

501. CORE ETHICS POLICY

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: The City of Vancouver upholds, promotes, and demands the highest standards of ethics from its employees for personal integrity, truthfulness, honesty, responsibility and fairness in carrying out their public duties. Employees must avoid any improprieties in their roles as public servants and must never use their City position or powers for personal gain or in breach of the public trust.

GUIDELINES:

1. What ethical conduct is expected under this policy?

Ethical conduct includes, but is not limited to:

- Acting at all times in the best interests of the community we serve.
- Demonstrating excellence, integrity and responsibility in our work.
- Adhering to the laws of the United States, the state of Washington and the City of Vancouver.
- Providing honest, accurate, timely and complete information.
- Identifying problems and helping create solutions.
- Following City and department policies, procedures and rules.
- Reporting improper conduct.
- Keeping our co-workers safe from retaliation of any kind.
- Abstaining from decisions that could result in a direct benefit to the employee, a relative or co-habitant.

2. What are the key expectations for employees to comply with this policy?

Employees of the City are expected to:

- Read and understand this Employment Policy Manual.
- Follow appropriate ethical behaviors as specifically set forth in the Employment Policy Manual.
- Seek guidance in resolving ethical issues or concerns from their supervisor, Department Director, Human Resources or the City Attorney's office.
- Report to their supervisor, Department Director or Human Resources any conduct by other City employees which may violate this Core Ethics Policy, any other employment policies or the City's Operating Principles.

3. What are a supervisor's additional responsibilities for complying with this policy?

A supervisor's additional responsibilities for complying with this policy include:

- Monitoring and ensuring compliance with this Core Ethics Policy or other employment policies or the City's Operating Principles.
- Setting an example of exemplary ethical conduct.
- Dealing effectively with ethics concerns that arise in their area.
- Prohibiting retribution or retaliation against any employee who reports or supplies information about, or assists an investigation into, an ethics concern.

502. OUTSIDE EMPLOYMENT

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: 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.

GUIDELINES:

1. When does outside employment "compete with" City employment?

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:

- 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.
- Interfere 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, and when such availability is a regular part of the employee's job.
- Interfere with responsibilities to the City as the primary employer.
- Involve performing services for customers that are normally performed by City employees.
- Require working for a competitor, a City grant and/or contract created by the employee, or self-employment that is in competition with the City.
- May require the use of City information, property, facilities and/or systems, such as phones, tools, equipment, etc.
- Involve assisting others in transactions with the City in which the employee has participated, or which has been under their official responsibility.

2. What is a "conflict of interest"?

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:

- Require the use or disclosure of confidential City information.
- Impair objectivity or independent judgment, or create an impression of conduct that violates the public trust.
- Involve activities which may appear to conflict with the City's Core Ethics policy and/or other related employment policies.
- Negatively impact the normal course of the employee's official duties.

3. How does an employee obtain approval to engaging in outside employment?

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.

4. How will the employee know their request to engage in outside employment has been approved?

The City will provide approval in writing. The City may also require a written agreement with the employee which outlines the type of work that has been approved, discusses any perceived conflict of interest as well as how it may be eliminated, and addresses any other conditions of approval.

Employees may not perform any outside employment during the hours they are on duty working for the City.

If an employee accepts outside employment, the City may request information about the employment at any time.

5. Can an employee use City leave benefits for outside employment needs?
Use of sick, FMLA or Catastrophic leave concurrent with outside employment must be approved by the City.
6. Can a regular employee work for the City outside their regular job duties?
Yes. However, the employee must obtain approval from Human Resources prior to engaging in such work.

503. CONFLICTS OF INTEREST

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Employees are expected to represent the City in a positive and ethical manner. Employees have an obligation to avoid conflicts of interest or any activity which would give the appearance of a conflict of interest.

GUIDELINES:

1. What is a “conflict of interest”?

It is impossible to describe all of the situations that may cause or give the appearance of a conflict of interest. The following list is not intended to be exhaustive, but includes some of the clearer examples:

- Employees may not accept any employment relationship which competes with or creates a conflict of interest with a duty to the City.
- Accepting gifts, gratuities, loans, entertainment or other items of value from anyone with whom an employee regularly transacts City business, who has or seeks a contract with the City, or who desires other official action from the City.
- Giving, offering or promising anything of value to a customer, a potential customer, or a financial institution in connection with any transaction or business that the City may have with that customer, potential customer, or financial institution.
- Misusing confidential City information or disclosing such information to any individual who does not have a need to know the information.
- Using the City’s name, account or credit to purchase merchandise for personal use.
- Using City assets or labor for personal use.

