The same questionnaire is used if the caller files a complaint by phone or the internet.) If the individual fails to complete the questionnaire, the claim is not accepted. This requirement prevents an impulsive caller from calling into the hotline and triggering an investigation without providing details that can be verified by an investigator. When a claimant has a bona fide complaint, providing such details of the matter should not be an onerous activity.

The committee further explored the question of public access to the complaints through the Freedom of Information Act (FOIA) process. Deputy City Attorney George McAndrews provided an opinion for the committee as summarized below.

FOIA 37.05.1 (1) describes a general exclusion to release of an employee record that includes identifiable employee information. Therefore, per the discretion of the City Attorney, the ethics complaint record described would not generally be released under FOIA.

The ethics complaint would involve an identifiable City employee, the ethics hotline report would fall within the broad, undefined category of “personnel records” that are excluded from FOIA’s mandatory production requirement by Va. Code § 2.2-3705.1(1). Although it will not be a part of the targeted employee’s personnel file, it will nonetheless be considered a “personnel record.”

B. Whistleblower Protection Policy

Protection from retaliation is necessary to ensure that employees report unethical conduct. An ethics initiative without this protection would be incomplete. The committee reviewed a variety of federal, local government and non-profit whistleblowing policies. The committee proposes that the whistleblowing policy be promulgated as an administrative regulation, similar to the administrative regulations against discrimination and sexual harassment.

The purpose of the Whistleblower Protection Administrative Regulation would be to adopt a policy of the City of Alexandria that (1) encourages employees to report in good faith a suspected violation of any law, rule or regulation or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, and (2) prohibits retaliation against City employees for engaging in any protected whistleblowing activity. The committee’s draft Whistleblower Protection Administrative Regulation is attached as Addendum D.

C. Employee Comments on the Draft Administrative Regulations

During the month of February 2012, the draft Administrative Regulations were posted on AlexNet, the internal intranet accessible by employees. The drafts of Administrative Regulation 6.1 Code of Ethics and 6.33 Whistleblower Protection Policy were posted for employee review and comments. Seven employees commented on one or both of the draft Administrative Regulations. Their comments appear in Addendum D.

D. Training

The committee recommends that all City employees be required to attend an initial training at the time of hire, during the onboarding process, with a refresher course at least every two years. It is essential that any training be meaningful and has value to the employees who are attending.

The ethics training goals are to get employees thinking about ethics and to help employees feel comfortable both discussing and tackling tough ethical questions.

To ensure that all employees start with a basic understanding of the City's ethics statement and Administrative Regulations, introductory training must be offered. This course would cover Administrative Regulations as well as critical thinking skills. Critical thinking is a necessary part of the decision-making process, and skills in this area will help employees know how to think about ethical questions. We recommend that this initial training be conducted by the Human Resources Department as part of the onboarding process.

In lieu of formal in-class training, the committee recommends an ongoing ethics campaign that effectively engages employees. This campaign would include opportunities for discussion of ethical issues and concerns, and information regarding where to go for guidance. Our recommendation is that this ongoing campaign will take the place of pre-packaged training as a way to ensure continued interest from employees. The campaign will be led by an interdepartmental committee made up of employee representatives with a member of the Human Resources Department staff taking the lead. We recommend utilizing the following features:

1. Regular ethics discussions – Instead of requiring classroom-style training, group roundtable-style discussions would allow employees to be engaged in decision-making processes. Discussions would be facilitated by an outside contractor to ensure that employees feel comfortable discussing relevant ethical issues. Employees would be required to attend at least one of these sessions every two years.
 - a. Employees would be able to submit, in advance of a training session, ethical questions to be discussed to encourage their participation and increase the relevance of the discussion.

- b. Employees would be able to submit possible topics and questions to ethics@alexandriava.gov to ensure an ongoing supply of discussion topics.
- 2. Monthly or Quarterly topics – Highlight an ethical topic or scenario throughout the City on a regular basis and encourage departments to hold ongoing dialogues about them.
- 3. AlexNet postings – Post entertaining ethical decision-making videos on AlexNet that highlight ethics topics.
 - a. Encourage ongoing ethical discussions via AlexNet
 - b. Require each Leadership & Management Institute class to produce short ethics videos.
 - c. Hold a contest and allow all City employees to make their own videos.

Departments that have mandatory annual ethics training (i.e., DCHS, Fire, Police) would not be required to participate in roundtable refresher training. The ethics campaign interdepartmental committee would encourage these departments to include opportunities for discussion in their ethics training.

Our final recommendation for training is that the City’s Senior Management Leadership Group (SMLG) be required to attend annual or semi-annual ethics training as would be required of all other employees. In order for the message of ethics to be valued, the ethics campaign must be dynamic and supported by our leadership. We recommend that this training be provided to the SMLG and to all managers within the City to ensure a common foundation.

IX. Budget

The committee has determined that a modest budget is necessary to implement these proposals. On September 30, the Human Resources Department submitted a FY2013 Budget Adjustment Form for \$25,000 for the proposed hotline and training activities, broken down as follows:

Hotline and case management:	\$3,000
Senior level training event (on site):	\$4,000
Travel expenses for speaker:	\$2,000
Posters, communications and mailings:	\$1,000
Annual online training:	\$15,000
Total estimated budget for FY13:	\$25,000

Addendum A
Memorandum from Frank H. Fannon, IV

City of Alexandria, Virginia

MEMORANDUM

DATE: September 1, 2011

TO: Bruce Johnson, Michelle Evans, Cheryl Orr, Laura Triggs, Mark Jinks, James Banks, The Honorable Mayor and Members of City Council

FROM: Frank Fannon

SUBJECT: Ethics and Compliance Training

I am sure we are all disappointed by the recent embezzlement charges by two city employees. It is important as city leaders that we take action steps to reduce the far too many incidents of fraud and abuse that have occurred over the last two years.

