



## City of Tybee Island

### Doing the Right Thing Ethical Conduct for City Employees.....

### How to Keep Out of Trouble: A Guidebook

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This Guidebook is intended to be a general overview of ethics issues that are questioned in the workplace.

The City of Tybee Island commits to ethics in government and the employee shares the responsibility for ensuring that high standards of ethical conduct are maintained within the city government. .

## **1. WHY DO WE NEED A CODE OF ETHICS?**

A position in government is a position of public trust. For this reason, the standards of behavior for public employees are often higher than those for employees in the private sector.

As public employees in the State of Georgia, our behavior is governed by the Georgia Code of Ethics for Government Service, O.C.G.A. Section 45-10-1. We are required by law to avoid any action that might result in or create the appearance of misconduct or conflicting interest.

As employees in Tybee's city government, we are employed by the citizens of Tybee Island. We are judged not only by our official actions and conduct, but also by our personal activities when they are related to our work for the city.

The Mayor and City Council, elected by the citizens of Tybee Island, rely on us as its representatives to perform city business efficiently and economically, to protect city interests, and to meet the high ethical standards of public service.

Because high ethical standards are critical to a local government's credibility, all city employees must be familiar with the ethic laws that regulate their behavior and must be concerned with how their behavior is viewed by the public.

All of us --employees, supervisors, department heads and the city manager-- share the responsibility for ensuring that high standards of ethical conduct are maintained within the city government.

Although the city's Code of Ethics is new, the laws which it expresses are not new. They are state laws and, as public employees in the State of Georgia, we have always been required to obey them. Even though most of us have not known these laws exist, we are fortunate that there have been few violations. With the increasing attention on ethical issues in the press and elsewhere, we want to be certain that every employee understands what is right and what is wrong. This booklet has been distributed to make you aware of the laws and policies which affect you and to provide you with guidelines for behaving in a way that will help you stay out of trouble as a public employee.

## **2. CODE OF ETHICS FOR CITY EMPLOYEES**

Each employee of the City of Tybee Island should:

- Uphold the Constitution, laws and regulations of the United States, the State of Georgia and Chatham County and never be a party to their evasion.
- Uphold the charter, codes and regulations of the City of Tybee Island and never be a party to their evasion.
- Regard service to the public as the mission of all city employees, and always place service to the public above service to self.
- Treat all members of the public with respect, courtesy, concern and responsiveness, and never discriminate by dispensing special favors or privileges to anyone.
- Give a full day's work for a full day's pay, and give earnest effort to the performance of assigned duties as efficiently and economically as possible.
- Accept no special favors, privileges, benefits or gifts offered by a member of the public or by persons or businesses regulated by the city, doing business with the city or seeking to do business with the city.
- Use no city property, funds or time for personal purposes.
- Use no information gained confidentially in the performance of city duties as a means of making private profit.
- Make no private promise of any kind which is binding upon duties performed as an employee.
- Engage in no activity, either directly or indirectly, which is inconsistent with the conscientious performance of city duties.
- Demonstrate the highest standards of personal integrity, honesty and conduct in all activities in order to inspire public confidence and trust in city employees.

- Expose corruption, misuse of official authority or any action which harms the public interest wherever and whenever discovered.

### 3. VALUES FOR CITY EMPLOYEES

There are ten universal values which guide and motivate ethical behavior. These values are:

- honesty
- caring for others
- integrity
- respect for others
- promise-keeping
- responsible citizenship
- fidelity or loyalty
- pursuit of excellence
- fairness
- accountability

Two additional values are especially applicable to employees involved in government:

- protection of public trust
- fiscal responsibility

These values are the foundation of the high standard of conduct expected of city employees. While it is true that some values will not apply to every situation, others will apply to all situations. Everything we do as city employees must be motivated by ethical values. If we are successful in meeting and maintaining the high standard expected of us, the city's government will be perceived as ethical, and we will be trusted as conscientious and dedicated to working on behalf of the citizens of Tybee Island.

