

City of San Diego Employee Code of Conduct Handbook



**Prepared by the
Office of Ethics and Integrity
2007**



A Message from Mayor Jerry Sanders



San Diego's strong economy, diverse population, great educational institutions, unsurpassed quality of life, and world-renowned location make it the ideal place to do business, work, and live. With your help, my administration is working to guarantee a fiscally sound, effective government that is responsive, dependable, and sustainable; a safe, well-maintained and healthy environment; and abundant economic opportunities so our residents and visitors can enjoy the highest quality of life.

When elected, I promised citizens that I would build trust back into City Hall. One initiative I put forward to do so was the creation of the Office of Ethics and Integrity (OEI). The department, which opened its doors in January 2006, developed this handbook to enhance the ability of **every** City employee to uphold strict ethical standards. Through education and resources such as this handbook, OEI is working to foster high ethical standards for all City employees and to promote employee conduct that strengthens and enhances the public's confidence in the integrity and reliability of the work City employees perform.

As we move forward, I encourage you to keep this handbook close at hand and refer to it as you face ethical questions or dilemmas in the course of your work. In this way, we will all be following the appropriate rules and regulations while working towards accomplishing our shared vision. If you have questions about the handbook, please contact the Office of Ethics and Integrity at (619) 236-7182 or oei@saniego.gov.

Thank you for helping make San Diego "America's Finest City."



Courage to Do the Right Thing

This handbook is intended to increase your awareness and understanding of ethical conduct required by the City of San Diego. It is a convenient summary of ethical rules and regulations; however it is not intended to be a substitute for those rules and regulations. Anyone who is uncertain whether or not a particular action (or inaction) is an ethical violation, or who believes a violation has occurred, should contact their supervisor or the Office of Ethics and Integrity.

In this book, you will find highlights of sections of the City's ethical rules, regulations, policies and procedures. These include portions of the City Charter, Municipal Code, Council Policies, Administrative Regulations, and Personnel Regulations, and selected state laws that deal with ethics and integrity. These rules set standards to make sure all transactions and decisions made by City employees are fair and honest.

The rules summarized in this handbook are applicable to **all** City employees, classified and unclassified, who work in departments under the Mayor. Individual City departments may also have ethics-related rules or policies for their employees; those standards of conduct should also be reviewed.

Unclassified employees and elected officials are bound by additional regulations set forth in the City's Ethics Ordinance. In general, the Ethics Ordinance governs such issues as the acceptance and reporting of gifts, the disclosure of economic interests, conflicts of interest, and post-employment restrictions. This handbook does not address the provisions of the Ethics Ordinance. Questions concerning this ordinance should be directed to the Ethics Commission at 619-533-3476 or ethicscommission@sandiego.gov.

DISCLAIMER:

This Employee Code of Conduct Handbook (Handbook) contains information about the employment policies and practices of the City of San Diego (City). We expect each Employee to read this Handbook carefully as it is a valuable reference for understanding your job and the City 's policies and procedures.

This Handbook contains comments on some of the important City policies and procedures. The comments are not intended to modify or replace the actual City policy. Therefore, to the extent the comments are inconsistent with the City policy or procedure, the City policy or procedure controls.



A Message from Jo Anne SawyerKnoll, Deputy Chief of Ethics and Integrity



OEI Mission Statement

The Office of Ethics and Integrity's mission is to strengthen the City's Ethical Climate so that **HONOR is cherished, personal integrity, and ethical courage are the cultural norms and all employees are supported and encouraged to use their judgment and initiative in the conduct of ethical practices in the workplace.**

Through these practices, our workplace will become more customer service oriented; our workforce motivated and satisfied; and public trust will be restored.

The Office of Ethics and Integrity (OEI) seeks to support employees as they fulfill their obligation to the citizens of San Diego. OEI programs and initiatives strive to ensure that all employees remain independent, impartial and responsible only to the public, which is vital to the proper operation of City government.

A democratic government can function properly only when the citizenry has confidence in how its government is run. Public trust is built, in large part, upon the perceptions that citizens have regarding their City employees. Once public confidence is damaged, it is difficult to rebuild. Thus, employees must never compromise their honesty or integrity for personal gain or advancement and must remain sensitive to the values of the public they serve.

It is the policy of the City of San Diego to uphold, foster and promote the highest standards of ethics from all of its employees, whether elected, appointed or hired. All City employees must maintain the highest standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants and never use their position or power within the City for improper gain.

It is my hope that this handbook, and other OEI undertakings, will serve as a valuable reference for all employees. To learn more about OEI, visit our website, www.sandiego.gov/oei.



City of San Diego

Vision, Mission and Values

Our Vision

San Diego is America's Finest City— A well-managed City in a thriving community!

Our Mission

We provide a fiscally-sound, effective government that is responsive and dependable; a safe, well-maintained and healthy environment; and abundant opportunities so our residents and visitors can enjoy the highest quality of life.

Our Values

We accomplish our vision by engaging in behaviors that reflect our commitment to:

- INTEGRITY — we demonstrate honor in all we do, we do the right thing
- ACCOUNTABILITY — we take responsibility for our actions and for delivering results
- SERVICE — we are responsive to the needs of our community, we are proud to deliver City services with excellence
- OPENNESS — we are honest and open as we do our work
- ONE CITY — we work as a team across all boundaries to achieve more
- DIVERSITY — we treat each person with dignity, fairness, and respect; we respect the diversity of our workforce and our community



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I. ETHICS-RELATED REGULATIONS AND POLICIES



A. Obligation to Citizens

Employees must always be mindful of the public trust in the use of manpower, property, and funds under their care and, by efficient operation and diligent economy, must conserve them. Every City employee is expected to uphold the public interest as opposed to personal or group interests. City employees have an obligation to the citizens, the people's elected representatives, fellow employees, and management to cooperate in accomplishing the goals of the City and their individual departments and work units. Acceptance of the expressed will of the people is the responsibility of all City employees. [Personnel Regulations Index Code G-1, sec. II, E-H]

Comment: A democratic government can function properly only when citizens have confidence in how its government is run. Public trust is built, in large part, upon the perceptions that citizens have regarding City officials and employees. Once public confidence is lost, it is difficult to re-establish. Thus, employees must never compromise their honesty or integrity for personal gain or advancement and must remain sensitive to the values of the public they serve.

B. Honesty and Integrity

City employees must engage in ethical behavior and practices. Each employee is responsible for both actual and perceived conflicts of interest that may arise as a result of his/her actions. [Administrative Regulation (A.R.) 95.60, sec. 3.1]

Comment: City employees are in a unique position to influence the public's confidence and trust in City government. They not only provide services to the public, but are also very visible representatives of the City. All employees must help earn the public's trust by conducting themselves in an ethical, courteous and respectful manner during the performance of their official City duties. When in doubt, City employees are expected to obtain the advice of their supervisor, the Office of Ethics and Integrity, or other appropriate official.



C. Avoidance of the Appearance of Impropriety

An employee's conduct in both his/her official and private affairs should be above reproach to ensure that his/her public position is not used or perceived as being used for personal gain. [A.R. 95.60, sec. 3.2]

Comment: Employees should conduct themselves in a way that maintains public confidence in their performance and public trust in the government they represent. Even the *appearance* of impropriety must be avoided.

D. Use of City Resources

City employees are prohibited from using, for private gain or advantage, their City time, City facilities, equipment or supplies. [Council Policy 000-4; A.R. 45.50; A.R.95.60, sec. 3.5-3.6]

Employee organizations (Local 127, American Federation of State, County, and Municipal Employees; Local 145, International Association of Firefighters; San Diego Deputy City Attorneys Association; San Diego Municipal Employees Association; San Diego Police Officers Association) may access City work locations and City-paid time, facilities, equipment and other resources only to the extent provided for in an unexpired Memorandum of Understanding and/or administrative procedures. Such access must be limited to activities directly pertaining to the employer/employee relationship and not internal employee organization business such as soliciting membership, campaigning for office, and organization meetings and elections, and must not interfere with the efficiency, safety and security of City operations. [Council Policy 300-06]

Comment: Public respect for City government is weakened when City-owned facilities, equipment and/or supplies are used by City employees for personal use or gain, including the advancement of an outside business or business activity. Such inappropriate use of City resources hurts fellow employees and the City as a whole. Taking City goods and/or resources for private use is stealing, and as such, an employees may be terminated and/or criminally prosecuted for doing so.

