

CITY OF SOUTHPORT

EMPLOYEE ETHICS POLICY

Employee ethics policy.

The City of Southport upholds, promotes, and requires the highest standards of ethics from its employees in the areas of personal integrity, truthfulness, honesty, responsibility and fairness in carrying out their public duties. Employees must avoid any improprieties in their role as public servants and must never use their City position or authority for personal gain or in breach of the public trust. Employees shall conduct their personal and professional business and dealings in a manner that shall present no perceived or actual conflict of interest between the public trust and an employee's private interest.

Ethical conduct standards.

Ethical conduct includes, but is not limited to:

- A. Acting at all times in the best interests of the community and organization we serve.
- B. Demonstrating excellence, integrity and responsibility in our work.
- C. Adhering to the laws of the United States, the State of North Carolina, and the City of Southport.
- D. Providing honest, accurate, timely and complete information.
- E. Identifying problems and helping create solutions.
- F. Following City and Department policies, procedures and rules.
- G. Reporting improper conduct to supervisors.
- H. Abstaining from decisions that could result in a direct benefit to the employee, a relative or co-habitant.

Additional provisions.

The City Manager shall promulgate and maintain a policy which upholds, promotes, and requires the highest standards of ethics from its employees for personal integrity, truthfulness, honesty, responsibility and fairness in carrying out their public duties. This policy shall address, at a minimum, the following elements:

- A. Conflict of interest.

An Employee shall not knowingly engage in activities which are in conflict, or which have the potential to create a conflict, with performance of official duties. Examples of conflicts, or potential conflicts of interest include but are not necessarily limited to, circumstances where the Employee:

1. Influences the selection or non-selection of or the conduct of business between the City and any entity when the Employee has a financial interest.
2. Solicits for himself or herself or for another, a gift or any other thing of value from the City or from any person or entity having dealings with the City; provided, however, that no conflict of interest for the Employee shall be deemed to exist with respect to solicitation for campaign contributions required to be reported or for charitable contributions.
3. Accepts any retainer, compensation, gift or other thing of value which is contingent upon a specific action or non-action by the City Board of Aldermen, Mayor, Board/Committee or Employee.
4. Accepts a gift in any manner other than as provided in Section C (Acceptance of Gifts).
5. Intentionally uses or discloses information not available to the general public and acquired by reason of his or her official position which financially benefits himself or herself, family, friends or others.

An employee with a remote interest shall not influence or attempt to influence any other employee of the city to convey City funds to the entity that is the source of the remote interest.

B. Outside employment.

Employees may engage in paid outside employment, consulting work or self-employment only if the work does not compete with or create a conflict of interest with an employee's duty to the City. Employees may not perform any outside employment during the hours they are on duty working for the City.

1. Outside employment competes with an employee's duty to the City when the work requires an employee's conduct to be disruptive or damaging to the City and/or the City working environment. Examples of work that may be viewed as competing with City employment include those that:
 - A. May adversely affect job performance at the City, or an employee's ability to fulfill all job responsibilities at the City. Adverse effects may include but are not limited to poor job performance, fatigue or excessive absenteeism or tardiness.
 - B. Interferes with an employee's ability to work his/her normal schedule at the City, or prevents the employee from being available for work beyond normal working hours, such as emergencies or peak work periods, when such availability is a regular part of the employee's job.
 - C. Interfere with responsibilities to the City as the primary employer.

- D. Involves performing services for customers that are normally performed by City employees, which entails working for a competitor, a City grant and/or contract created by the employee, or self-employment that is in competition with the City.
 - E. May require the use of City information, property, facilities and/or systems, such as phones, tools, equipment, etc.
 - F. Involves assisting others in transactions with the City in which the employee has participated, or which has been under their official responsibility.
2. Outside employment creates a conflict of interest with an employee's duty to the City when an employee engages in activities for personal gain that compromises the employee's ability to represent the City's best interests. Examples of activities that may create a conflict of interest include those that:
- A. Require the use or disclosure of confidential City information.
 - B. Impair objectivity or independent judgment, or create an impression of conduct that violates the public trust.
 - C. Involve activities which may appear to conflict with this policy and/or other related employment policies.
 - D. Negatively impacts the normal course of the employee's official duties.
3. The employee must provide his/her supervisor with a written request prior to beginning the employment. The notice should include the dates of employment; the potential employer or, if self employment, the name of the business; the type of work to be performed; any potential problems the outside employment may cause with City employment; and any actual or perceived competition or conflicts of interest with City employment. The City shall have sole discretion to determine whether the request should be approved.

C. Acceptance of gifts.

A rendering of money, property, services, discount, loan forgiveness, payment of indebtedness, reimbursements from or payments by persons, other than the City of Southport for travel or lodging or anything else of value in return for which legal consideration of equal or greater value is not given and received, excluding:

1. Things of minimal value. Minimum value shall be defined as gifts that do not exceed \$20 per occasion or \$50 from a single source in any given calendar year.
2. Any symbolic presentation not intended to financially benefit the recipient.
3. Things of value not used and that, within thirty (30) days after receipt, are returned to the donor or delivered to a charitable organization without being claimed as a charitable contribution for tax purposes;
4. Things of value received in the normal course of private business or social interaction or from family that are not related to public policy decisions or City actions.