As mentioned in the City Manager's memo on August 25, I would strongly suggest we review our internal controls procedures, and I look forward to the report we will receive in the near future on the reporting and auditing functions taking place in the organization.

Furthermore, I have had preliminary discussions with the City Attorney and the Human Resource Office and would heavily advocate for all City employees to have semi-annual or annual compliance testing and ethics training. Codes of conduct training should be mandatory for City employees and cover a range of topics to serve as a reminder of what is appropriate behavior and what is not. I am certain that the City of Alexandria is one of the larger organizations without this systematic testing approach in place.

I also strongly encourage that we put a city-wide training and testing system in place to help reduce incidents of employee misconduct. Every time an incident is reported, it makes all of us appear as though we are not doing our best to protect the citizens' investments that they have in our city government. Thank you for your attention to this matter, and we need to do everything we can to reduce the fraud and theft in our organization.

Sincerely,

Frank H. Fannon IV
Councilman

Addendum B
A.R. 6-1, Code of Ethics

Administrative Regulation		
Supersedes: A.R. 6-1 dated August 1, 1997	Title: CODE OF ETHICS	Number: 6 - 1
		Effective Date: March 1, 2012
		Sections: I-6
		Chapter 6: Human Resources
<p>6-1.1 AUTHORITY</p> <p>The authority for the implementation of this Administrative Regulation is contained in the City Charter and in those City Code sections defining the authority of the City Manager to establish administrative procedures for the direction, supervision and coordination of personnel within the administrative branch of City government, and for the use of City equipment, services and facilities.</p>		

6-1.2 PURPOSE AND APPLICABILITY

Public confidence and trust are essential to the effectiveness of City government. Public confidence and trust are maintained and enhanced when City employees conduct themselves in a manner consistent with the highest ethical standards and eroded where there is even the appearance of improper conduct. This administrative regulation, therefore, provides general principles to govern standards of conduct for all City employees, so that the public may have confidence and trust in the City and those who act in its behalf.

In observing this Code of Ethics, City employees will adhere to the highest standards of behavior, personal integrity and truthfulness, both on and off the job. Employees are to subordinate personal interests to their public responsibility when such interests conflict with the moral and ethical discharge of their duties as City employees or their status as a representative of the City of Alexandria.

This regulation also provides general guidance to employees in applying the Code of Ethics to specific situations, and applies to all employees and all categories of employees of the City of Alexandria.

6-1.3 DEFINITIONS / INFORMATION

6-1.3.1 Code of Ethics

A written set of principles of conduct designed to guide human behavior by applying general ethical principles to specific situations.

6-1.3.2 Employee

For the purposes of this Administrative Regulation, an employee is any individual who is employed in a City Department under the authority of the City Manager and/or who works on the City's behalf in accordance with a written agreement with the appropriate elected official and is covered under the City's classification and salary plans. Employees may be full-time, part-time and/or be working in a temporary or seasonal capacity. While certain benefits and responsibilities may be assigned to only one or other specifically named categories of employees, unless otherwise specified, the provisions of this A.R. apply to all categories of employees.

6-1.3.3 Ethics

A body of principles governing human conduct that specifies what is good and bad behavior and defines moral duty and obligation.

6-1.3.4 Ethics Statement

This Administrative Regulation establishes the City's ethics statement as the following: "We honor the public trust by serving with integrity, civility and impartiality."

6-1.3.5 Immediate Family

Immediate family includes a spouse, child, parents, brothers, sisters, and/or any other persons living in the same household as an employee.

6-1.3.6 Procurement Transaction

All functions that pertain to the obtaining of any goods, services or construction, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration.

6-1.4 EMPLOYEE GUIDING PRINCIPLES

The following statements define the commitment of City employees to moral and ethical behavior that reflects the highest standards of personal accountability and integrity. These guiding principles will serve as fundamental truths to be demonstrated in the character and conduct of all City employees, whether on or off duty. As City employees:

- (1) We act ethically by putting the public interest first, communicating openly and consistently demonstrating professional integrity.
- (2) We understand that as City representatives, we are entrusted with protecting and preserving the integrity of the City and conforming to the City's ethics brand.
- (3) We will act in a manner that is fair, impartial and free from favoritism or prejudice.
- (4) We will exercise courtesy in our dealings with fellow employees and with the public. We will conduct ourselves at all times in a manner that brings credit to the City.
- (5) We will serve the public interest during the performance of our official duties and will take no action that will result in or create the appearance of personal gain.
- (6) We will avoid any interest or activity which is in conflict with the conduct of our official duties.

6-1.5 EMPLOYEE ETHICAL RESPONSIBILITIES

6-1.5.1 Employee Behavior and Conduct

- (1) City employees will conduct themselves both on and off the job in a manner that reflects the highest standards of personal integrity. City employees will avoid actions that could bring discredit upon themselves and/or the City. Employees are subject to discipline for their personal behavior, whether on or off the job, when it reflects adversely upon the City.
- (2) Employees who are found to have committed criminal or other acts on or off the job, or who plead guilty to criminal charges which are of such a nature that to continue the employee in any City employment capacity could constitute negligence or poor judgment on the part of the City, will be subject to termination. Employees may also be subject to criminal prosecution for such acts.
- (3) Employees are responsible for appropriately reporting any knowledge of illegal or improper acts committed by other City employees or City Departments according to the procedures established in Administrative Regulation 6-33 "Whistleblower Protection."