Some examples of prohibited use of resources include (but are not limited to): use of official City stationary, badge, uniform, business cards, e-mail address, etc. in connection with any outside employment. The City name, seal or logo may not be used in advertising or promotion of an employee's outside employment or business.

Holders of City procurement cards must abide by the policies and procedures that govern the program. Procurement cards are to be used only for official City business, and may not be used to make unauthorized or personal purchases. Use of a City-issued procurement card by anyone other than the cardholder is prohibited.

E. Responsibility of Public Service

Each City employee is required to uphold the Federal and California State Constitutions, laws and legal regulations of the United States, the State of California, the City of San Diego, and other applicable governmental laws. As well, each City employee is expected to engage in conduct that is consistent with the City's core values and the goals and values of the department in which he/she works. Each employee must perform his/her duties in a manner that will bring honor and credit to City government in accordance with the highest moral and ethical standards. [Personnel Manual, Index Code G-1, sec. C; A.R. 95.60, sec. 3.2]

Comment: City employees enjoy civic trust by virtue of their positions; their primary concern must be the public interest. Employees must maintain the highest standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties. Each employee must make every effort to assure his/her public position is not used, or perceived as being used, for personal gain.

F. Statement of Economic Interest

Each City employee required to file a Statement of Economic Interest (Form 700) must disclose on the form all information required by the Political Reform Act and/or the applicable Conflict of Interest Code approved by City Council. [Council Policy 000-04]

Comment: For additional information concerning who is required to file a Statement of Economic Interests or filing deadlines, contact the City Clerk's Office at (619) 533-4000. Unclassified City employees who have questions about how to complete their Statements of Economic Interest should contact the Ethics Commission at (619) 533-3476 or ethicscommission@sandiego.gov.

G. Improper Use of Position

A City employee shall not use the prestige or influence of his/her position with the City to secure any privileges or exemptions for him/herself or others. [Council Policy 000-4; A.R. 95.60, sec. 3.6]

Comment: Examples of an employee's improper use of position include (but are not limited to):

- **The use of his/her office and or staff** to seek employment or conduct outside business
- **The use of his/her position** to obtain private gain or advantage for him/herself a relative, or an entity in which they have a present or potential financial interest
- **The disclosure or use of confidential information** that is generally not available to the public for his/her own or another person's financial benefit
- **Participation in transactions** that the employee may substantially influence if he/she knows that a relative, friend or associate has a financial interest in those transactions

H. Conflict of Interest

An employee must not engage in any business or transaction, and must not have a financial or personal interest (direct or indirect), that is incompatible with his/her official duties or would impair his/her independence, judgment or action in the performance of those duties. [Council Policy 000-04; A.R. 95.60, sec. 3.3]

City Contracts

When the City is a party and an employee has a direct or indirect interest in a contract or sale, that employee is prohibited from exercising any discretionary powers or making recommendations for or on behalf of a City department in the contract or sale. [Govt. Code §87100 et seq.; A.R. 96.50, sec. 3.8]

Personal Investments

A City employee is not permitted to make personal investments in enterprises over which official decisions or recommendations may be made by the same employee or which will otherwise create a conflict of interest for that employee. If an employee knows of an enterprise or matter coming before his/her department, that employee must disqualify him/herself from any participation. [A.R. 95.60, sec. 3.9]

Duty to Notify of Conflict

Each employee must immediately disclose (in writing to the Chief Operating Officer, transmitted via the employee's department head) the nature and extent of any interest (direct or indirect) that may conflict with his/her official responsibility or duty, or which may influence a decision to the benefit of the organization/enterprise in which he/she has an interest. [A.R. 95.60, sec. 3.15]

Comment: City employees must always guard against conflicts of interest. City employees should avoid situations where their official actions may affect or appear to affect their private interests, financial or non-financial.

A City employee is prohibited from having a financial interest in any City contract if his/her duties call on him/her to participate in any way or at any stage in the approval of the contract. Where a City employee has such financial interest, he/she has a responsibility to immediately disclose that interest and to refrain from making decisions or recommendations concerning the entity or enterprise.

In addition to the City's regulations and policies governing conflicts of interest, unclassified employees and elected officials are required to abide by the conflict of interest provisions in the City's Ethics Ordinance. Unclassified employees are strongly encouraged to contact the Ethics Commission at (619) 533-3476 or ethicscommission@sandiego.gov to obtain advice on these provisions if they believe that any of their personal financial interests may be involved in decisions they are influencing as City employees.

I. Gifts/Favors

Employees shall not accept money or other consideration or favors from anyone other than the City for the performance of an act which they would be required or expected to perform in the regular course of their duties.

An employee is prohibited from accepting any gift from persons doing business with, or seeking to do business with, the City when accepting that gift might reasonably be interpreted as an attempt to influence his/her actions with respect to City business. [Council Policy 000-4; A.R. 95.60, sec. 3.4]

Comment: Compensation for performing public duties is limited to an employee's salary, benefits and any personal satisfaction he/she may receive in the performance of his/her job. While each employee is the first to decide whether to accept any gift or favor, he/she must recognize that *others* will decide if there is an appearance of influencing an employee's, or the City's, actions.

Gifts may include anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item or promise.

Employees **are** permitted to accept plaques, souvenirs or mementos of nominal value associated with a given event.

J. Participation in Political Activities

No City employee is permitted, during regular hours of employment, to take an active part opposing or supporting any candidates in any City of San Diego political campaign or make contributions thereto on behalf of any candidates. Further, an employee is not permitted to seek signatures to any petition which seeks to advance the candidacy of any person for any municipal office on City time. [San Diego City Charter, Article V, sec. 31]

City employees cannot be terminated, suspended, laid off, reduced in grade, or have their official rank or compensation changed in any manner, for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. Employees cannot use their position in the City to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office. [San Diego City Charter, Article VIII, sec. 135]

Comment: City employees are not prohibited from seeking election or appointment to public office or from being active in political campaigns or in any bond issue campaign; however, they may not do so on City time. Further, employees may not be threatened or punished for not contributing— nor may they be rewarded for contributing— money , time, or service for a political purpose.

K. Future Employment

A City employee is not permitted to discuss/negotiate the possibility of future employment with any person, firm, or organization dealing with the City concerning matters within the employee's area of responsibility or upon which he/she must act or make a recommendation, when the person's City employment status would create an advantage not available to other individuals, firms or organizations.

A former City employee is prohibited, for a period of one year after his/her final day of active City employment, from communicating with current City employees on any issue or matter in which the former employee had official responsibility or participation. [A.R. 95.60, sec. 3.10]

A contract, agreement or lease will be unilaterally and immediately terminated by the City if the contract/lessee employs a former City employee who, within 12 months immediately preceding such employment, did in his/her capacity as a City employee either a) participated in negotiations with the contractor/lessee; or b) had an influence on a recommendation made to the City Council in connection with the selection of the contractor/lessee. [Council Policy 300-11]

Comment: City employees should be aware that they are vulnerable to offers of future employment in exchange for favors and/or information obtained through their positions.

Former City employees are prohibited from attempting to influence any action on matters in which they participated during their City service for a period of one year from their final day of active employment.

An employee who is about to leave his/her position with the City should be aware that Council Policy 300-11 could result in a restriction of his/her future employment with a contractor/vendor doing business with the City.

Unclassified employees are subject to additional post-employment restrictions for twelve months after they leave the City. Contact the Ethics Commission at (619) 533-3476 or ethicscommission@sandiego.gov for additional information.

L. Favoritism

A supervisory or management employee cannot participate in the appointment or recommend the appointment of an immediate family member and/or a person with whom the employee has a close personal or business relationship to a classified position of any department, office, bureau or division over which he/she has administrative control. As well, supervisory or management employees cannot participate in the appointment or recommend the appointment of any persons in the above categories to any supervisory or management position of the City.

No supervisory or management employee can:

- 1) directly supervise an immediate family member;
- 2) influence the approval of any employee rewards for any immediate family member;
- 3) interfere with any performance evaluation or disciplinary proceeding for any immediate family member; and/or
- 4) recommend or attempt to influence any contractor or business which has a business relationship with the City to employ a member of his or her immediate family.