2. What should an employee do if he/she learns of a situation that is a conflict of interest or may appear to be a conflict of interest?

Any conflict or potential conflict of interest must be disclosed to an employee’s immediate supervisor, the Department Director or Human Resources as soon as possible.

3. What if an employee is offered or receives a gift

Any and all gifts received by a City employee at any time during the year should be given to the employee’s immediate supervisor or the Department Director with an explanation of the circumstances surrounding receipt of the gift. If possible, the supervisor or Department Director will return the gift to the sender with a written expression of thanks and an explanation of the City policy concerning gifts. A copy of the letter will be sent to the City Manager.

If returning or refusing a gift would be impractical (such as food, flowers or plants), the supervisor will take the item to a recognized relief/assistance organization or make the item available for the enjoyment of all employees or members of the public in the employee’s work area. The supervisor will also send a thank you card to the person or company that provided the gift explaining what was done with the gift.

4. Are there any situations when an employee may accept a gift?

Yes, under limited circumstances. Items of nominal value provided for advertising purposes such as pens, calendars, or items received at a conference, are acceptable. Employees should make every effort to use such items in the workplace instead of taking them home. In addition, meals may be purchased or provided for City employees at business meetings as long as there is a justifiable work-related purpose for the meeting.

504. NEPOTISM

SCOPE: This policy applies to all eligible employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: To avoid the reality or appearance of improper influence or favoritism, two employees who are dating or are in the same immediate family may be employed by the City *unless* such employment would create a real or potential conflict of interest.

GUIDELINES:

1. What relationships are included in this policy?

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. What is a "conflict of interest"?

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

- Where one of the individuals would have authority (or practical power) to supervise, appoint, remove or discipline the other.
- Where one of the individuals would be responsible for leading, auditing, overseeing, or guiding the work of the other.

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

3. What if a reassignment, transfer or promotion would create a conflict of interest?

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

4. What will happen if two City employees establish a relationship (as defined in this policy)?

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.

505. POLITICAL ACTIVITIES

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Employees shall not use or authorize the use of City facilities, property or assets for working on campaigns for the election of any person to any office or for the promotion of, or opposition to, any ballot proposition, except as authorized by the provisions of RCW 42.17.130.

GUIDELINES:

1. What types of activities are prohibited under this policy?
City employees are prohibited from using their official position to unlawfully influence, interfere with, or affect the results of an election. Therefore, no employee or group of employees, representing themselves as City employees, shall campaign for or against any political candidate or ballot measure, or endorse or oppose a political advertisement, broadcast, statement or campaign literature except as allowed by state labor law. Nothing in this section prohibits a City employee from personally supporting or opposing any candidate for public office during off-duty hours.
2. Can an employee display or distribute campaign paraphernalia at work?
No. Employees shall not display or distribute partisan literature, political buttons, stickers, banners, etc., during work hours or on City property or in City vehicles.
3. May an employee testify as a private citizen at public hearings or meetings regarding issues affecting the City?
Yes. If the employee's testimony is given during non-work hours and the employee discloses that he/she is testifying as a private citizen and not a City employee.

506. SOLICITATION FOR CHARITIES AND NON-PROFIT FUND-RAISERS

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: 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).

GUIDELINES:

1. What is "solicitation"?
"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. What types of solicitation may be allowed under this policy?
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., via CityNet or bulletin board postings) requires the prior authorization from the employee's Department Director or designee, as well as from Media Services.

508. WHISTLEBLOWER PROTECTION

SCOPE: This policy applies to all employees of the City of Vancouver, unless otherwise addressed by a current collective bargaining agreement or public safety policy.

POLICY: Public employees have an obligation to assure that government in general, and their departments in particular, perform ethically, as well as efficiently and effectively. City employees are prohibited from engaging in improper governmental action and are encouraged to report suspicious, unethical or illegal conduct or any other suspected improper governmental action taken by other employees, supervisors or officers. Employees who make good faith reports of improper governmental action will be protected from intimidation or retaliation for making a report.