As employees of a public organization, it is important that we work within a value system which will strengthen the public's confidence in our ability to serve the public interest.

The city administration has defined a set of values to establish our identity as an ethical and professional organization that is committed to serving the community. The organizational values of Tybee's city government are:

- efficiency
- accessibility
- effectiveness
- responsiveness
- equity
- proficiency

We, the employees, are the organization known as the City of Tybee Island. Our actions, individually and collectively, will communicate our values to the citizens we meet every day. It is our conduct that will determine whether this government is perceived as an ethical one.

### 4. WHAT DO THESE VALUES MEAN?

**honesty, integrity** - comply with all laws, regulations, city policies, etc. while performing your duties; be truthful; do the right thing because it is the right thing

**promise-keeping** - if you say you're going to do something, do it

**loyalty** - show commitment to organizational values; be a team player; don't "do your own thing"

**fairness** - be objective and impartial in decision making; treat all persons with equal courtesy and concern

**caring for others, respect for others** - practice the golden rule: do to and for others what you would like done to and for you in similar circumstances

**responsible citizenship** - do not violate the rights of others; put the public good above what is good for you; set a good example; tolerate no illegal or unethical actions by anyone

**pursuit of excellence** - approach every task with the idea that "if it is worth doing, it is worth doing right"; take pride in doing the best possible job that you can do

**accountability** - take responsibility for your actions

**protection of public trust** - take no action or make no decision which will harm the public or which will weaken the public's confidence in your ability to serve the public

**fiscal responsibility** - guard the "public purse" as if it were your own

**efficiency, effectiveness** - provide the best possible service to the public in the most cost-effective way

**equity** - provide an equal level and quality of service to all citizens and all areas of the community

**accessibility** - communicate openly and honestly with the public; be prepared for public scrutiny at all times

**responsiveness** - answer each citizen's questions thoughtfully, honestly and as fully as possible without violating department or city policies or the rules of confidentiality; if you don't know the answer, help the citizen obtain the answer from the appropriate person; respond to complaints promptly

**proficiency** - strive for a high level of competency in performing duties and responsibilities; work constantly to improve your ability to serve the public

## 5. SOME BASIC DEFINITIONS

As used in this guidebook, words and terms listed below shall be defined as follows:

**abuse** –the improper use of city resources for personal benefit without criminal intent - anything of value - includes not only money, but any type of service or consideration given for the benefit of an employee or for the benefit of another person or entity

**appearance of impropriety** - the perception that wrong-doing or misconduct may have occurred; when a "reasonable person" could "reasonably believe" that "where there's smoke, there's fire"

**benefit** – something of value offered to, accepted by, or promised to an employee or to a party with whom or which he or she has a substantial personal interest which includes self, household members, relatives, significant other person, household members of relatives, non-governmental civic groups, unions, social charitable, or religious organizations of which he or she is an officer, director, founding member or clergy member.

**city officer** - a city official who is not an employee

**conflicting interest** - a situation in which regard for a private interest tends to lead to disregard of a public duty or interest

**corruptly** - done with a wrongful intent and for the purpose of obtaining a benefit as a result of an employee's action or inaction which is inconsistent with the proper performance of public duties

**council member** – an elected official of the City of Tybee Island

**defraud** - to intentionally cheat or deceive for personal benefit; usually involves a violation of a civil or criminal law

**employee** - a person hired by the City of Tybee Island to perform work in return for wages or salary; all persons in full-time or part-time positions on a regular, probationary or temporary basis working within the jurisdiction of the City Manager

**ethics** - principles of right and wrong behavior

**gratuity** - something having financial value that is requested, offered, promised, or given with the understanding that the source will not receive equivalent payment or other consideration from recipient

**guideline** - an example; because guidelines cannot show every situation which might occur, it is the employee's responsibility to be sure he/she is not violating an ethics policy or rule