Immediate family members and close personal friends of City supervisory or management employees may be appointed as classified employees in any department not under administrative control of the employee as long as such City supervisory or management employee does not attempt to influence such appointments.

Immediate family is defined as spouse, significant other, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, and/or step-child. [A.R. 95.60, sec. 3.13]

Comment: Hiring, supervising, or disciplining a relative must be avoided because it is a special type of conflict of interest, which can deeply affect employee morale and compromise a manager's ability to effectively lead his/her department.

An employee's use of his/her position to influence or pressure a contractor/vendor doing business with the City to hire a relative or close personal friend creates a circumstance ripe for conflict of interest. Such action seriously undermines the City's standards for fairness and equity in its dealings with all contractors/vendors.

M. Product Endorsement

A City employee, in his/her capacity as a City employee, is prohibited from endorsing or commenting upon any product or service if such comments will be used as advertisement. [Council Policy 000-41; A.R. 95.60, sec. 3.14; A.R. 95.65]

Comment: The recommendation or promotion of commercial enterprises, products, and/or services is considered endorsement and is prohibited by City policy.

N. Incompatible Collateral/Outside Employment

City employees must not engage in any collateral employment or business activity which is incompatible or is in conflict with the duties, functions and responsibilities of the City. Employees shall not engage in collateral business activity or employment, which, by its nature, hours or physical demands, would:

- impair the required quality or quantity of their work with the City;
- impair their independence of judgment or action in the performance of official duties;
- reduce the effectiveness or efficiency of their department;
- reflect discredit on the City; or
- tend to increase the City's payments for sick leave, workers' compensation benefits, long-term disability or industrial leave benefits.

City employees must notify and obtain written approval from their department director or other appropriate appointing authority prior to engaging in any outside business activities or outside employment.

[Personnel Manual Index Code G-6, sec. II; Council Policy 000-4; A.R. 95.60, sec. 3.5]

Comment: Acceptance of employment with the City of San Diego implies that the City employee accepts the responsibility not to perform in any other job that would:

- Use the prestige or influence of the City for private gain
- Use City time, facilities, equipment or supplies for private gain or advantage or for any purposes other than for the performance of official City business
- Conflict with normal work assignments or the employee's satisfactory performance

Prior to engaging in collateral/outside employment, employees should submit a form (available at the department level) requesting approval of outside business activity or employment.

O. Electronic Mail and Internet Usage

City computer equipment, electronic systems and electronic data, including e-mail and the Internet, may be used for work-related purposes only. Use of e-mail or the Internet for private commercial purposes (including but not limited to gambling, pornography, online auction sites, and computer games) is forbidden.

All computer files are the property of the City of San Diego, regardless of their physical location or the form in which they are maintained. These include, but are not limited to, computer data files, documents, databases, spreadsheets, calendar entries, appointments, tasks and notes which reside in part or in whole on any City computer or any other electronic system or equipment. [AR 90.62, sec. 4.1-4.2, 4.8]

Most electronic mail is considered official City business and must be retained in conformance with Council Policy 000-25 (Records Management Policy). In general, electronic mail communications are public records and are subject to disclosure under the California Public Records Act. [Govt. Code § 6250; Council Policy 000-25]

Comment: Improper usage of e-mail and the Internet results in loss of employee productivity and potential congestion of the City's network. Employee misuse of City e-mail can also result in a potential for liability exposure for the City. Further, improper use of e-mail can increase risk of the City network's receipt of viruses, worms and/or other cyber threats.

P. Telephone Usage

Telephone services are provided by the City for its employees to conduct City business. The use of City telephone services for personal calls is not encouraged; however, calls within the local area, such as calling one's home, doctor, etc., have been and are a matter of past practice and work conditions and as such are permissible as long as the practice is not abused.

Personal long distance calls should be made through the use of a personal telephone credit card, or with operator assistance and billed to the caller's home telephone number. [A.R. 90.20]

Comment: The following examples may help you in understanding *de minimis* (infrequent or occasional) use:

Example A: An occasional brief local phone call to make a medical or dental appointment is an allowable *de minimis* use of City resources. The cost of a brief phone call is negligible and is not likely to interfere with your job.

Example B: An employee makes a telephone call to his/her children to make sure they have arrived home safely from school. So long as the call is brief in duration, there is little or no cost to the City, and the call does not interfere with the performance of official duties, this is acceptable.

Example C: An employee operates an outside business. He/she makes a call related to her outside business on a City telephone. Even if the call is a local one, this is a violation of City policy. The employee is conducting a private business on City time using City resources, which is prohibited under A.R. 45.50; A.R. 90.20, sec. 4.1; and A.R. 95.60, sec. 3.6.

Q. Use of Confidential Information

City employees are prohibited from using, for speculation or personal gain, confidential information, including personnel information, acquired in the course of their employment with the City. [A.R. 95.60, sec. 3.7]

Comment: City employees often have access to important private information regarding the property, operations, policies or affairs of the City. If an employee is privy to confidential information, he/she may not disclose that information to any private citizen and should share it with other City employees only as appropriate. This provision applies even after an employee leaves City service.

City employees are, however, required to uphold the public's right to know about decisions and deliberations that shape public policies, pursuant to the Ralph M. Brown Act .

R. Ethics Pledge (Unclassified Employees)

Upon employment as an unclassified manager under the Office of the Mayor, all persons are required to sign and comply with the terms of the Pledge of the Ethical Principles and Core Values (Appendix H).

Comment: It is important that City leaders commit themselves to a standard of conduct that maintains and enhances the public's trust in City government. Signing and following the Ethics Pledge is one step toward demonstrating the trustworthiness of City government as well as a step toward creating a culture where ethics are valued by all employees.

S. Ethics Training

Ethics training is offered to City employees by the Office of Ethics and Integrity. Such training specifically addresses such issues as: sexual harassment; use of City resources; conflicts of interest; improper use of position; favoritism/nepotism, gifts and favors; e-mail and Internet usage; whistleblower protection; and use of confidential information.

The City of San Diego Ethics Commission offers training and education regarding governmental ethics laws to City Officials and select employees, as well as candidates for City office and their staffs. For additional information on this training, contact the Ethics Commission at (619) 533-3476 or ethicscommission@sandiego.gov .

Comment: OEI ethics training addresses relevant ethics-related local regulations/policies/procedures and state laws. Training in ethical problem-solving and decision making training is also provided to improve each employee's understanding of ethics with the purpose of strengthening his/her ethical problem-solving skills.

II. UNLAWFUL HARASSMENT AND NONDISCRIMINATION



A. Unlawful Harassment

In accordance with applicable law, the City of San Diego prohibits unlawful harassment because of sex, gender (transsexual and transgender), religion, pregnancy, race, color, national origin, ancestry, religion, creed, physical or mental disability, marital status, veteran status, medical condition, sexual orientation, age, or any other basis protected by federal, state, or local law. All such harassment is unlawful and will not be tolerated.

1. Sexual Harassment Defined

Applicable state and federal law defines sexual harassment as unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to the conduct is made a term or condition of employment; or (2) submission to or rejection of the conduct is used as basis for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of unreasonably interfering with the Employee's work performance or creating an intimidating, hostile, or offensive working environment. This definition includes many forms of offensive behavior. The following is a partial list:

- a. Unwanted sexual advances;
- b. Offering employment benefits in exchange for sexual favors;
- c. Making or threatening reprisals after a negative response to sexual advances;
- d. Visual conduct such as leering, making sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters;
- e. Verbal conduct such as making or using derogatory comments, epithets, slurs, sexually explicit jokes, or comments about any Employee's body or dress;
- f. Verbal sexual advances or propositions;
- g. Verbal abuse of a sexual nature, graphic verbal commentary about an individual's body, sexually degrading words to describe an individual, or suggestive or obscene letters, notes, or invitations;
- h. Physical conduct such as touching, assault, or impeding or blocking movements; and
- i. Retaliation for reporting harassment or threatening to report harassment.

It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Sexual harassment on the job is unlawful whether it involves coworker harassment, harassment by a Supervisor, or harassment by persons doing business with or for the Company.

