City of Winder Personnel Policy Manual

Title: Ethics and Conduct

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Policy: 040

Mayor

City Administrator

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40.10 Purpose

This policy establishes the fundamental principles of ethical conduct expected of all City employees in service to our community. While certain standards are addressed in greater detail within other policies governing specific circumstances, many of the principles outlined here reflect established best practices.

40.11 Definitions

A. Gift. Anything of value is given or offered including but not limited to: cash, gift cards, merchandise, tickets, entertainment, travel, lodging, merchandise, jewelry, loans on favorable terms, discounts not available to the public, and services performed without charge.

B. Gratuities. Solicited or not solicited tips, cash, or benefits given or anticipated for favorable treatment in the performance of an official duty, on or off City property, while representing City interests, or while being paid by the City.

C. Employee. Any full-time, part-time, temporary, seasonal employee, appointed employee, and members of City boards and commissions.

40.12 Gifts and Gratuities

A. To ensure the highest level of objectivity in dealing with local businesses, vendors, supplicrs, contractors, and agencies and to avoid the appearance of impropriety, employees and their immediate family are not permitted to accept personal benefits, solicited or unsolicited, of any kind. It is particularly important that inspectors, regulators, contracting/purchasing managers, or decision makers guard against relationships which might be construed as an appearance of favoritism, coercion, unfair advantage, or collusion.

B. These limitations are not intended to prohibit the acceptance of articles of negligible value which are distributed to the general public, nor to prohibit employees from accepting nominal contributions for employee-organized events such as a social meal, condolence, or congratulation items (i.e. flowers, plants, consumable items, balloons, or similar). All items accepted with a value of greater than $50.00 shall be disclosed within three (3) business days to the City Clerk (excluding a single meal attended by more than one (1) City employee or elected official).

C. No employee shall perform any services in exchange for gifts or gratuities while on duty or with City equipment/resources.

D. This policy applies equally to a gift offered to an employee's spouse, domestic partner, or children when the gift is given because of the employee's City position, or when the employee directs, arranges, or has knowledge that the gift is being provided due to the employee's position.

E. Unsolicited tips that are disclosed in accordance with applicable IRS reporting when performing duties of serving City-owned food and beverages for purchase are permitted.

F. Any employee who is solicited to receive a gift or gratuity or who becomes aware of a violation shall report the matter promptly to their Department Head or Human Resources Director.

40.13 **Political Activity**

A. No City employee shall be appointed, promoted, demoted, favored, or discriminated against with respect to employment in the personnel system because of political opinions or affiliations.

B. City employees may participate in political activities as private citizens but must not use their position, influence, or City resources to support any candidate, party, or campaign.

C. Public endorsements or political campaigning during official work hours are prohibited.

1. Wearing or displaying political advertisements or having political conversations with the intent to influence is not permitted while on City time.
2. No political advertisements or items shall be placed on City vehicles or on City property.
3. The foregoing notwithstanding, placement of campaign signs on property owned by the employee or stickers on the employee's personal vehicle shall not violate this general prohibition.

D. No employee shall hold an elected office in Barrow County government or in any City government within Barrow County.

E. Before an employee seeks an appointment/ to any elected position, they should disclose their intention to run to the City Administrator to determine if there are any conflicts of interest.

F. Any employee seeking elective office may be requested to take a leave of absence from date of announcement through duration of campaign.

1. If elected, the employee may be required to separate from City employment if a conflict was identified during the disclosure.
2. The City Administrator, after consulting with the Mayor and City Attorney, has the final discretion on whether to hold a position open if a campaign is scheduled for more than (30) thirty days.

G. The City would consider a direct familial relationship with a City elected official to constitute a conflict of interest. Accordingly, should an employee's spouse, parent, child, or sibling be elected to City Council or serve as Mayor, the employee would be required to resign their position before the swearing in of the elected official.

H. The employee, when off duty, has the right to contribute to, hold membership in, serve as an officer of, support a political party, support or campaign for state or national political candidates, maintain political neutrality, or attend political meetings.