6-1.5.2 Employee Acceptance of Gifts or Favors

- (1) Employees will not solicit from any person, firm or corporation doing business with the City or having an interest in the outcome of any matters pending before the City any favor, gift or other thing of value for the employee's own use.
- (2) Employees will not accept gifts or favors for their personal use that could influence or appear to influence the employee in the performance of the employee's official duties.
- (3) Department Heads may promulgate additional rules and provide written guidance to their employees to ensure compliance with this section, provided that the rules and regulations are deemed by the Human Resources Director to be consistent with this Administrative Regulation.
 - (a) Department Heads will maintain any additional rules and regulations on file in their Departments.
 - (b) Department Heads will provide training to their new employees on the Department's additional ethics rules and regulations and to incumbent employees, as determined necessary.

6-1.5.3 Employee Conflict of Interest

- (1) Employees are prohibited from engaging in conduct that constitutes a conflict of interest or could be perceived as creating a conflict with their positions as employees and representatives of the City of Alexandria. Employees with a personal interest in a transaction involving the City will:
 - (a) Immediately disclose their interest in writing to their supervisor, and
 - (b) Disqualify themselves from participating in the transaction.
- (2) Employees will not solicit or accept other employment or compensation if the employment or compensation could reasonably be expected to impair the employee's performance of City duties. This includes any business or professional opportunity for which there is likelihood or a reasonable expectation that the opportunity is being offered to influence the performance of the employee's official duties.
- (3) Employees will not use City property or equipment, including intellectual property, that is the product of their work for the City, or use their access to this property or equipment for their personal financial gain or for the financial gain of family members or friends.
- (4) City employees are required to comply with provisions governing ethics in public contracting (City Code 3-3-121 through 3-3-130). Employees who have official responsibility for contracting for City goods or services, including administrative or operating authority, or whose actions can otherwise affect a procurement transaction, may not personally benefit from any City contract.
- (5) Employees may not use their City position to engage the City in any contract with members of their immediate family.
- (6) Department Heads may authorize individual employees to use office equipment for purposes that benefit the City and are related to educational course work, professional association activities, or civic activities provided such use does not interfere with the operation of the office and is not done during the employee's work time.

6-1.5.4 Employee Involvement in Political Activities

- (1) Employees will not solicit political contributions from any employee of the City or any other individual during working hours or at a City work site.
- (2) Employees will not engage in any form of partisan political campaign activity, including the wearing, display or distribution of buttons, stickers or other political campaign literature or paraphernalia, during work hours, at a City work site or in a City vehicle.
- (3) Employees will not engage in any form of partisan political campaign activity when wearing a City uniform or any other item which identifies the City.
- (4) Nothing in this section precludes a City employee from engaging in partisan political activity away from a City work site, during non-working hours, unless the employee is wearing a City uniform or other item which identifies the City.

6-1.5.5 Confidentiality of Information

- (1) Employees whose employment with the City requires their access to or management of confidential information, must adhere to all applicable rules, regulations and policies governing the confidentiality of that information whether that information concerns other City employees, consumers or customers, or the City's business processes, policies and procedures, procurement transactions, future plans or intended actions.
- (2) Department Heads may promulgate further regulation governing the confidentiality of information produced or maintained within their Departments, subject to this Administrative Regulation and all applicable local, state and federal law.

6-1.6 ETHICS EMAIL BOX

- (1) The Human Resources Department is responsible for maintaining an email box to which City employees may direct their ethics-related questions. Employees may seek answers to ethics-related questions by submitting their inquiries to the established email.
- (2) The Human Resources Director, or designee, will respond to employee inquiries submitted to the ethics email box as soon as practicable. Should the subject matter of an inquiry indicate the need for an expedited response, the Human Resources Director, or designee, may contact the employee or Department Head directly to provide guidance.
- (3) City employees may also submit their suggestions to the Ethics email box for changes or improvements to the City's ethics-related policies and procedures or to City processes involving the establishment and execution of ethics rules, regulations and expectations.
- (4) Employees will use the Ethics email box for suggestions and inquiries only. The City maintains a separate hotline for the anonymous reporting of ethics violations.

6-1.7 VIOLATIONS OF THE CODE OF ETHICS

Employees who violate the provisions of this Administrative Regulation may be subject to disciplinary action, up to and including termination from City employment. Employee discipline resulting from violation of this Administrative Regulation will be executed in accordance with Administrative Regulation 6-20 "Discipline of Employees."

Rashad M. Young
City Manager

Addendum C
“Ethics Law Compliance Best Practices”
A Publication of the Institute for Local Government

INSTITUTE for LOCAL GOVERNMENT

www.ca-ilg.org

ETHICS LAW COMPLIANCE BEST PRACTICES

- General Best Practices (page 2)
- Decision-Making (page 5)
- Use of Public Resources (page 6)
- Incentives for Speaking Truth to Power (page 7)
- Hiring, Appointments and Staff Relations (page 8)
- Procurement Issues (page 8)
- Financial Practices (page 9)
- Campaigns (page 11)

ALSO INSIDE:

- *What Constitutes an Ethics Law?* (page 4)
- *What Constitutes an Effective Ethics Compliance Program?* (page 12)
- *Recommended Elements of an Ethics Law Training Program* (page 14)

INTRODUCTION

Local agency officials – and the agencies in which they serve – face a complex array of ethics-related laws. While some of these requirements may seem intuitive, others can be fairly characterized as traps-for-the-unwary public official. Moreover, missteps-even inadvertent ones-can seriously undermine the public’s trust and confidence in an agency and those associated with the agency.