2. Other Types of Harassment

Prohibited harassment on the basis of race, gender (transsexual and transgender), pregnancy, color, national origin, ancestry, creed, religion, physical or mental disability, marital status, veteran status, medical condition, sexual orientation, age, or any other protected basis, includes behavior similar to sexual harassment, such as:

- a. Verbal conduct such as threats, epithets, derogatory comments, or slurs;
- b. Visual conduct such as derogatory posters, photographs, cartoons, drawings, or gestures;
- c. Physical conduct such as assault, unwanted touching, or blocking normal movement; and
- d. Retaliation for reporting harassment or threatening to report harassment.

3. Complaint Procedure

The City of San Diego's complaint procedure provides for an immediate, thorough, and objective investigation of any claim of unlawful or prohibited harassment, appropriate disciplinary action against one found to have engaged in prohibited harassment, and appropriate remedies for any victim of harassment. A claim of harassment may exist even if the Employee has not lost a job or some economic benefit.

If you believe you have been harassed on the job, or if you are aware of the harassment of others, you should provide a written or verbal complaint to your Supervisor and/or to the Equal Employment Investigatory Office as soon as possible. Your complaint should be as detailed as possible, including the names of individuals involved, the names of any witnesses, direct quotations when language is relevant, and any documentary evidence (notes, pictures, cartoons, et cetera).

Applicable law also prohibits retaliation against any Employee by another Employee or by the City of San Diego for using this complaint procedure or for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency. Additionally, the City of San Diego will not knowingly permit any retaliation against any Employee who complains of prohibited harassment or who participates in an investigation.

All incidents of prohibited harassment that are reported will be investigated. The City will immediately undertake or direct an effective, thorough, and objective investigation of the harassment allegations. The investigation will be completed and a determination regarding the reported harassment will be made and communicated to the Employee who complained and to the accused harasser(s).

If the City determines that prohibited harassment has occurred, the City will take effective remedial action commensurate with the circumstances. Appropriate action will also be taken to deter any future harassment. If a complaint of prohibited harassment is substantiated, appropriate disciplinary action, up to and including discharge, will be taken. Whatever action is taken against the harasser will be communicated to the Employee who complained.

4. Liability for Harassment

Any Employee of the City, whether a coworker or Supervisor, who is found to have engaged in prohibited harassment is subject to disciplinary action, up to and including discharge from employment. Any Employee who engages in prohibited harassment, including any Supervisor or manager who knew about the harassment but took no action to stop it, may be held personally liable for monetary damages. Any Supervisor or manager who knew about harassment and took no action to stop it or failed to report the harassment may also be subject to discipline up to and including discharge. The City does not consider conduct in violation of this policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the City reserves the right not to provide a defense or pay damages assessed against Employees for conduct in violation of this policy.

5. Additional Enforcement Information

In addition to the City's internal complaint procedure, Employees should also be aware that the federal Equal Employment Opportunity Commission (EEOC) and the California Department of Fair Employment and Housing (DFEH) investigate and prosecute complaints of unlawful harassment in employment. Employees who believe that they have been unlawfully harassed may file a complaint with either of these agencies. The EEOC and the DFEH serve as neutral fact finders and attempt to help the parties voluntarily resolve disputes.

B. Nondiscrimination

The City is an equal employment opportunity employer and strives to comply with all applicable laws prohibiting discrimination based on race, color, creed, sex, age, national origin or ancestry, religion, pregnancy, physical or mental disability, veteran status, marital status, medical condition, gender (transsexual and transgender), sexual orientation, as well as any other category protected by federal, state, or local laws. All such discrimination is unlawful and all persons involved in the operations of the City are prohibited from engaging in this type of conduct. [San Diego Municipal Code Chapter 2, Article 3, Division 17, section 23.1701; Council Policy 000-12; Personnel Manual Index G-1 sec. II. A ; A.R. 95.60, sec. 3.11; City of San Diego EEO Policy, sec. 1-2, 4]

C. Whistleblower Protection

No City employee is permitted to use his/her authority or influence to intimidate, threaten, coerce, or influence an employee with the intent of interfering with that employee's duty to disclose improper activity. If an employee believes that he/she is being pressured or being prevented from disclosing improper activity or is being retaliated against by any other City employee for having reported such activity, he/she should contact the Office of Ethics and Integrity or any other appropriate agency, department or office. [A.R. 95.60, sec. 3.12]

Comment: City employees are strongly encouraged to report knowledge of improper governmental activities by contacting their supervisor, the Office of Ethics and Integrity, or the confidential Employee Hotline at (866) 809-3500 with this information.

In addition, unclassified employees who believe they have been retaliated against for reporting illegal or improper activities may contact the Ethics Commission at (619) 533-3476 or ethicscommission@sandiego.gov.

III. PROCEDURES



A. Where to Seek Advice

If employees are unsure whether an action or interest violates relevant City regulations and policies, they should seek the advice of their supervisor or contact the Office of Ethics and Integrity (OEI). OEI staff is available to help City employees make ethical decisions in applying the ethical standards contained in this handbook to their actions.

OEI maintains strict standards of confidentiality and will not voluntarily release information regarding any inquiry or allegation. The Hotline and the Office of Ethics and Integrity accept anonymous complaints.

Unclassified employees who have questions about the provisions of the city's Ethics Ordinance (which generally includes the acceptance and reporting of gifts, the disclosure of economic interests, conflicts of interest, and post-employment restrictions) should contact the Ethics Commission at (619) 533-3476 or ethicscommission@sandiego.gov.



B. Where to Report Improper Conduct

City employees are strongly encouraged to report any improper governmental actions. If an employee believes someone may have engaged in waste, fraud, abuse, or other improper governmental or unethical conduct, such can be reported to:

- the department supervisor or manager; or
- the confidential Employee Ethics Hotline at (866) 809-3500; or
- the Office of Ethics and Integrity, 202 C Street, 9th Floor, MS9, San Diego, CA 92101, (619) 236-7182 or oei@sandiego.gov.

In order to process a complaint through the Employee Ethics Hotline, a minimum amount of information is needed. Please ensure you have the following information before contacting the hotline:

- You are reporting an ethical misconduct/violation that involves a City of San Diego employee or a contractor or vendor doing business with the City of San Diego.
- You know who the individual(s) involved is.
- You know what the alleged misconduct/violation is.
- You know how the alleged misconduct/violation was committed.
- You know where the alleged misconduct/violation was committed.
- You know when (or approximately) the alleged misconduct/violation was committed.

The City of San Diego will not retaliate, nor will it tolerate retaliation against those who, *in good faith*, report suspected ethics violations or participate in an investigation of suspected ethics violations. Those who bring matters to OEI are protected through the state Whistleblower Protection Act and by protections through the Ethics Ordinance and City regulations. Any act of retaliation should be reported immediately to the Office of Ethics and Integrity.

Employees who believe that unclassified employees or elected officials may have violated the provisions of the City's Ethics Ordinance should contact the Ethics Commission at (619) 533-3476 or ethicscommission@sandiego.gov.

IV. APPENDICES



The following appendices represent select portions of applicable laws and policies. To view these documents in their entirety, consult the City or State website.

A. State Laws

- Government Code 12950 (Sexual Harassment Training)
- Labor Code 1102.5 (Whistleblower Protections)

B. City Charter

- Article V, section 31 (Political Activities)
- Article VIII, section 135 (Certain Political Practices Forbidden)

C. Municipal Code

- Chapter 2, Article 3, Division 17 (Discrimination Complaints)

D. Council Policies

- Council Policy 000-4 (Code of Ethics and Ethics Training)
- Council Policy 000-12 (Racial Discrimination)
- Council Policy 000-41 (Product Endorsement)
- Council Policy 300-06 (Employee—Employer Relations)
- Council Policy 300-11 (Hiring City Employees)

E. Administrative Regulations

- Administrative Regulation 45.50 (Private Use of City Labor, Equipment, Materials and Supplies Prohibited)
- Administrative Regulation 90.20 (Office and Wireless Telephones)
- Administrative Regulation 90.62 (Electronic Mail and Internet Use), sections
- Administrative Regulation 95.60 (Conflict of Interest and Employee Conduct)
- Administrative Regulation 95.65 (Product Endorsement)

F. Personnel Regulations

- Personnel Regulations Index Code G-1, section II (Code of Ethics)
- Personnel Regulations Index Code G-6, section II (Outside Employment)

G. City of San Diego EEO Policy

- City of San Diego Equal Employment Opportunity Policy, sections 1-4

H. Ethics Pledge (Unclassified Employees)



APPENDIX A: State Laws

Government Code sec. 12950

(a) By January 1, 2006, an employer having 50 or more employees shall provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees who are employed as of July 1, 2005, and to all new supervisory employees within six months of their assumption of a supervisory position. Any employer who has provided this training and education to a supervisory employee after January 1, 2003, is not required to provide training and education by the January 1, 2006, deadline. After January 1, 2006, each employer covered by this section shall provide sexual harassment training and education to each supervisory employee once every two years. The training and education required by this section shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against and the prevention and correction of sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing supervisors in the prevention of harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of harassment, discrimination, and retaliation.