40.14 Recording of Conversations

A. Notice Requested. Employees are not authorized to audio record, video record, or otherwise electronically capture any conversation when conducting City business, whether in person, by phone, or by video/audio conferencing with another employee, supervisor, elected officials, member of the public, or any other parties, unless the party requests to record the conversation prior to recording. A request to record shall be granted provided the information to be recorded is not protected via attorney-client privilege, executive session, or containing sensitive information.

B. Exceptions. This section does not apply to:
   1. Recordings made pursuant to a documented, lawful City program of which all parties have been given advance notice (e.g., body-worn cameras, recorded customer service lines with a standard disclosure, public meetings or recordings covered by open meetings law).
   2. Winder law enforcement personnel acting within their scope of duties or as authorized by the Chief of Police.

C. No recordings collected in conflict with this policy shall be permitted to be used by the recording party for any official City reports, hearings, or other City matters.

40.15 Confidentiality

A. All employees, while employed with the City, may not give or make available to anyone, or use for his or her own benefit, information of a confidential nature derived from association or employment with the City without written authorization from the Mayor or City Attorney.

B. Employees are expected not to divulge confidential information pertaining to customers' records, personnel matters, or other sensitive business and are expected to use confidential information only in the performance of their duties. Employees should be discreet with confidential information and not discuss it in places where it can be overheard, such as in restaurants or other public areas.

C. Employees invited into City Council executive session shall not divulge any information obtained.

D. Conversations, including emails and text messages involving the City Attorney, may be considered attorney-client privilege and should be verified before sharing any information contained.

40.16 Contract and Financial Obligations

A. No employee shall engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge and performance of his/her official duties. Nor shall they participate in the negotiation or in the making of any contract with any business or entity in which he/she has a financial or direct interest.

B. It is deemed a conflict of interest to represent other private interests in any action or proceeding against the City of Winder or any portion of its government.

C. No employee or their immediate family who holds any financial interest or is employed in a business may enter into a contract / agreement with the City or a contractor of the City unless all interests are disclosed prior to submitting a bid, proposal, or invoice.

1. All disclosures shall require the approval of the Mayor and Council and meet all purchasing policy requirements.

2. The City Clerk will maintain a log of all contracts or proposals approved under the exception of a conflict of interest and make available for audit and public inspection.

40.17 Conflict of Interest

A. No employee shall follow a directive in conflict with Federal or State Law or any City ordinance or adopted policy.

B. Employees must avoid engaging in any activity that creates an actual or perceived conflict between personal interests and the interests of the City.

C. City property, vehicles, equipment, IT systems, and supplies must be used solely for official purposes unless expressly approved in open session by the City Council for a stated purpose and timeframe.

40.18 Reporting Suspected or Known Violations

A. Employees who suspect or have evidence of violations of this policy, other policies, or other illegal or unethical business or workplace conduct by other employees have an obligation to contact the City Administrator, Mayor, or City Attorney regarding the suspected or known violation.

B. If the City Administrator is suspected of unethical behavior, the employee should contact either the Mayor, Mayor Pro-Tem, or other active member of City Council.

C. If any elected official is suspected of unethical behavior, the employee should contact the City Attorney.

D. Nothing in this policy prevents an employee from reporting suspected illegal conduct to an appropriate law enforcement agency, regulatory body, auditor, or other government office, or from exercising rights protected under applicable whistleblower, labor, or public-employee protection law.

40.19 Protection Does Not Extend to the Underlying Misconduct

An employee who personally carries out a directive they knew or should have known was illegal, unethical, or outside of City policy is not shielded from consequences simply because a supervisor or representative of the City directed it. Employees are encouraged to raise concerns and question improper directives before acting, using the steps in section 40.18.

40.20 Formal Grievance and Complaint Procedures

Where a separate grievance, disciplinary appeal, EEOC complaint, or procedure specifies its own reporting channel, that procedure controls over this policy.

40.21 False or Misleading Statements

An employee who knowingly makes a false, fraudulent, materially misleading, or intentionally deceptive statement or representation, or who knowingly provides false or misleading information in connection with an official City matter, may be subject to disciplinary action, up to and including termination of employment or removal from an appointed position, as permitted by applicable law and City policy. Nothing in this provision is intended to prohibit or discipline an employee or official for an honest mistake, inadvertent error, good-faith misunderstanding, protected communication, or good-faith expression of an opinion or disagreement.