**official action** - any act, approval, decision, directive, disapproval, inaction, order, performance, nonperformance, recommendation, vote, or other result of an employee's participation in a City decision; decision made or action taken (or not taken) in performance of duties or responsibilities as a city employee

**official duties** - those duties performed on behalf of the city while an employee is "on the clock" and for which compensation is received from the city; this does not include activities engaged in "off the clock" which may involve similar types of skills

**political candidate** – a sitting council member, someone running for elective office or someone who ran for elected office

## 6. WHAT ARE THE RULES?

1. An employee must not take any action or make any decision, whether or not specifically prohibited, that might result in or create the appearance of:

- using public office for private gain
- showing disrespect to any member of the public
- discriminating against or harassing anyone
- giving preferential treatment to anyone
- losing complete independence or impartiality
- impeding the efficiency or economy of city government
- making a private promise or agreement which is binding on the city
- making a decision on city matters outside of official channels
- adversely affecting public confidence in the integrity of city government

2. An employee must be particularly careful that private interests and activities do not conflict with public duties or adversely affect his/her ability to fulfill the responsibilities of the city position.

3. An employee must avoid the appearance of impropriety at all times.

## 7. CAN YOU USE CITY PROPERTY FOR PERSONAL REASONS?

No, an employee has a duty to protect and conserve city property and to obey all rules and regulations regarding its use. An employee cannot use, or allow the use of, city property for personal purposes.

### DEFINITIONS

**city property** - all city equipment, vehicles, supplies, facilities or other resources whether owned by the city or leased for city purposes

**personal purposes** - refers to any activity which is not performed as part of an employee's officially approved city duties and responsibilities

### GUIDELINES

Examples of improper use or abuse of city property include:

- using city envelopes or postage to mail personal correspondence or other items.
- using the city photocopier or FAX machine for personal matters without reimbursing the city at the same rate charged to members of the public.
- using a city vehicle to run a personal errand (this does not apply to employees who work assigned shifts and will not have off-duty time to deposit a paycheck before the bank closes on payday).
- using a city telephone or using city time to engage in personal phone calls which last longer than a few minutes (brief personal calls may be necessary from time to time and are permitted, but don't abuse this policy by tying up city phones for personal business; personal long-distance calls at city expense are prohibited).
- using city computers, typewriters or word processors for personal matters unless all of the following conditions are met: 1) the use is not during working hours, 2) the use has been approved by the city manager, 3) the use is reimbursed at a rate determined by the city manager according to the type of equipment used and the purpose for which it is used.
- displaying posters, bumper stickers or other similar items with a commercial, political or other non-official message on city property (items of a non-partisan patriotic nature which are endorsed by the City Council are permissible).
- selling commercial products in a city building.

## 8. CAN YOU ACCEPT GRATUITIES? ARE GIFTS THE SAME AS GRATUITIES?

An employee must never request, accept or knowingly allow household members to accept a gift on behalf of any party from any source, a gift that would be illegal; involve activities that do not reflect appropriate conduct for an employee; or would cause conflicting interests in a pending city decision or future pending city decision of which they have knowledge; or give rise to the appearance of impropriety; or have inappropriate connection to or relationship with their city duties or positions. No employee may solicit any gratuity from any person.

### DEFINITIONS

**gift** - a gratuity offered or received by an employee or a substantial personal relationship that has some kind of association with their city position

**gratuity** - something having financial value that is requested, offered, promised or given with the understanding that the source will not receive equivalent payment or other consideration from recipient

**solicit** - to ask or seek payment - offered and accepted; does not refer to items paid for by an employee at the same cost as would be paid by any member of the public

## GUIDELINES

Examples of items which are not considered unethical and may be accepted include:

- gifts given to an employee by a family member, personal friend or co-worker when the circumstances make it clear that it is the personal or social relationship which motivates the gift.
- local event courtesy tickets given to employees by event sponsors provided they are offered or made available to all employees on the same basis.
- an occasional meal consumed during business hours in conjunction with an official meeting with the source.
- retail discounts offered or made available to the general public or to all city employees on the same basis and frequency.
- promotional or advertising items visibly labeled with the name of the source having value less than \$50 that are generally distributed to employees.
- something accepted on behalf of the City that subsequently becomes City property.
- food and other refreshments consumed on City property during business hours.
- loans from banks or other financial institutions solicited or accepted on the same terms available to all members of the public.
- city services, use of city facilities or other things of value provided by the City which are generally available on the same terms and conditions to all employees, other City residents or to the general public.
- lawful, policy-adherent payment of compensation, salary, benefits, fees, commission or expense reimbursements associated with the recipient's City position or nonpublic business, employment, trade or profession that are clearly and verifiably not made to influence the recipient's participation in City matters.
- non-monetary, publicly presented awards, plaques, certificates of recognition, or similar items recognizing an employee's public, civic, charitable, political, professional or public service.
- something that is clearly and verifiably not connected to an employee's city position.
- something specifically allowed by the City Manager.
- an unsolicited tangible object relating to a special occasion such as wedding, anniversary, graduation, birth, illness, death, retirement, or holiday provided the object has value of \$50 or less and the aggregate total gratuities (including the object) from the source to the employee or his substantial person interest during the current calendar year is \$100 or less.

## 9. CAN YOU HOLD A SECOND JOB?

Yes, but City employment is the first priority. Any employee may engage in outside employment, but only if the employee obtains written approval from the appropriate department head and if there is no conflict in working hours; the employee's job efficiency is not reduced; and there is no conflicting interest that could cause embarrassment to the city or to the employee. **See Section 46-46 of the Personnel Ordinances.**

### DEFINITIONS

**outside employment** - employment before or after normal city working hours for any business, corporation, etc. including a business, corporation, etc. owned by the employee

**adversely affect** - interfere with normal performance of city duties because of fatigue, conflicting work schedules, etc. or prevent employee from responding to an emergency situation which might occur before or after normal city working hours

**conflict** - create an illegal, unethical or otherwise inappropriate relationship between an employee's obligation to the public good (the city) and his or her obligation to any private interest (his or her own or that of another employer)

## GUIDELINES

Outside employment is improper if it:

- impairs your mental or physical capacity to perform city duties.
- is likely to cause criticism or embarrassment to the city.
- requires your attention during official working hours or requires the use of city time or supplies.
- requires you to share or make use of official information that is confidential or not available to the general public except by request.
- promotes the use of your title or position with the city or implies an official city endorsement of your outside employer's business, service, product, etc.
- involves working for an employer who is doing business with the city or is likely to require inspection, permitting or other regulation or action by your department unless specifically exempted.
- creates a real or apparent conflict of interest.

## 10. CAN YOU TAKE PART IN POLITICS?

That depends. Employees share with other citizens the right and responsibility to vote and to voice their opinion on public issues. However, because we are public employees and responsible to all the citizens, employees may not actively seek city elective office(s) or actively advocate or oppose the candidacy of any individual for nomination or election to any city office or engage in political activities during working hours nor engage in partisan political activities which would impair their ability to serve the public at large. **See Section 46-47 of the Personnel Ordinances**

## GUIDELINES

Improper political activity includes:

- participating in an election campaign on behalf of or in opposition to candidates actively seeking city elective office(s).
- participating in an election campaign on behalf of or in opposition to a candidate for county, state or national office if such participation would impair your effectiveness in serving the city.
- using official authority or influence to interfere with an election or nomination to office or to coerce or influence another person's vote.
- placing signs, handbills or other materials on city property or engaging in any activity that may imply official city position regarding a particular candidate or issue.
- actively seeking city elective office(s) while maintaining status as a city employee.
- participating in any political activity which is likely to cause criticism or embarrassment to the city.