(b) The state shall incorporate the training required by subdivision (a) into the 80 hours of training provided to all new supervisory employees pursuant to subdivision (b) of Section 19995.4 of the Government Code, using existing resources.

Labor Code sec. 1102.5

(a) An employer may not make, adopt, or enforce any rule, regulation, or policy preventing an employee from disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.

(b) An employer may not retaliate against an employee for disclosing information to a government or law enforcement agency, where the employee has reasonable cause to believe that the information discloses a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.

(c) An employer may not retaliate against an employee for refusing to participate in an activity that would result in a violation of state or federal statute, or a violation or noncompliance with a state or federal rule or regulation.

Labor Code sec. 1102.5. cont.

(d) An employer may not retaliate against an employee for having exercised his or her rights under subdivision (a), (b), or (c) in any former employment.

(e) A report made by an employee of a government agency to his or her employer is a disclosure of information to a government or law enforcement agency pursuant to subdivisions (a) and (b).

(f) In addition to other penalties, an employer that is a corporation or limited liability company is liable for a civil penalty not exceeding ten thousand dollars (\$10,000) for each violation of this section.

(g) This section does not apply to rules, regulations, or policies which implement, or to actions by employers against employees who violate, the confidentiality of the lawyer-client privilege of Article 3 (commencing with Section 950), the physician-patient privilege of Article 6 (commencing with Section 990) of Chapter 4 of Division 8 of the Evidence Code, or trade secret information.

APPENDIX B: City Charter

San Diego City Charter

Article V: Executive and Administrative Service

Section 31: Political Activities

- (a) No officer or employee of the City, except elected officer and unclassified members of commissions, shall during regular hours active part opposing or supporting any candidates political campaign or make contributions thereto shall such person seek signatures to any petition seeking of any person for any municipal office. Nothing in to prevent any officer or employee, whether Classified seeking election or appointment to public office or Federal political campaigns, in any bond issue campaign bond issues, or from being active in local political campaigns
- (b) Every municipal employee shall prohibit the entry occupied for any purpose of the municipal government, purpose of therein making, collecting, receiving, assessment, subscription, or contribution.

San Diego City Charter

Article VIII: Civil Service

Section 135: Certain Political Practices Forbidden

No person about to be appointed to any position in the service of the City shall sign or execute a resignation, dated or undated, in advance of such appointment. No person in the service of the City shall discharge, suspend, lay-off, reduce in grade or in any manner change the official rank or compensation of any person in such service, or promise or threaten to do so, for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. No person in the administrative service of the City shall use his official authority to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office.

APPENDIX C: Municipal Code

Article 3: Civil Service

Division 17: Discrimination Complaints

POLICY

It shall be an unlawful employment practice for an appointing authority to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to compensation, terms, conditions, or privileges of employment, because of such individual's race, color, marital status, religion, sex, sexual orientation, national origin, age, or disability.

APPENDIX D: Council Policies

Council Policy 000-4 ***Code of Ethics and Ethics Training*** **POLICY**

Code of Conduct

It is the policy of the Council that the following code of ethical conduct be adopted for all elected officials, officers appointees and employees of The City of San Diego:

First: No elected official, officer, appointee or employee of The City of San Diego shall engage in any business or transaction or shall have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence or judgment or action in the performance of such duties.

Second: No elected official, officer, appointee or employee of The City of San Diego shall engage in any enterprise or activity which results in any of the following:

- (a) Using the prestige or influence of The City of San Diego office or employment for anyone's private gain or advantage.
- (b) Using time, facilities, equipment or supplies of The City of San Diego for anyone's private gain or advantage.
- (c) Using official information not available to the general public for private gain or advantage.
- (d) Receiving or accepting money or other consideration from anyone other than The City of San Diego for the performance of acts done in the regular course of employment or duty.
- (e) Receiving or accepting, directly or indirectly, any gift or favor from anyone doing business with The City of San Diego under circumstances from which it could reasonably be inferred that such was intended to influence that elected official, officer, appointee, or employee in his or her official employment or duties, or as a reward for official action.
- (f) Engaging in or accepting private employment or rendering services for private interests when such activities are incompatible with the proper discharge of official responsibilities or duties.

Third: Every elected official, officer, appointee or employee required to file a Statement of Economic Interests (Form 700) shall disclose on that form all information required by the Political Reform Act or the applicable Conflict of Interest Code approved by the City Council in its role as the code reviewing body.

Council Policy 000-4, cont.

Code of Ethics and Ethics Training, cont.

ETHICS TRAINING

Every elected official, officer, appointee, and unclassified employee of the City of San Diego, including any elected official, officer, appointee, consultant, or employee of any organizational subdivision, agency, office, board, commission, or task force of the City, who is required to file a Statement of Economic Interests with the City Clerk pursuant to the Political Reform Act and who is therefore subject to the jurisdiction of the City of San Diego Ethics Commission, shall:

- a. Complete an ethics orientation program prescribed by the City of San Diego Ethics Commission within sixty days of assuming office; and,
- b. Complete a biennial ethics refresher and continuing education program prescribed by the City of San Diego Ethics Commission. Individuals subject to this requirement as of December 31, 2002, shall complete the refresher program no later than March 31 of each even numbered year thereafter. After December 31, 2002, those who file an assuming office Statement of Economic Interests in an even numbered year shall complete the refresher course no later than March 31 of each even numbered year thereafter, and those who file an assuming office Statement of Economic Interests in an odd numbered year shall complete the refresher course no later than March 31 of each odd numbered year thereafter. Individuals serving on more than one board, commission, or committee shall complete the refresher course based on the filing date of their earliest assuming office Statement of Economic Interests.

It shall be the responsibility of the Ethics Commission to develop the curriculum for ethics training as outlined above, to conduct or manage the training, and to maintain records certifying compliance with the City's ethics education requirements.

If an individual fails to meet the training requirements prescribed in this Council Policy after reasonable opportunities have been made to complete the training, the Ethics Commission shall notify the appointing authority for the individual, and the appointing authority for that individual shall take such actions as are necessary to ensure compliance.



Council Policy 000-12

Racial Discrimination

PURPOSE

The purpose of this policy is to place in the Council Policy Manual and to reaffirm the official position of the City to the effect that racial discrimination will not be tolerated at any level of City government by this Council. It is the purpose of this policy to protect and safeguard the right and opportunity of all persons to live free of racial discrimination; to promote racial equality; to eliminate the effects of racial inequality and prejudice when it is found; and to assure that there shall not be any decision, policy, program or act of administration at any level of City government that is inconsistent with this policy.

POLICY

This City, in its government, shall not tolerate racial discrimination.

Council Policy 000-41

Product Endorsement

It is the policy of the City Council to prohibit endorsements, either implied or direct, of commercial products or services by the City, its employees, and agencies or organizations funded either in whole or in part by the City when such endorsement will be used for advertising purposes except as approved by City Council and in accordance with a signed agreement between the City and a provider of products or services.

1. No City employee, in his/her capacity as a City employee, shall endorse a product or service nor comment on that product or service if it is the intent of the solicitor of the endorsement, or of the provider of that product or service, to use such comments for purposes of advertisement. City employees are not prohibited from responding to inquiries regarding effectiveness of products or services used by the City unless it is the inquirer's intention to use those comments for purposes of advertisement.