5. Payments of enrollment and course fees and reasonable travel expenses attributable to attending seminars and educational programs sponsored by a bona fide nonprofit professional, educational, or trade association or charitable institution are exempt. As used in this subsection, "reasonable expenses" are limited to travel, lodging, and subsistence expenses incurred the day before through the day after the event in accordance with City policy.
6. The acceptance of a gift on behalf of the City pursuant to Board of Aldermen rules regarding acceptance of gifts.
7. Admission to, and the cost of food and beverages consumed at, events sponsored by or in conjunction with a civic, charitable, governmental, or community organization.

Except as provided above, an Employee may not accept gifts of cash or that is like cash (i.e., prepaid debit card) in any amount.

City Employees may not accept personal gifts. Gifts that are given as a prize (i.e., part of a raffle) are still a gift.

D. Personal gain or profit.

1. An Employee shall not knowingly use his or her office or position for personal or family gain or profit.
2. An Employee shall not use City-owned property or City services for personal or family gain or profit.
3. An Employee shall not use information acquired in confidence from a City customer, supplier, lessee or contractor for other than City purposes.

E. Employment of relatives.

Two employees who are dating or in the same immediate family may be employed by the City unless such employment would create a real or potential conflict.

1. For the purposes of this policy, relationships under this policy may include employees dating each other, the employee's spouse, domestic partner, child, domestic partner's children, mother, father, brother, sister, step family, aunt, uncle, mother-in-law, father-in-law, daughter-in-law, son-in-law, brother-in-law, sister-in-law, grandparents and grandchildren, and grandparents and grandchildren of the spouse or member of the employee's household, other than roommates. Each employee must inform his/her immediate supervisor or Department Director immediately if they enter into a relationship which may create a conflict of interest under this policy.
2. A conflict of interest exists where the City has a compelling and essential need to avoid a business related conflict of interest or the reality of appearance of

improper influence or favor. A conflict of interest always exists under the following circumstances:

A. Where one of the individuals would have authority (or practical power) to supervise, appoint, remove or discipline the other.

B. Where one of the individuals would be responsible for leading, auditing, overseeing, or guiding the work of the other.

C. A conflict of interest may also exist in other situations such as where both employees would report to the same immediate supervisor.

3. The City will actively seek solutions to prevent a conflict and still allow the reassignment, transfer or promotion.

4. If a conflict or potential conflict exists due to the new relationship, the City will attempt to find a suitable accommodation to eliminate the conflict. If accommodations are not feasible, the employees will be given 30 calendar days to determine which of them will resign. If no decision is made during this time, the City reserves the right to make the decision.

F. Political activities.

City Employees may participate in the political process only on their own time, and only outside of the workplace by working on campaigns for the elections of any person to any office, or for the promotion of or the opposition to any ballot proposition, and shall not use or authorize the use of the facilities of the City for such purposes except as may be authorized by law.

G. Solicitation for charities and nonprofit fundraisers.

Most forms of solicitation on City property or during work time are prohibited. The City may, in its sole discretion, make exceptions to this policy when it is determined to be in the best interest of the City (e.g., United Way fund drive).

1. "Solicitation" is the requesting of an employee's time or resources for any cause, whether by an individual or group, and regardless of whether for financial or non-financial reasons. Solicitation may involve individuals or groups engaging in direct sales, recruitment, placing of signs and posters, and other activities resulting in the anticipated benefit of the individual or group.
2. Employees may solicit contributions to charitable or non-profit community, youth or educational fundraisers so long as it does not cause undue disruption of the work environment. The use of City facilities or equipment to solicit contributions (e.g. bulletin board postings) requires the prior authorization from the employee's Department Director or designee.

H. Improper government action and whistleblower protection.

I. Restrictions after leaving the City

1. For one (1) year after leaving the City, an Employee may not hold or acquire a financial interest, direct or indirect, personally or through their family, in any contract made by, through, or under their supervision, or accept, directly or indirectly, any compensation, gratuity, or reward from any person interested in such a contract or transaction.

2. For one (1) year after leaving the City, an Employee may not (a) assist anyone in proceedings involving the City where such Employee worked on a matter in which they were officially involved in the course of their duties; (b) represent any private person as an advocate on a matter in which they were involved; or

3. For one (1) year after leaving the City, an Employee may not compete for a City contract when they were involved in determining the scope of work or the selection process. An Employee may never disclose or use the City's privileged or proprietary information except to perform official duties.

Enforcement provisions.

The City Manager shall promulgate rules relating to progressive discipline applicable in instances where an employee did not comply with this ethics policy. However, such rules relating to progressive discipline shall be consistent with other policies and procedures and municipal, State or Federal laws.

Annual report.

The City Manager shall provide an annual report to the City Board of Aldermen by the end of each January, in summary form, on ethics complaints, investigations and resolutions from the previous year.