What steps can the well-intended official take to make sure that his or her agency is maximizing the prospects for compliance and minimizing the likelihood of missteps? This checklist provides some ideas.

GENERAL

- Do agency officials and employees receive informational materials explaining 1) their obligations under public service ethics laws (see list on page 4) and 2) the unique ethical obligations and values associated with public service?
- Are these materials targeted to their intended audience in terms of being prepared in non-legalistic language and reflective of the audience’s demographics?
- Does the agency offer regular (at least two hours every two years) training to relevant decision-makers on the ethics and ethics-related laws governing their obligations as public servants? (see box on page 14 on suggested elements of an ethics training program)

- Are agency staff encouraged to engage in continuing education activities to keep abreast of changes in legal requirements?
- Does the agency have an effective method for regularly monitoring compliance with ethics laws and laws governing use and expenditure of public money? (see page 4)
- Does the agency periodically engage in self-assessment activities (such as this best practices checklist) to assure itself that its practices continue maximize the likelihood of ethics law compliance?
- Does the agency have a code of conduct or ethics ordinance?

ACKNOWLEDGMENTS

Special thanks to the following individuals who volunteered to provide peer review for this publication:

- *Anton Dahlerbruch, Deputy City Manager, Beverly Hills*
- *Kerlin Duggan, City Manager, Mountain View*
- *Craig P. Dunn, Professor, San Diego State University*
- *Brien Farrell, City Attorney, Santa Rosa*
- *Daniel S. Hemtschke, General Counsel, San Diego County Water Authority*
- *John Larson, City Council Member, Seal Beach*
- *Heather McLaughlin, City Attorney, Benecia*
- *Lynn Tracy Nerland, Assistant City Attorney, Pleasanton*
- *Joseph W. Pannone, Kane, Ralmer & Bertman*
- *Zarka Popovic, City Administrator, Williams*
- *Kenneth D. Rozell, Wallin, Kress, Reisman & Krantz*
- *Greg Scoles, Deputy City Manager, Santa Rosa*

What Constitutes an Ethics Law?

The good of the people is the chief law.

— CICERO

The purpose of most laws is to encourage good behavior and discourage bad behavior. What then makes a law an “ethics law?”

There is no universally accepted categorization. One test is whether a law promotes the public’s trust and confidence that the agency and its officials are acting in the public’s interests as opposed to narrow personal interests. Another is whether the law relates to core ethical values, for example values relating to trustworthiness, respect, responsibility, and fairness.

For purposes of its own ethics education programs, the Institute for Local Government believes that “ethics laws” include the following:

- (1) Laws relating to personal financial gain by public servants (for example, laws prohibiting bribery and conflict of interest laws),
- (2) Laws relating to claiming perks of office (for example, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies),
- (3) Government transparency laws (for example, financial interest disclosure requirements and open government law),
- (4) Laws relating to fair processes (for example, common law bias prohibitions, due process requirements, incompatible offices, fair procurement processes for public contracts, and disqualification from participating in decisions affecting family members),
- (5) Laws relating to respectful and fair treatment of staff, including those related to political solicitations and whistle-blower protections,
- (6) Laws designed to safeguard public resources, either in terms of maximizing public benefits (procurement practices) or minimizing harms (in terms of guarding against improper use or theft of public resources), and
- (7) Campaign-related laws (including fundraising restrictions and campaign disclosure).

For more information about these laws, see A Local Official’s Reference on Ethics Laws and other resources published by the Institute for Local Government. These are all available at www.co-ilg.org/trust.

DECISION-MAKING

- Are State Fair Political Practices Commission's Form 700s (Statements of Economic Interests) timely distributed and collected on an annual basis?
- Do decision-makers know where the 500-foot boundaries are with respect to their various property interests?
- Are officials advised of prohibitions against self-dealing (Government Code Section 1090) in addition to the Political Reform Act?
- Do decision-makers receive training on due process rules applicable to quasi-judiciary (administrative) hearings?
 - Do decision-makers know how to disclose information they receive outside adjudicatory hearings?
- Are agency policies applied consistently to those seeking agency approvals, regardless of personal connections?
- Are meeting notices sent out in a timely manner and written in a way that is understandable to the general public?
- Do decision-makers listen attentively at public hearings, particularly adjudicatory hearings?
- Have decision-makers received information on bias issues?

USE OF PUBLIC RESOURCES

- Does the agency have an adopted travel and expense reimbursement policy?
 - Does it contain the elements recommended in the Institute for Local Government's sample policy (available at www.ca-ilg.org/reimbursementpolicy)?
- Do staff and elected officials receive periodic reminders on the provisions of the policy that most likely apply to them (for example, using agency time or equipment for personal business)?
- Is this policy consistently applied?
- Is compliance with the policy subjected to verification?
- Are any allowances (for example, telephone or technology allowances) backed up by documentation explaining factual basis for the allowance?
- Does the agency have an adopted policy explaining under what circumstances public benefits are achieved by the agency's participation in community events or activities (for example, such things as a purchase of a table at a local chamber of commerce, labor council, or other community events)?
- For Special Districts:* Are local officials aware of what kinds of activities do and do not constitute compensable service to the district?
 - Does the agency have an adopted policy explaining under what circumstances per diem stipends will be paid?
- Does the agency have an adopted policy governing the use of agency property and equipment by officials and employees?