Council Policy 300-06

Employee—Employer Relations

Employee Organization Activities— Use of City Resources

Access to City work locations and the use of City-paid time, facilities, equipment and other resources by employee organizations and those representing them shall be authorized only to the extent provided for in an unexpired Memorandum of Understanding and/or administrative procedures, and shall be limited to activities pertaining directly to the employer/employee relationship and not such internal employee organization business as soliciting membership, campaigning for office, and organization meetings and elections, and shall not interfere with the efficiency, safety and security of City operations. In the event that a Memorandum of Understanding is not in affect or in the event that an employee organization participates in, cooperates or encourages directly or indirectly, any strike, sickout, or other total or partial stoppage or slowdown of work, the City may deny access to City work locations and may deny the use of City paid time, facilities, equipment and other resources by the employee organization and those representing them or in the alternative, make such access or use subject to such administrative procedures as the City finds appropriate.

Council Policy 300-11

Hiring City Employees

It is the policy of the City that all City contracts, agreements or leases with consultants, vendors or lessees shall include a condition that the contract, agreement or lease shall be unilaterally immediately terminated by the City if the contractor or lessee employs an individual who within the twelve months immediately preceding such employment did in his/her capacity as a City officer or employee participate in negotiations with or otherwise have an influence on the recommendation made to the City Council in connection with the selection of the contractor or lessee. It is not the intent of this policy that these provisions apply to members of the City Council.

APPENDIX E: Administrative Regulations

Administrative Regulation 45.50

Private Use of City Labor, Equipment, Materials and Supplies Prohibited

DEFINITION

- 2.1 The term “City equipment, materials and supplies” shall mean all City property, including hand tools, power tools, automotive equipment, office equipment and supplies, and construction materials.
- 2.2 The term “City labor” shall mean the use of the services of any City employee while he/she is being paid by and performing services for the City of San Diego.
- 2.3 No distinction is to be made as to the condition of the equipment and materials. This regulation applies equally to items classed as salvage, scrap or junk.

POLICY

- 3.1 City labor, equipment, materials and supplies shall not be used for personal or private purposes, either on City premises or elsewhere, by City employees or others, unless specifically authorized to do so by Council approval.
- 3.2 All employees who violate this regulation are subject to discipline including termination and criminal prosecution.
- 3.3 Refer to Administrative Regulation 35.50 for the policy and procedure concerning disposition of surplus stock.

Administrative Regulation 90.20

Office and Wireless Telephone

GENERAL POLICY

- 4.1 Telephone services are provided by the City for its employees to conduct City business. The use of City telephone services for personal calls is not encouraged; however, calls within the local area, such as calling one’s home, doctor, etc., have been and are a matter of past practice and work conditions and as such are permissible as long as the practice is not abused. Personal long distance calls should be made through the use of a personal telephone credit card, or with operator assistance and billed to the caller’s home telephone number.

Administrative Regulation 90.62

Electronic Mail and Internet Use

- 4.1 All uses of City computer equipment, electronic systems and electronic data, including E-Mail and the Internet, are limited to work-related purposes only. Use of E-Mail and the Internet is provided as a means of efficient and effective communication, as a tool to obtain specific data pertinent to City business and for other purposes that benefit the City.
- 4.2 All computer files are the property of the City of San Diego, regardless of their physical location or the form in which they are maintained. These include, but are not limited to, computer data files, documents, databases, spreadsheets, calendar entries, appointments, tasks and notes which reside in part or in whole on any City electronic system or equipment.
 - a. The City reserves the right to access and disclose all messages and other electronic data sent over its E-Mail system or stored in computer files of City computers. City-related computer files created on remote access personal computers must be made accessible upon request in City standard formats.
 - b. The City shall have the right to delete or retain any or all E-Mail messages or computer files of a City employee who is no longer employed by the City. It is the responsibility of the Department to ensure access to City systems are terminated and all computer files are retained by the City when an employee leaves City employment.
 - c. All copyrights and other intellectual property rights which are in any way related to City activities and which are created by City employees while they are employed by the City of San Diego are the exclusive property of the City of San Diego.
- 4.8 Use of E-Mail or the Internet in any way to facilitate the conduct of a private commercial purpose is strictly forbidden. The network should not be used for commercial traffic, other than that related to the operation of the City.

Administrative Regulation 95.60

Conflict of Interest and Employee Conduct

3.1 Responsibility of Ethical Conduct

It is the responsibility of all City of San Diego employees to engage in ethical behavior and practices. Every employee is responsible for both the actual and perceived conflict of interest that may arise as a result of the employee's actions and it is the employee's responsibility to reduce or eliminate to the extent possible such actual and perceived conflicts of interest.

3.2 Responsibility of Public Services

All City of San Diego employees are bound to uphold the Constitution of the United States and the Constitution of the State of California, and to abide by the laws of the nation, state, and the City. They are bound to observe in their official acts, the highest standards of integrity and to discharge faithfully the duties of their position, recognizing that the lives, safety, health and welfare of the general public must be their primary concern. Their conduct in both their official and private affairs should be above reproach to assure that their public position is not used nor perceived as being used for personal gain. The conduct of all employees shall be such as to provide the best public service to each citizen and the community as a whole. The conduct of all employees shall be consistent with the goals and values of this organization.

3.3 General Rule Regarding Conflict of Interest

Employees shall not engage in any business or transaction, and shall not have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of their official duties or would tend to impair their independence, judgment, or action in the performance of such duties.

3.4 Acceptance of Favors, Gifts, and Gratuities

Persons in the public service shall not accept money or other consideration or favors from anyone other than the City for the performance of an act which they would be required or expected to perform in the regular course of their duties. This prohibition would not normally include items such as plaques, souvenirs, or mementos of nominal value often associated with a given event. Persons shall not accept gifts, gratuities or favors of any kind which might reasonably be interpreted as an attempt to influence their actions with respect to City business.

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Administrative Regulation 95.60

Conflict of Interest and Employee Conduct, cont.

3.5 Collateral or Outside Employment

a) Notification and Departmental Approval

Persons employed with the City who are engaged in any collateral or outside business activity or employment shall notify the Department Director or other appropriate appointing authority in writing. Persons contemplating such business activity or employment shall obtain departmental approval before accepting such employment.

b) General Prohibition

Pursuant to Council Policy 000-4, employees shall not engage in any collateral employment or business activity which is incompatible or in conflict with the duties, functions, or responsibilities of the City, the appointing authority, the department, or the employee. Activities which may constitute a conflict include: use of their City time, facilities, equipment and supplies, or the use of a badge, uniform, prestige or influence of their City or employment for private gain or advantage. An employee shall not engage in any collateral business activity or employment, which, by its nature, hours or physical demands, would impair the required quality or quantity of the employee's work with the City, impair the employee's independence of judgment or action in the performance of official duties, reduce the effectiveness or efficiency of the employee's department, reflect discredit on the City, or tend to increase the City's payments for Sick Leave, Worker's Compensation benefits, Long Term Disability or Industrial Leave benefits.

Administrative Regulation 95.60

Conflict of Interest and Employee Conduct, cont.

c) Specific Prohibitions

- 1) Employees shall not work within their discipline or profession for a company or as a self-employed consultant when their work is reviewed, or approved, or is subject to issuance of a permit by their City department.
- 2) Employees shall not submit work they have done for a collateral employer or as a self-employed consultant to the employee's division in the City for review, approval, or issuance of a permit.
- 3) Employees shall not review, approve, or issue a permit for work done by a collateral employer, whether the work submitted was done by the City employee or other staff of the collateral employer.
- 4) Employees shall not attempt to influence the City's review, approval, or issuance of a permit pertaining to work submitted by an employee's collateral employer, whether the work submitted was done by the City's employee or other staff of the collateral employer.
- 5) Employees in supervisory positions shall not assign to a subordinate any work a) resulting from the supervisor's collateral employment, and b) requiring the City's review, approval, or issuance of a permit.
- 6) Employees in supervisory positions shall not attempt to influence the City's review, approval, or issuance of a permit pertaining to any work resulting from the supervisor's collateral employment.

3.6 Use of City Employment and Facilities for Private Gain

Persons in the public service shall not use, for private gain or advantage, their City time or the City's facilities, equipment or supplies. In addition, City employees shall not use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others. Administration Regulation 45.50, "Private Use of City Labor, Equipment, Materials, and Supplies Prohibited" is incorporated by reference in this paragraph.