GUIDELINES:

1. Why does the City have a whistleblower program?

The whistleblower program holds City employees accountable for their actions. The policy also protects employees who make good faith reports of improper governmental action. And, most importantly, the program stops inappropriate and illegal governmental actions.

2. What is "improper governmental action"?

Improper governmental action is any action taken by a City employee, supervisor, Department Director or officer that is:

- A violation of any federal, state or local law or rule;
- An abuse of authority;
- A gross waste of public funds (including use of public funds for private gain); or
- A substantial and specific danger to public health or safety.

Improper governmental action does not include personnel actions or decisions, disciplinary actions, violations of collective bargaining or civil service laws, or violations of labor agreements.

3. Who can report improper governmental action?

Any employee working for the City may report suspected improper governmental actions through this Whistleblower program. This includes regular and temporary employees as well as elected officials.

4. Is there any information that does not fall under the Whistleblower Protection Policy?

Yes. This policy does not authorize disclosure where prohibited by law.

5. How should an employee report suspected improper governmental action?

To report suspected improper governmental action, an employee should take the following steps:

- Submit a written report of the action to any Department Director, the City Attorney or an Assistant City Attorney, Internal Auditor, Risk Manager or Human Resources Director. The report should describe the suspected improper governmental action, the name of the employee(s) involved, and when the action occurred. In cases of an emergency (an immediate risk of injury or damage to property), the matter should be immediately brought to the attention of one of these individuals, and followed by a written report.
- If an employee reports a suspected governmental action to the appropriate person and no action is taken, or the employee is not satisfied with the action taken, a report may then be made to the governmental agency responsible for investigating the improper action (see attached list of governmental agencies).

6. Will the reporting employee's identity remain confidential?

Yes. The identity of a reporting employee shall be kept confidential to the extent possible under law, unless the employee authorizes the disclosure of his/her identity in writing.

7. Can an employee be prohibited from filing a report of improper governmental action with another governmental agency?
No. Direct or indirect interference or attempts to interfere with filing a report is prohibited.
8. What actions will the City take if an employee reports improper governmental action?
The City will conduct an investigation of the alleged suspicious, unethical or illegal conduct or other improper governmental action. If it is determined that improper governmental action did occur, the City will take appropriate action and immediately report known or suspected loss of public funds or assets, or other illegal activity to the state Auditor's office.
9. What is "intimidation"?
Intimidation occurs when a City employee, Department Director, supervisor or officer uses his/her official authority or influence to threaten or coerce an employee for the purpose of interfering with that employee's right to report improper governmental action.
10. What is "retaliation"?
Retaliation is inflicting injury on an employee by making adverse changes to employment status or to the terms and conditions of employment because the employee made a report of improper governmental action or was believed to have made a report of improper governmental action. Under this definition, retaliation can take many forms. Examples of retaliatory action include, but are not limited to, unwarranted disciplinary action, unsubstantiated poor performance evaluations, reduction in pay, denial of a promotion, unwarranted termination of employment, or harassment.
11. What should an employee do if he/she is subjected to intimidation or retaliation?
Employees should provide a written report of any suspected intimidation or retaliation along with the relief requested to a supervisor, Department Director or Human Resources.
12. If an employee complains about retaliation but is not satisfied with the City's response, is there an appeal process?
Yes. An employee is eligible to use the appeal process if the following conditions are met:
- The complaint of retaliation was made within 30 days of the alleged retaliatory action, and
 - The City did not respond within 30 days of the complaint or the employee received a response within 30 days but was not satisfied with the response.
13. What is the appeal process?
If the conditions outlined in this policy are met, the employee may request a hearing before a state administrative law judge. The request for hearing must be delivered to Human Resources or the City Manager's office within 15 days of receiving the response from the City or within 15 days of the last day on which the City could respond to the complaint of retaliation.
14. Do supervisors and Department Directors have any additional responsibilities under this policy?
Yes. As with any policy, supervisors and Department Directors are responsible for enforcement. Under this particular policy, supervisors and Department Directors are required to report any knowledge of improper governmental action to Human Resources including, but not limited to, a complaint received from an employee.

This policy, as well as the procedures and guidelines, was created and adopted pursuant to the provisions of the Revised Code of Washington, Chapter 42.41, et seq.