- Does this policy take into account pro-scriptions against 1) gifts of public resources, 2) personal use of public resources, and 3) political use of public resources?
- Is this policy consistently applied?
- Do staff and elected officials understand and comply with mass mailings procriptions?

INCENTIVES FOR SPEAKING TRUTH TO POWER¹

- Does the agency have an adopted policy clearly explaining procedures for reporting and investigating allegations of misconduct and protection of those who report misconduct?
- Do employees receive positive reinforcement for bringing truthful, but sometimes unwelcome, unpopular or difficult, information to the attention of relevant decision-makers?
- Is unlawful conduct dealt with swiftly, firmly and consistently?
- Are employees encouraged to bring forward unsolicited, unwelcome, unfamiliar or difficult information? (The opposite of a "Don't Ask, Don't Tell" policy)?
- Are agency supervisors familiar with legal protections relating to whistle-blowing activities?
- Do staff participate in professional associations that provide guidance on ethics as it relates to their role within the organization? (For a list of local agency professional associations with ethics codes, for example, see www.ca-ille.org/staffrelations).

¹ Aaron Wildavsky, *Speaking Truth to Power: The Art and Craft of Policy Analysis* (Boston: Little, Brown, 1979).

HIRING, APPOINTMENTS AND STAFF RELATIONS

- Does the agency have an anti-nepotism policy?
- Does the agency consistently make a concerted effort to advertise widely for appointments for boards and commissions?
- Does the agency encourage its officials to engage in personal outreach for appointments to boards and commissions?
- Does the agency consistently make a concerted effort to advertise widely for job openings?
- Does your agency have a non-discrimination policy and abide by its terms?
- Do supervisors, including elected officials, receive training on issues relating to fair, respectful and appropriate treatment of staff?
- Does the agency have a policy about second jobs for staff?
 - Does staff receive periodic reminders on the provisions of the policy (for example during annual reviews)?
 - Is this policy consistently applied?

PROCUREMENT ISSUES

- Does the agency have adopted procurement rules and regulations?
- Do the agency's procurement practices comply with both the letter and spirit of the procurement laws and policies?
- If the agency has a decentralized purchasing system, does it have clear organization-wide standards and guidelines?

- Does the agency have policies in place for the proper disposal of surplus property?
- Do all local officials involved in contracting decisions receive training on the proscriptions against self-dealing in agency contracts (Government Code section 10990)?

FINANCIAL PRACTICES

One who thinks that money can do everything is likely to do anything for money.

— HASIDIC SAYING

- Does the agency fully and accurately disclose both positive and negative financial information to the public and financial institutions?
- Does the agency have appropriate internal controls in place, including such practices as
 - Segregating duties among staff to minimize risk of error or misconduct (for example, no one person should initiate a transaction, approve it, record it, reconcile balances, handle assets and review reports).
 - Limiting access to agency assets such as cash, equipment, documents and credit cards to safeguard against unauthorized acquisition, use or disposition.
 - A system of authorizations, approvals, and verifications, in which 1) certain individuals are authorized to perform certain activities and to execute certain transactions within limited parameters (some of which may need supplemental supervisory approval before they are performed or executed by employees), 2) a supervisor's approval (manual or electronic) indicates that he or she has verified and validated that the activity or transaction conforms to the agency's established policies.

- Diligent reconciliation processes to compare various sets of data to one another (for example, charges in a statement of account to documentation of expenses, including the proper authorization for those expenses), identifying and investigating any discrepancies and taking corrective action when necessary.
- Do agency officials receive periodic financial reports? These include monthly reports, quarterly reports and mid-year budget reviews.
 - Do financial reports provide meaningful information about the agency's expenditures as they relate to revenues and budgeted amounts?
 - Do these reports provide a complete picture of the agency's assets and liabilities?
- Does the agency have its financial reports audited on a timely basis? (Audited reports should be issued no later than 180 days after year-end).
 - How long has the agency's auditor been auditing the agency? Does the agency periodically change auditors to provide a fresh view of the agency's financial statements?
 - Are the annual financial reports prepared by a certified public accountant, in accordance with generally accepted accounting principles?
 - Does the agency receive "unqualified" auditors' opinions? An "unqualified" opinion means that the auditor concludes the agency followed all accounting rules and that its financial reports present an accurate picture of the agency's financial condition.
 - Does the agency periodically conduct its own audits of particular functions?

- Does the agency have clear capital financing and debt management policies that address how it selects external consultants like bond counsel, financial advisors, trustees, assessment engineers and underwriters?
- Do these policies address disclosure and relations with rating agencies?
- Do key managers attest to the accuracy of financial statements in writing?

CAMPAIGNS

- Do candidates for the agency's governing board receive information on how to comply with campaign laws, including local campaign requirements and restrictions?
- Are candidates given information about ethics laws, including conflict of interest, incompatible offices and governmental transparency requirements that will be relevant to their service if they are elected?
- Are agency officials and employees advised of restrictions relating to campaign fundraising and political activity of public employees?
- Are there mechanisms in place to promote equal treatment of candidates and avoid both perceptions and realities of preferential treatment?
- Is the state's Code of Fair Campaign Practices distributed to all candidates?

What Constitutes an Effective Ethics Compliance Program?