Administrative Regulation 95.60

Conflict of Interest and Employee Conduct, cont.

3.7 Use of Confidential Information

Persons in the public service shall not use confidential information acquired by or available to them in the course of their employment with the City for speculation or personal gain. Persons in the public service shall uphold the public's right to know, and in accordance with the Ralph M. Brown Act, uphold the public's right to know not only the decisions taken, but also the deliberations which shape public policies.

Persons in the public service shall not disclose confidential personnel information acquired by or available to them in the course of their employment with the City except in the performance of their duties as required by law.

3.8 City Contracts

In accordance with Government Code section 87100 et. seq. and Government Code section 1090 et seq., persons in the public service shall not exercise any discretionary powers for, or make recommendations on behalf of the City or department or officer thereof with respect to any contract or sale to which the City or any department thereof is a party and in which such persons shall knowingly be directly or indirectly financially interested.

3.9 Personal Investments

In accordance with Government Code section 87100 et seq., persons in the public service shall not make personal investments in enterprises which they have reason to believe may be involved in decisions or recommendations to be made by them, or under their supervision, or which will otherwise create conflict between their private interests and the public interest. If, however, persons in the have financial interests in matters or enterprises coming before them, or before the department in which they are employed, they shall disqualify themselves from any participation therein.

3.10 Discussion of Future Employment

Persons in the public service shall not negotiate for future employment outside the City service with any person, firm, or organization known by such persons to be dealing with the City concerning matters within such person's areas of responsibility or upon which they must act or make a recommendation, when the person's City employment status could create an advantage not available to other individuals, firms or organizations. City employees shall not communicate with former City employees on any issue or matter in which that former employee had official responsibility or participation for a period of one year from the former employee's final date of active employment. Council Policy 300-11, "City Contract Provisions with Respect to Hiring City Employees" is incorporated by reference in this paragraph.

Administrative Regulation 95.60

Conflict of Interest and Employee Conduct, cont.

3.11 Equal Employment

Persons in the public service shall not, in the performance of their service responsibilities, discriminate against any person on the basis of race, religion, color, creed, age, marital status, national origin, ancestry, sex, sexual preference, medical condition, or handicap and they shall cooperate in achieving the equal employment opportunity and affirmative action goals and objectives of the City.

3.12 Reporting of Improper Government Activities

Persons in the City service are strongly encouraged to fulfill their own moral obligations to the City by disclosing to the extent not expressly prohibited by law, improper governmental activities within their knowledge. Employees are encouraged to contact departmental management with this information.

No officer or employee of the City shall directly or indirectly use or attempt to use the authority or influence of such officer or employee for the purpose of intimidating, threatening, coercing, commanding, or influencing any person with the intent of interfering with that person's duty to disclose such improper activity.

3.13 Favoritism

Supervisory or management employees shall not participate in the appointment or recommend the appointment of any member of their immediate family, or any other person with whom the employee has a close personal or private business relationship, to a classified position of any department, office, bureau or division over which they have administrative control.

Supervisory or management employees shall not participate in the appointment or recommend the appointment of a member of their immediate family, or any other person with whom the employee has a close personal or business relationship, to another supervisory or management position of the City. This regulation permits immediate family members and close personal friends of supervisory or management employees to be appointed as classified employees in any department provided such supervisory or management employees make no recommendation nor otherwise attempt to influence such appointments.

Administrative Regulation 95.60

Conflict of Interest and Employee Conduct, cont.

No supervisory or management employee shall: 1) directly supervise any immediate family member or person with whom the supervisor has a close personal relationship (this does not apply to OCA assignments of 30 days or less); 2) influence the approval of any employee rewards for any immediate family member or person with whom the supervisor has a close personal relationship; 3) interfere with any performance evaluation or disciplinary proceeding for any immediate family member or person with whom the supervisor has a close personal or business relationship; and 4) recommend or attempt to influence any contractor or business which has a business relationship with the City to employ a member of his or her immediate family or any other person with whom the employee has a close personal or business relationship.

For purposes of this section, the term “immediate family” shall mean spouse, significant other, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, step-parent, step-child.

3.14 Product Endorsement

City employees, in their capacity as a City employee, shall not endorse a product or service or comment on that product or service if it is the intent of the solicitor of the endorsement, or of the vendor or manufacturer of that product or service, to use such comments for purposes of advertisement. City employees are not prohibited from responding to inquiries regarding the effectiveness of products or services used by the City unless the employee is aware that it is the inquirer’s intention to use those comments for purpose of advertisement. Council Policy 000-23 “Product Endorsement” and Administrative Regulation 95.65 “Product Endorsement” are incorporated by reference in this paragraph.

3.15 Duty to Disclose

Every employee shall immediately disclose the nature and extent of any interest, direct or indirect, which may conflict with his responsibility or duty, or which, because of his position, may influence a decision to the benefit of the organization in which he has an interest. Such disclosure shall be in the form of a memorandum to the City Manager, transmitted via the employee’s department head.

Administrative Regulation 95.60

Conflict of Interest and Employee Conduct, cont.

3.16 Duty to Cooperate

Every employee shall cooperate fully with judicial bodies and courts, and with lawfully constituted investigative commissions, committees, bodies and juries; appear before them upon request; and answer all questions concerning his conduct in office or his performance of official duties or matters within his knowledge pertaining to the property, government or affairs of the City of San Diego. Failure to do so shall be cause for appropriate disciplinary action, including possible dismissal from City service.

Administrative Regulation 95.65

Product Endorsement

3.1 Implied or direct endorsement of commercial products for the purpose of advertising is prohibited.

- a. City Employees. No City employee, in his/her capacity as a City employee, shall endorse a product or service nor comment on that product or service if it is the intent of the solicitor of the endorsement, or of the vendor or manufacturer of that product or service, to use such comments for purposes of advertisement. City employees are not prohibited from responding to inquiries regarding effectiveness of products or services used by the City unless it is the inquirer's intention to use those comments for purposes of advertisement.

APPENDIX F: Personnel Regulations

Personnel Regulations Index Code G-1, sec. II

Code of Ethics and Conduct

- A. There shall be no discrimination in any agency activity because of race, creed, or political affiliations.
- B. As a recognized part of municipal government, City employees must do everything within their ability to protect the public image of that government.
- C. Each position in our government is one of public trust. Therefore, employees must each perform their duties in a manner which will bring honor and credit to the City government, in accordance with the highest moral and ethical standards.
- D. City employees shall not accept gifts from persons doing business or seeking to do business with the City or from persons regulated by the City.
- E. Employees must be ever mindful of their public trust in the use of manpower, property, and funds under their care and, by efficient operation and diligent economy, must conserve them.
- F. Every City employee is expected to uphold the public interest as opposed to personal or group interests.
- G. City employees have an obligation to the citizens, to the people's elected representatives, to fellow employees, and to management to cooperate in accomplishing the goals of this City and their individual departments and work units.
- H. Acceptance of the expressed will of the people is the responsibility of all City employees.
- I. Every employee should serve the public and fellow employees with efficiency, impartiality, and courtesy, so that our public and personnel relations will be continuously enhanced.
- J. Employees should willingly share any emergency work necessary to the functions of their unit so that public obligations will be fulfilled with maximum efficiency and with equitable distribution of the workload.
- K. Employees must adhere to the rules of work and performance established as standards for their positions by the appropriate authority.
- L. Violations of any of the provisions of this code should raise conscientious questions for the employee concerned as to whether voluntary resignation or other action is indicated to promote the best interests of the City.

***Personnel Regulations Index Code G-6, sec. II
Regulation of Outside Employment or Enterprise***

- A. It is the policy of the Civil Service Commission not to impose unnecessary restraints on the personal lives of City employees. However, the Commission recognizes that some standards should be provided in order to prevent conflicts that may occur between employees' outside employment activities and their City work. Existing rules and procedures provide for appropriate disciplinary action in the event outside employment activities begin to impact on a City employee's efficiency, sick leave usage, or other performance criteria. In addition, it is the Commission's policy that City employees shall not accept employment outside City service or participate actively in the management or operation of any business or enterprise that:
1. Is incompatible with their City employment or would result in a conflict of interest with their responsibilities and obligations to the City; or
 2. Could result in criticism or discredit to the City.
- B. Employees whose outside employment may prolong recovery while on injury, industrial, or sick leave, or while on light duty assignments for the City, are in violation of this policy.
- C. The City Manager or other department head may formulate and adopt reasonable standards and procedures to ensure conformance to this policy.
- D. Violators of this policy are subject to appropriate disciplinary action.

