

## **Employee Conflict of Interest**

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### **PURPOSE**

The purpose of this policy is to establish guidelines for ethical standards of conduct, which shall govern City employees in the performance of City business and the duties of their respective jobs. This policy is intended to provide positive direction to City employees in order to prevent potential conflicts of interest. This policy is not all encompassing in its definition of conflict of interest. The “prudent person” theory can and will be applied: action deemed inappropriate by a reasonable person, whether specifically cited in this policy or not, will be subject to inquiry and may be grounds for disciplinary action. This policy is in addition to the City’s Conflict of Interest Code (Title 2, Chapter 9 of the Oakley Municipal Code) and Government Code Sections 87300 et seq.

### **CONFLICTS OF INTEREST**

No City employee shall engage in any act, which is in conflict, or creates an appearance of unfairness or conflict with the performance of official duties.

The employee will be guided in interpretation of this section by the distinction between a gift, gratuity, or favor given or received which has significant monetary value and is offered or accepted in expectation of preferential treatment, and expression of courtesy.

Recognizing that personal friendships often precede and can evolve from official contact between employees and persons engaged in business with the City, employees should preclude themselves from any decision, which may cause a conflict of interest or be perceived as collusive.

Examples of acceptable courtesies include a meal or social event; exchanges of floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, promotions; a sample promotional gift of nominal value (less than fifty dollars (\$50)).

Except for courtesies as provided above, no employee shall, directly or indirectly, give or receive, or agree to receive any compensation; gift, reward, commission, or gratuity from any source except the City for any matter directly connected with or related to his official services as such employee with this City.

An employee shall be deemed to have a conflict if the employee:

- Has any financial interest in any sale to the City of any goods or services when such financial interest was received with prior knowledge that the City intended to purchase the property, goods, or services.
- Solicits, accepts, or seeks a gift, gratuity, or favor from any person, firm, or corporation involved in a contract or transaction, which is or may be the subject of official action by the City.
- Participates in her/his capacity as a City employee in the issuing of a purchase order or contract in which she/he has a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the City.
- Engages in, accepts employment from, or renders services for private interest for any compensation or consideration having monetary value when such employment or service is incompatible with the proper termination of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above. An employee should not make a unilateral decision, if there is any doubt about her/his private employment. The

appointing authority should be consulted.

- Discloses or uses without authorization confidential information concerning property or affairs of the City to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the City.
- Has a financial interest or personal interest in any legislation coming before the City Council and participates in discussion with or gives an official opinion to the City Council on the matter.
- Fails to comply with the provisions of the Political Reform Act, as regulated by the Fair Political Practices Commission, or any other state or federal laws governing conflict of interest matters.

The City Manager or designee is permitted to accept a gift, gratuity, or favor on behalf of the City and may distribute such gift, gratuity, and favor as she/he deems appropriate to City employees and elected officials in accordance with Fair Political Practices Commission regulations (i.e., holiday gifts and goodies, sporting events tickets, cultural events tickets)

## **USE OF PUBLIC PROPERTY**

No employee of the City shall request, use, or permit the use of City-owned vehicles, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for personal or private use, or as part of secondary employment. Use of such City property is to be restricted to such services as are available to the City generally and for the conduct of official City business.

## **POLITICAL ACTIVITIES**

No employee may use City time or property in any manner to promote any political issue or candidate, or to solicit funds for any political purpose or to influence the outcome of any election.

No employee shall be eligible for appointment or election to any public office (including appointment to a Board, Commission or Committee in the City of Oakley or in a city or unincorporated community within 5 miles of Oakley) when the holding of such office or position would be incompatible or would substantially interfere with the employee's official duties, at the discretion of the City Manager.

## **OUTSIDE BUSINESS OR EMPLOYMENT**

Employees are discouraged from accepting outside employment, whether self employment or otherwise.

### **Request for Approval of Outside Employment**

All employees holding or considering second jobs must obtain advance approval from her/his Department Director and the City Manager no later than ten (10)

working days prior to beginning the employment. Advance approval is required to ensure that the job will not create a conflict of interest or interfere with the proper performance of their duties.

The request for approval for outside employment is initiated by the employee submitting the Request for Outside Employment Form, attached in Appendix I. The City Manager reserves the right to rescind any approval for Outside Employment if it is determined that such an action is in the best interests of the City.

#### **Annual Approval Required**

An employee must submit a notice of continuing employment or outside business on an annual basis.

#### **Violations Subject to Discipline**

Unapproved outside employment is grounds for discipline, up to and including termination. Approved outside employment are also grounds for discipline up to termination if any of the following occur:

- Outside employment involves the employee's use for private gain or advantage the City's owned/controlled facilities, equipment, information, records, supplies, and/or uniforms;
- Outside employment involves the employee's use of work time compensated for by the City;
- Outside employment involves the employee's receipt of money, or other consideration for performance of work which the employee would normally

- be required to perform in their regular course of work for the City;
- Outside employment requires the employee to do work which may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement by any other employee or officer of that same department;
  - Outside employment would require such demands on the employee's time that their ability to perform their City work is adversely impacted;
  - Any employee who engages in outside employment while on sick leave.