Effective compliance programs can take many forms ranging from regular financial audits that include periodic review of management practices, to more extensive programs. Here are some concepts on compliance program elements from the Federal Sentencing Guidelines:

- Does the agency have standards and procedures to prevent and detect unlawful conduct?
- Is the agency's leadership knowledgeable about the agency's compliance programs?
- Does the leadership exercise reasonable oversight of program implementation?
- Are specific individuals assigned overall responsibility for compliance issues, as well as day-to-day operational responsibility? Is there periodic communication between the two areas of responsibility?
- Does the governing body and top management take responsibility for assuring that the agency's actions comply with the law and that the agency's ethics program is effective?
- Do employees have a mechanism for reporting concerns about illegal or unethical behavior without fear of retaliation?
- For employees, are those who have engaged in unethical or illegal behaviors disciplined and precluded from serving in positions of authority (in a manner consistent with federal, state and local personnel laws)?
- Do employees and agents have incentives to act legally and ethically (including avoiding even the appearance of impropriety)?
- Is the agency's compliance and ethics program monitored and periodically evaluated to assess its effectiveness?
- Does the agency have a history of taking reasonable steps to respond to misconduct and prevent future misconduct?

Does the agency periodically assess the risk of unlawful conduct, so it can take steps to minimize those risks? This can include:

- An inventory of the range of agency activities, the laws that apply to those activities, and the potential for missteps in complying with those laws.
- An analysis of what would be the most serious missteps and hence most deserving of priority in prevention efforts.

Does the agency's leadership foster a culture of ethics within the agency?

A key theme of the guidelines is holding management accountable for encouraging compliance and ethical behavior. Moreover, the emphasis on a "culture of ethics" recognizes that no matter how effective an ethics program is, it will not be effective in the absence of demonstrated ethical leadership by an organization's top leadership. For more information on this topic, see www.co-iga.org/culturechecks.

Note that these guidelines do apply to governmental units.³ The guidelines also recognize that efforts will reasonably vary based on the size of an organization, history of misconduct and industry practice.⁴

Another question to ponder

Is how the "location" of ethics-related functions in an agency influences ethics law compliance. What happens if "ethics" is assigned to a department which is viewed as having little or no power?

³ United States Sentencing Commission, *Guidelines Manual*, Chapter 8, Part B. Remedying harm from criminal conduct, and effective ethics and compliance programs (November 2006).

⁴ *Id.* § 8A1.1 (Application Note #1: The organizational sentencing guidelines apply to "corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions thereof, and non-profit organizations.")

⁵ *Id.* § 8B2.1 (Application Note #2K: The organizational sentencing guidelines apply to "corporations, partnerships, associations, joint-stock companies, unions, trusts, pension funds, unincorporated organizations, governments and political subdivisions thereof, and non-profit organizations.")

Recommended Elements of an Ethics Law Training Program

There's a big difference between what you have a right to do and what is right to do.

— POTTER STEWART

An overall training program for ethics and laws governing public official conduct should cover the following aspects of those laws:

- Personal financial gain laws (for example, disclosure and disqualification requirements, prohibited interests in contracts, bribery)
- Special privileges and perks laws (gift limits and disclosure requirements, prohibitions against personal and political use of public resources)
- Fairness laws (biases, procurement, hiring)
- Open government laws (public records, open meetings requirements)
- Whistle-blowing protections
- Staff relations issues (for example, working through the city manager to give direction to staff and staff neutrality in campaigns for elective office)

Because of the complexity of those subjects, training should occur in discrete segments to maximize both comprehension and retention. For example, if an agency provides periodic ethics law training for its officials and staff, the agency can focus on different topics during each session.

In addition, an agency should communicate information about ethics law requirements through multiple communications channels. An example is periodic bulletins or memos to relevant agency officials reminding them of relevant ethical standards and legal requirements.

Finally, all training should emphasize the fact that the law is a floor for acceptable conduct, not a ceiling. Moreover, focusing on minimum levels of compliance with legal standards is a risky compliance strategy in and of itself. A truly effective compliance training program will focus on the values and ideals that the law is trying to protect—sometimes known as complying with not only the letter of the law, but also its spirit.

Local agency officials can keep these values and ideals in mind to enrich their analysis on what the overall "right" thing to do might be in a given situation—ideally above and beyond what the law requires. A positive, value-based code of ethics for the agency can be a helpful tool in this regard (for more information, see www.co-iga.org/ethicscodes). In short, ethics is not simply about compliance, but integrity.

TAKING SELF-ASSESSMENT ONE STEP FURTHER

*Genuine success does not come from
proclaiming our values, but from consistently
putting them into daily action.*

— KEN BLANCHARD AND MICHAEL O'CONNOR,
MANAGING BY VALUES

Every agency should on a periodic basis, engage in the self-assessment process suggested by the above checklist. This is part of the agency's due diligence with respect to ethics laws. Although compliance with ethics laws is a floor – and not a ceiling – for ethical conduct, it is nonetheless important for an agency to assure itself it is meeting minimum legal requirements for its activities.

As the Federal Sentencing Guidelines suggest, however, the *ethical culture* of an agency is important for promoting both ethics law compliance and encouraging the agency to operate on a higher ethical plane than bare minimum legal requirements.

Such assessments explore how employees feel about the organization's standards and behavior, including the perceived priorities and ethical effectiveness of individuals and sub-units of the organization, as well as the organization as a whole. This can assist the agency in reaching a preliminary conclusion that increased attention to ethical issues would be beneficial.

For more information on such assessments, visit the Institute's website at www.ca-ilg.org/culturechecks.