APPENDIX G: City of San Diego Equal Employment Opportunity (EEO) Policy

1. EQUAL TREATMENT

All employees shall be treated equally without regard to race, color, creed, religion, sex, national origin, age (40 or older), disability, marital status, ancestry, medical condition (e.g., AIDS/HIV, history of cancer), pregnancy, and sexual orientation. These classes and/or categories are the “protected classes” covered under this Policy.

The City is committed to ensuring that all employment decisions (e.g., promotions, transfers, job rotation, training, work assignments, hiring and firing, merit increases, overtime, rewards and discipline) and other terms and conditions of employment are made so as not to discriminate against an individual because of their protected class.

2. DISCRIMINATION-FREE & HARASSMENT-FREE WORK ENVIRONMENT

All employees are entitled to a work environment free from discrimination and harassment. Discriminatory treatment occurs when an individual uses a protected class as a basis for an adverse employment action or decision. Behavior constitutes unlawful harassment when it is unwelcome and unsolicited, offends or otherwise causes distress, and is undertaken because of an individual’s protected status.

Harassment creates a negative atmosphere that reduces work productivity and morale, undermines the integrity of the workplace, and destroys professionalism. Harassment includes any unwelcome, unsolicited and/or unwanted behavior towards coworkers, subordinates, supervisors, or volunteers, which offends, humiliates, embarrasses, intimidates, or otherwise causes distress because of a person’s race, color, creed, religion, sex, national origin, age (40 or older), disability, marital status, ancestry, medical condition (e.g., AIDS/HIV, history of cancer), pregnancy, and sexual orientation. Examples include: the use of derogatory comments, slurs, jokes, pictures, cartoons, or posters. It has been recently determined that sexual favoritism (i.e. preferential treatment to employee(s) who have/had a sexual relationship with any level supervisor) could create a hostile work environment under certain circumstances.

Equal Employment Opportunity (EEO) Policy, cont.

Good faith employment actions do not constitute harassment. Good faith employment actions taken by a supervisor or manager, such as: offering constructive feedback or criticism, holding employees accountable, and providing discipline, where appropriate, do not constitute, and should not be mistaken for, harassment or retaliation. These employment actions are aimed at enhancing workplace productivity and/or addressing work performance, and are within the responsibilities and obligations of City supervisors and managers.

The City has a **100% Response Policy** on harassment. This means the City will investigate every report of an alleged incident made in the workplace and will take appropriate action to investigate. The result of that action may range from informal counseling to disciplinary action, up to and including termination, the first time such behavior occurs. Prior incidents of harassment may be considered when assessing the facts and circumstances of a later complaint.

Every City employee is expected to support and enforce this Policy. Supervisors who observe or know of a harassing situation, and fail to take corrective action, may be disciplined even if the harassment is not taking place in their work unit.

3. SEXUAL HARASSMENT

Sexual harassment is a particular form of harassment that creates an offensive working environment. Sexual harassment is unprofessional and not supportive of a high performing work environment. With regard to sexual harassment, as with other forms of harassment, the City has a 100% Response Policy.

Federal law defines sexual harassment as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: 1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment; 2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting that individual; or 3) such conduct has a purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Although actions may not rise to the level of a violation of law, they may still violate the City's EEO Policy.

Sexually harassing conduct can be physical, verbal, visual, or written, and can occur between people of the same or opposite sex. Sexual harassment can occur between peers, supervisor to subordinate, subordinate to supervisor, member of the public to employee, and within or across departments.

Equal Employment Opportunity (EEO) Policy, cont.

Written examples of sexual harassment include letters, e-mails, notes, and invitations which may be perceived as suggestive or obscene. Verbal examples of sexual harassment include derogatory comments, slurs or jokes; recounting one's sexual exploits; or starting and spreading rumors about the sex life of an employee. Other examples include:

- Sexually suggestive or explicit gestures
- Derogatory or sexually explicit pictures, cartoons, posters, or other forms of pornography
- Unwelcome touching, hugging, or massaging
- Blocking or cornering an individual
- Revealing parts of the body when such exposure violates common decency
- Graphic comments about a person's physique
- Sexually suggestive objects or pictures, including electronic media and computer graphics, (Reference: AR 90.62 Electronic Mail and Internet Use, which states "All uses of City Computer equipment, electronic systems and electronic data, including E-Mail and the Internet, are limited to work-related purposes only.")
- Job actions taken to pressure an individual into accepting sexual advances
- Remarks or jokes made that a person cannot do the job because the person is a male or female
- In some circumstances, repeatedly asking someone for a date after being turned down

Sexual harassment by supervisors and managers can include a statement or insinuation that a refusal to provide sexual favors or a rejection of sexual favors will result in reprisal, withholding support for appointments, promotions or transfers, failure of probation, change of assignments, or a poor performance rating.

Whether or not an alleged action constitutes sexual harassment will be determined on a case-by-case basis by assessing the entire record and the totality of the circumstances. Factors such as the nature of the sexual advances and the context in which the alleged incidents occurred will be considered in assessing the allegations and in determining the appropriate resolution.

Whether or not harassment occurred depends *not* on whether the act was intended to cause harm, **but rather on the impact of the act on the individual's employment or work environment.** For example, a person who teases in a sexual manner or tells sexual jokes may create an offensive work environment for another worker even though the person intended such actions merely to be "good fun." This applies to field jobs as well as office jobs. If one's behavior is harassing to an individual or group of individuals, it does not matter that the harasser failed to recognize the behavior as harassing.

Equal Employment Opportunity (EEO) Policy, cont.

This Policy does not prohibit mutually welcome social relationships between employees. (Reference: AR 95.60, Conflict of Interest and Employee Conduct, which does prohibit employees from supervising or influencing employment decisions associated with members of their immediate family or any other person with whom the supervisor has a close personal relationship). Persons involved in consensual relationships must exercise caution to prevent the development of harassing behavior or use of authority inappropriately. However, if the consensual relationship changes and is no longer mutual, conduct once welcome by both individuals may become offensive to one.

4. PERSONS WITH DISABILITIES

The Americans with Disabilities Act (ADA) and Fair Employment and Housing Act (FEHA) are the Federal and State laws which provide protections to employees with disabilities. Pursuant to these Acts, the City will evaluate the feasibility of providing reasonable accommodation for those applicants or employees who, because of their disability, are unable to perform the essential functions of the job. The City does this by having a supervisor and/or EEO Liaison engage in a timely, good faith interactive process with employees in need of reasonable accommodation (Reference: AR 96.21 – City Policy for People with Disabilities: Employment; consultation provided by the City’s ADA Chair, Labor Relations Department, 619-236-6313).

APPENDIX H: Ethics Pledge

(Signed by unclassified employees upon employment with the City of San Diego)



Pledge of Ethical Principles and Core Values

The Executive Branch of the City of San Diego stands for the core values of Ethics, Integrity, Open Communications and Accountability. It is important that the Mayor of San Diego and each member of City of San Diego's leadership team convey these values by our words and by our actions, consistently and with credibility, to City employees and to the public at large in order to inspire and stimulate a workplace environment where all City employees will not only operate in legal compliance but will perform his/her job with a strong sense of values.

I, as a member of the City of San Diego's leadership team, pledge:

- To hold myself accountable to the citizens of San Diego;
- To, ethically and with integrity, perform all my duties in conformance with federal, state and local laws and with City policies and procedures;
- To avoid any conduct known to be illegal, unethical or improper and to avoid the appearance of impropriety or conflict of interest;
- To strive to engage in open and honest communications with fellow employees, which encourages the raising of ethical concerns without fear of retaliation; and
- To treat everyone, including fellow City employees and the public-at-large, fairly, honestly and with respect.

I, _____, as a member of the City of San Diego's leadership, acknowledge receipt of and agree to comply with this Ethics Pledge.

Dated: _____

Printed Name

Signature