## 11. CAN YOUR RELATIVES WORK FOR THE CITY?

Yes, except under certain conditions. **The Nepotism Ordinance #24-2006 second reading was passed on January 11, 2007.** It states that no member of the immediate family of a Department Head may be hired or transferred into a department where a potential supervisor-subordinate relationship would exist. No relative of the City Manager may be employed with the City. If two employees marry or become related, only one of the employees will be permitted to remain employed in the department. In addition, immediate family members should not be employed in the same City department unless already hired or transferred prior to the adoption of this ordinance. The City may consider requests for variance from this section on a case-by-case basis, and upon City Manager approval.

## DEFINITIONS

**Immediate family** - spouse, child, step-child, grandchild, parent, grandparent, brother, sister, half brother, half sister, uncle, aunt, nephew, niece, or the spouse of any of them. These relationships shall include those arising from adoptions. Persons who are married by common law marriage or who are living together without the benefit of matrimony are also considered related under the intent of this rule.

## GUIDELINES

A relative may not work in your department if:

- you are delegated the responsibility to hire or dismiss other employees or to recommend the hiring or dismissal of other employees.
- you are in a supervisory position within your department and would have supervisory responsibilities over the relative.
- you are in a position to evaluate or appraise the performance of the relative.

## 12. WHAT ABOUT USING INFORMATION PICKED UP ON THE JOB?

An employee may not divulge any information, other than public information, that was obtained as a result of his city position to gain personal advantage for himself or anyone else.

## DEFINITIONS

**information obtained as a result of city position** - refers to any information that has not been distributed to the public through media reporting, direct mail, public hearings or published legal notices or information that is available to a member of the public only by request

**personal advantage** - refers to placing the employee or the recipient of the information in a position of advantage over the general public, a situation which constitutes a violation of the public trust; this does not refer to the divulgence or use of information in the performance of official duties

## GUIDELINES

Examples of using information for personal advantage include:

- knowing that the price of real estate in a certain area will go up because of a proposed private development project that has not yet been made public and then purchasing real estate in the area or advising others to purchase before prices go up.
- disclosing the low bid on an item to be purchased or contracted by the city so that another bidder can adjust his own bid downward.
- hearing that city officials may take a particular action and "leaking" the information to a member of the press before the action becomes a matter of public record or is released to the press in general (this places the newspaper or reporter in a position of advantage over competitive newspapers or reporters).
- knowing that the city administration is investigating an employee for suspected misconduct and "tipping off" the employee or providing him with details of the investigation.
- using city records to compile mailing lists for use in an outside employment situation (these records are public and available to the public upon request, but it is improper for an employee to use such records for personal gain).

### **13. WHAT SHOULD YOU DO IF YOU KNOW ABOUT AN ILLEGAL OR UNETHICAL ACTION OR DECISION?**

Employees are expected to expose a violation of law by an employee or business entity with which the city is doing business if such violation creates a substantial and specific danger to the public's health, safety or welfare.

Employees are expected to expose improper use of public office, waste of funds or any other abuse or neglect of the city, a city employee, or a member of Council or any city board.

Retaliation against an employee who reports any violation, abuse or other improper action is strictly prohibited.

### **14. WHAT ARE THE PENALTIES FOR VIOLATION OF THE ETHICS CODE?**

Qualified complaints against employees are to be dealt with by the City Manager. If the City Manager investigates and finds that the employee has violated the Georgia Code of Ethics, disciplinary action will be taken. **See Section 46-33 of the Personnel Ordinances for Disciplinary action.**

### **15. HOW TO AVOID VIOLATING THIS CODE**

Any employee may request an advisory opinion from an appropriate manager if there is uncertainty as to whether or not a particular action was or would be a violation of the Georgia Code of Ethics for Government Service. An employee avoids violation of this Code by faithfully complying with documented managerial guidance specific to the employee's advisory request. A manager providing such guidance must diligently ensure that it accurately reflects this Code. To do otherwise is a violation of this Code by the manager.