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**Does your agency engage in
"best practices" that are not
covered in this checklist?
Let us know: ilg@cadities.org.**

INSTITUTE for LOCAL GOVERNMENT

1 400 K Street, Suite 400

Sacramento CA 95814

916/658-8208 *facsimile*: 916/444-7535

www.ca-ilg.org

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Addendum D
Draft Whistleblower Protection Policy and
Employee Comments on the Draft Administrative Regulations

Administrative Regulation		
Supersedes: None	Title: WHISTLEBLOWER PROTECTION POLICY	Number: 6 - 33
		Effective Date: March 1, 2012
		Sections: I - 5
		Chapter 6: Human Resources

6-33.1 AUTHORITY

The authority for the implementation of this Administrative Regulation is contained in the applicable sections of the State and Local Government Conflict of Interests Act (Sections 2.2-3100 et. seq.), the City Charter and in those City Code sections defining the authority of the City Manager to establish administrative procedures for the direction, supervision and coordination of personnel within the administrative branch of City government.

- (1) Specific law authorizing this Administrative Regulation includes, but is not limited to, Title VII of the Civil Rights Act of 1964, as amended; Title I of the Americans with Disabilities Act of 1990, as amended; and the Age Discrimination in Employment Act of 1967, (ADEA) as amended; Code of Virginia Sections 2.2-3901, 40.1-28.6, 51.5-41; Alexandria City Code Sections 12-4-5, and other applicable local, state and federal law.
- (2) Employees, volunteers and interns are protected by and subject to by the provisions of this Administrative Regulation.
- (3) This regulation does not cover any member of City Council, any Council Aide, the City Manager, the City Attorney, Clerk of Court, Commonwealth’s Attorney, Court Services, Sheriff or City Clerk. The exemption set forth in the preceding sentence shall not include employees subject to the personnel rules and regulations of the City.

6-33.2 PURPOSE

The purpose of this Administrative Regulation is to encourage whistleblowing by City employees reporting in good faith a violation of any law, rule or regulation or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, and that prohibits retaliation against City employees for engaging in any protected whistleblowing activity. Nothing in this Administrative Regulation is intended to either limit or expand any protections otherwise extended to whistleblowers under federal, state, or local law.

6-33.3 DEFINITIONS

6-33.3.1 Employee

For the purposes of this Administrative Regulation, an employee is any individual who is employed in a City Department under the authority of the City Manager or who works on the City's behalf in accordance with a written agreement from the appropriate City elected official or by consent of a City official employed under the direct supervision of the Alexandria City Council. Employees may be designated as full-time, part-time or temporary.

6-33.3.2 Ethics

A body of principles governing human conduct that specifies what is good and bad behavior and defines moral duty and obligation.

6-33.3.3 Good Faith Disclosure or Report

A report of activity which the employee has reasonable grounds to believe to be true and which the employee reasonably believes constitutes a violation of any law, rule or regulation or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, even if the belief should later prove to be unsubstantiated. Repeated instances of unsubstantiated charges may be evidence of a lack of good faith.

6-2.3.4 Retaliation

Disciplinary or other adverse personnel action relating to the terms and conditions of employment taken against an employee because the employee has made a good faith report of whistleblowing.

6-2.3.5 Whistleblowing

Any good faith disclosure of information by an employee, former employee, or applicant for employment. The individual making the disclosure must reasonably believe the disclosed information evidences:

- (a) A violation of any law, rule or regulation;
- (b) A gross mismanagement or waste of funds,
- (c) An abuse of authority, or
- (d) A substantial and specific danger to public health or safety.

A disclosure that is publicly or widely known, or is known by the entity to whom the disclosure is made, or that is made as a normal part of an employee's duties through normal channels does not constitute whistleblowing.

6-33.4 PROHIBITED CONDUCT

6-33.4.1 Retaliation

- (1) The City will take no retaliatory action against any employee, former employee, or applicant for employment because the individual makes a good faith report of any information that constitutes whistleblowing and which the employee reasonably believes constitutes a violation of any law, rule or regulation or gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, even if the report should later prove to be unsubstantiated.
 - (a) Department Heads will take no retaliatory action in contravention of this Administrative Regulation and will ensure that their Departmental supervisors and managers will abide by the City's prohibition against retaliation.
 - (b) The Human Resources Department will make training available to employees on the City's whistleblower policy and the protections and processes contained in this Administrative Regulation.
- (2) The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.
- (3) Any whistleblower who believes he/she is being retaliated against will follow the procedures contained in City AR 6-21 "Employee Grievance Procedure."

6-33.4.2 Breach of Confidentiality

Employees, to include supervisors, managers and Department Heads, who receive reports constituting whistleblower action, will keep confidential all information reported and the identity of the reporting employee(s) to the extent possible, consistent with the need to conduct a complete and fair investigation.

6-33.4.3 Failure to Report in Good Faith

Whistleblower protection contained in this Administrative Regulation only protects employees whose reports of wrongdoing are made in good faith. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

6-33.5 ETHICS COMPLAINT HOTLINE

- (1) The City contracts with a vendor responsible for maintaining a confidential hotline for ethics related complaints.
- (2) The City's Human Resources Department will make available to all City employees the hotline telephone number and web address to be used to lodge their ethics-related complaints.

- (3) The Office of Internal Audit is responsible for receiving complaints from the hotline vendor and for initiating the appropriate investigations.

Rashad M. Young
City Manager

Employee Comments on the Draft Ethics Related Administrative Regulations

The draft Administrative Regulations (A.R.) for AR 6-1 Code of Ethics and A.R. 6-33 Whistleblower Protection Policy were published internally on AlexNet for employee comments during February 2012. Human Resources received the following comments from seven employees regarding the draft policies.

