

	<b>PERSONNEL POLICIES AND PROCEDURES</b>		<b>SUBJECT:</b>  ETHICAL CONDUCT
	<b>NUMBER:</b>  GEN 5-0	<b>REVISIONS:</b>	<b>EFFECTIVE DATE:</b>  9-19-2011
	<b>SUPERCEDES:</b>	<b>APPROVED AND ADOPTED BY MAYOR AND COUNCIL:</b>   A. Max Bacon, Mayor, Date      Eric Taylor, City Administrator, Date	

**PURPOSE:** To ensure that City employees adhere to legal and proper ethical standards in their role as employees of the City of Smyrna.

**STATEMENT OF POLICY**

All City employees must conform to legal and ethical standards in order to abide by the law and to preserve the City's integrity and reputation. Failure to adhere to this policy may result in disciplinary action, up to and including termination. Every City employee is entrusted with an obligation to effectively and efficiently serve the City of Smyrna and to avoid unethical conduct or the appearance of unethical conduct.

The City requires every employee to comply with the standards outlined below. This list is not comprehensive, however. The City encourages employees who have any questions about these or other standards and their application to any aspect of employee conduct to discuss such issues with their respective department head, the Human Resources Director, or the City Administrator.

An employee who knows or has reason to know of any activity that violates or could violate City ethical standards must promptly report the matter to their respective department head or, in cases where this is not possible, to the City Administrator.

**Conflict of Interest** - Every City employee is prohibited from partaking in any activity or association that creates or appears to create a conflict between the employee's personal interests and the City's obligation to effectively and efficiently serve its citizens. In addition, City employees must not allow any situation or personal interests to interfere with the exercise of independent and sound judgment or with the ability to act in the best interests of the City and the public they serve. It is particularly important that employees guard against relationships which might be construed as or give the appearance of favoritism, coercion, unfair advantage, or collusion.

**Gifts or Favors** - City employees may not give to or receive any gifts or favors from any citizen, business, supplier, contractor, or vendor other than a gift of nominal value. (In this instance, nominal value is defined as any gift of less than \$25.00 in value.)

**No Gifts or Favors in Return for Personal Gain Allowed** - It is impermissible and may be unlawful to give, offer, or promise anything of value for the purpose of influencing someone in connection with City business or a City duty. Therefore, no employee may give or receive any gift or favor if it could reasonably be viewed as being done for personal gain. City employees are not prevented from accepting personal mementos of nominal value.

In every situation, however, the guiding principle is to not only avoid impropriety but also the appearance of impropriety. All City employees serve as ambassadors to the citizens of Smyrna and the larger community. If a gift or gratuity is questionable, the employee should avoid it.

**Outside Employment** - Any employee who performs outside work (other than as a City employee) has a special responsibility to avoid conflict of interest. City employment shall be considered the primary employment of all full-time City employees. Outside work cannot be performed by any employee on the City's time and must not interfere at any time with an employee's ability to perform his or her City job with maximum effectiveness and efficiency.

Prior to beginning any regularly scheduled outside employment, an employee must obtain specific written approval from his or her department head or designee if such approval is required by departmental policy. Employees should check with their department head regarding departmental policy.

Employees sustaining injuries while engaged in outside employment are ineligible to receive benefits under the City's *Workers' Compensation* program unless such coverage is mandated under State Workers' Compensation.

**Family Relationships** - If an employee wishes to do business, or have others under his or her supervision do business, on behalf of the City with a member of his or her immediate family or other relative, the employee must first disclose the relationship in writing and obtain prior written approval from his or her department head and the City Administrator who will disclose the relationship to the appropriate Council Committee. Both the written request and the written approval will be kept on file in the employee's personnel file.

**Confidential Information** - City employees have an ethical duty not to disclose confidential information gleaned from work activities and to protect confidential relationships between the City and its citizens and other employees.

**Employment of Relatives** - No immediate family member of the Mayor, any Councilmember, the City Administrator, or any member of the Human Resources Department shall be employed in any position with the City. This prohibition shall not disqualify or otherwise affect the continued employment of any employee who was an immediate family member of the Mayor, any Councilmember, City Administrator, or any member of the Human Resources Department and employed by the City prior to August 1, 1993.

In addition, immediate family members of City employees shall not be employed in a position with the City if such position will result in one immediate family member supervising another immediate family member, or where one immediate family member occupies a position which has influence over the other immediate family member's employment, promotion, salary administration, or other related management or personnel considerations. This prohibition shall not disqualify or otherwise affect the continued employment of any employee who was supervised by an immediate family member prior to the adoption of this policy.

**Political Activities** - An employee shall not take part in political management or political campaigns during any period of time for which he/she is expected to be on duty.

No employee shall solicit, orally or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party, organization or individual from any employee during either employee's hours of duty, service of work with the City.

Employees shall not represent the Mayor and Council of the City of Smyrna by wearing any uniform, or portion thereof, that is issued by the Mayor and Council of the City of Smyrna, while participating in any campaign activities, demonstrations or political gatherings or while attending any other governmental meeting unless on official business.

The Mayor and Council in no way seek to influence employees in their choice of party affiliations or candidates, recognizing that this is a matter for each person to decide. Therefore, nothing contained herein shall be construed to restrict the right of the employee to hold membership in and support a political party, to vote as he/she chooses, to express opinions on political subjects or candidates, to

maintain political neutrality, to attend political parties outside working hours, or to campaign actively during off duty hours in all areas of political activity.

Employees shall not utilize City equipment or vehicles in support of any political party, candidate or referendum issue.

No employee shall be permitted to seek, or participate in the management or affairs of a campaign for any elective public office if, in the discretion of the Mayor and Council, such political activity will interfere with the employee's scheduled work time or would create a conflict, or apparent conflict between private interest of the individual and his/her official duties and responsibilities.

An employee who intends to seek or to participate in a campaign for an elective public office within the City of Smyrna Government may be required, at the discretion of the Mayor and Council, to resign or obtain a leave of absence for the duration of such political activity.

**Exceptions** - Any city employee who, as a normal and foreseeable part of his or her job or position, performs duties in connection with an activity financed in whole or in part by Federal loans or grants, comes under the Federal Hatch Act which prohibits the following:

- a) Use of official authority or influence for the purpose of interfering with an election or nomination for office, or affecting the results thereof;
- b) Directly or indirectly coercing, attempting to coerce, or advising any other such officer or employee to pay, lend, or contribute any part of his or her salary, compensation, or anything else of value to any party, committee, organization, agency, or person for political purposes; and/or
- c) Active participation in political management or in political campaigns.