Employee 1

- (1) On section 6-1.5.1 (3) “employees are responsible for reporting knowledge of illegal or improper acts committed by other city employees” I think that using the word responsible is too strong. You could get into a whole litany of “what did you know, and when did you know it” type of issues with people. How much time will be spent trying to prove what others might have (or might not have) known? I understand the intent of the statement, but I think it should touch on collusion with illegal activities, not just knowledge of them. Also, “improper acts” should be clearly defined, especially if we are all suddenly responsible for reporting these. This to me is too broad – improper acts could be everything from leaving your dog outside all night without a leash to failing to shovel your sidewalk after a

snowstorm. There are other ways (i.e., citations received from PD) that these things get addressed. They shouldn't be the responsibility of other employees to report. (Not to mention that this requirement could cause all kinds of workplace stress.)

- (2) On the prohibition regarding Employee Involvement in Political Activities – no stickers, buttons, etc. at City work sites – what about bumper stickers on a personal car parked in the City garage? This should be addressed, because as it's written, this is prohibited.

Employee 2

The idea that city employees can or should be disciplined for their personal behavior off the job is unrealistic and intrusive. It is also, as worded, phenomenally vague and as such leaves said employees open to being persecuted for the most arcane and irrelevant of actions.

Employee 3

I feel the rewrite of AR 6-1 is concise, and does a very adequate job of simplifying the previous version without removing any impact. The new version is easier to absorb, and I think it will be easier for employees to retain.

As for AR 6-33, I had some concern that it could open up an avenue for vindictive reports of wrongdoing that were not based in truth. However, taking the document in its entirety, I see that such reports, those not made with a good faith belief of truth, are clearly dealt with.

Both the rewrite of 6-1 and the new 6-33 are very well done and right on target, in my opinion.

Employee 4

After reviewing the two draft A.R., here is my initial feedback and suggestions. Thanks for allowing us to contribute to the process.

A.R. 6.1 – Code of Ethics

Section 6-1.5.3 – Employee Conflict of Interest

- Current A.R. requires the submission of a Supplemental Employment Request form. There is no mention of that in this version. Is this being phased out?

- What about mandatory ethics training during first year of employment? I noticed this class is mandatory.

Section 6-1.6 – Ethics Email Box

- Suggestion: While email can be a useful communications tool, this section makes it appear as if it is the only mechanism to raise ethics-related questions and inquiries. I preferred the Interpretation section under the current A.R. which encourages employees to seek guidance from their supervisors and department heads. While the email box can be another method for staff to use, I think it is important to encourage employees to talk within their departments if at all possible.
- Section (4) The employee hotline should be dropped out to its own number to highlight it as another method of communication/escalation.
- The sentence about the employee hotline says that the procedures governing its use are outlined in the Whistleblower Protection A.R. and they are not currently there. This may be in the works, but there is no section title in the Whistleblower A.R. that indicates that it is “coming soon”.
- Also, this may be the hotline that HR is considering, but I noticed RPCA already has an ethics hotline in place. I pulled this from Alexnet.

Employee 5

For the section that reads: 6-1.3 DEFINITIONS/INFORMATION 6-1.3.1 Code of Ethics

A written set of principles of conduct designed to guide human behavior by applying general ethical principles to specific situations.

I would substitute “moral” (or something synonymous) for “ethical” in this line, as using the word ethical to define a Code of Ethics is a bit circular. The wording you have for Ethics in section 6-1.3.3 is well-suited for section 6-1.3.1.

Employee 6

Thank you for providing the opportunity to review and comment on these changes. Ideally, employees would have been afforded the same opportunity to comment on changes to the reduction in force policy. This was a long-standing policy that employees understood and valued and one which demonstrated that retention of quality employees is a goal of the City.

Regarding AR 6-1, is it possible to provide these in track changes? I believe this would help employees better understand proposed changes without having to compare the two policies side-by-side.

Thank you again for the opportunity to comment.

Employee 7

The AR you posted for review and comment seems to be incomplete. I do not see any reference to who the reports should be made to nor any reference to the procedure in which the reports should be made. There are two references in the AR 6.1 rewrite on Ethics (also posted) referencing a procedure established in AR 6-33 and a hotline reporting system however there is nothing listed in the AR 6.33 in reference to this. Also, whomever is the responsible agency for acceptance and review needs to be specifically identified and the exact procedures of how the report will be handled and who it will be seen by is important and should be listed. As an example if I want to report that someone in Human Resources is grossly wasting City resources how would I know or be assured that my complaint would not disappear if the complaint was sent to that office. Is the persons whom this information is reported to an independent person with direct report to the City Manager? What if I want to complain about the City Manager? What are the procedures for following up the information with the person who made the report. How does one know that it may have been unsubstantiated. Is there a rumor control person where employees will be notified?

I hope that any initiative you intend to “roll out” is carefully crafted and fully vetted. I agree with asking for review and comment however I don’t see the productiveness of asking City employees to review this incomplete of an Administrative Regulation. It seems to raise more questions rather than answer them.

6-1-5.1(3)

Employees are responsible for appropriately reporting any knowledge of illegal or improper acts committed by other City employees or City Department according to the procedures established in Administrative Regulation 6-33 “Whistleblower Protection.”

6-1.6

Employees will use the Ethics email box for suggestions and inquiries only. The City maintains a separate hotline for the anonymous reporting of ethics violations. A description of the hotline and procedures governing its use are contained in Administrative Regulation 6-33 “Whistleblower Protection.”