

<b>CITY OF APPLETON POLICY</b>	<b>TITLE: CODE OF CONDUCT</b>	
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**I. PURPOSE**

The purpose of this policy is to provide guidelines regarding expectations for the conduct of employees and volunteers while working for or representing the City of Appleton.

**II. POLICY**

It is the policy of the City of Appleton that all City employees and volunteers act in an ethical manner when working with other employees, volunteers, elected officials or outside publics. Each employee, elected official and volunteer has a responsibility to the City of Appleton and its citizens to place loyalty to the laws and ethical principles above private gain or personal preference. To ensure that every citizen can have complete confidence in the integrity of the government of the City of Appleton, each employee, elected official and volunteer shall respect and adhere to the principles of the code of conduct set forth in this policy.

Any violations of these expectations will not be tolerated and will be subject to discipline, up to and including termination. While specific examples are offered to illustrate various situations, these examples are not all-inclusive.

**A. Ethical Standards and Expectations**

**1. Harassment and Discrimination**

- a. Harassment: Per its Harassment and Discrimination Policy, the City of Appleton will not tolerate any form of sexual harassment. All violations of this policy should be immediately reported to the Human Resources Department, the Legal Services Department, any supervisor, or any state or federal agency (as outlined in the policy).

b. **Discrimination:** It is the official policy of the City of Appleton to provide equal employment opportunities for all qualified and qualifiable persons without regard to race, color, creed, religion, national origin, ancestry, age, sex/gender, handicap or disability, arrest/conviction record, marital status, sexual orientation, gender identity and gender expression, political affiliation, results of genetic testing, honesty testing, pregnancy or childbirth, military service, disabled veteran or covered veteran status service in the U.S. Armed Forces, the State Defense force, National Guard of any state, or any other reserve component of the United States or State military forces, use or nonuse of lawful products off the employer's premises during non-working hours, or any other non-merit factors, except where such factors constitute a bona fide occupational qualification or substantially relate to the circumstances of a particular job or licensed activity, and with proper regard for privacy and constitutional rights as citizens. This equal employment opportunity is applicable to all phases of employment including job restructuring, reasonable accommodation for disabled individuals, recruitment, selection, promotion, transfer, compensation, lay-off, re-call, training and development, corrective action, demotion, termination and all other components of the City of Appleton Human Resources system.

2. **Drug and Alcohol Use**

The manufacture, possession, distribution, dispensation, sale or use of alcohol, drugs and/or other controlled substances by employees or volunteers on City premises is prohibited. No employee may show up for work while under the influence of alcohol, illegal drugs or other controlled substances. If an employee is taking prescription drugs that could interfere with the employee's work performance, the employee should notify the employee's supervisor in writing by using the form in the Drug and Alcohol policy. For additional information refer to the City of Appleton Drug Free Workplace Policy.

3. **Use of City property**

The City of Appleton expects that employees and volunteers will not:

- a. Obtain, use or divert City of Appleton property, including records, for personal use and/or benefit.
- b. Materially alter or destroy City of Appleton property or records without proper authorization.
- c. Borrow or use City of Appleton property, unless for City work-related use. Any removal of City of Appleton property for personal non-work related use is not permissible, with or without prior supervisory approval. Borrowing and use of electronic communications is outlined in the Privacy and Electronic Communications Policies.

If an employee volunteers on their own time to make a presentation, conduct a demonstration, or conduct public education involving their department's purpose and responsibilities, the employee may borrow City of Appleton equipment with the prior approval of their supervisor.

d. **Disposal of Property from Public**

Property obtained from the public (for example: disposal at the Municipal Services Building) shall be considered City property. Once City property, the guidelines from c above will apply.

#### 4. Workplace Safety

All employees and volunteers are expected to follow and adhere to safety policies (as outlined in the City Safety Policies) to ensure a safe work environment for all employees.

#### 5. Firearms-weapons

City of Appleton employees are prohibited from bringing firearms or weapons into any City-owned or occupied building or facility, or carrying firearms or weapons in/on any City-owned vehicle or City equipment during the course of their job duties unless a weapon is part of the standard equipment required for the job. If a City employee chooses to bring a firearm in their personal vehicle on to City grounds, the firearm must be unloaded and stored out of sight in the vehicle.

Notes: Employees may carry pepper spray or other similar legal products for purposes of personal protection. With the Department Director's authorization, members of the Appleton Fire Department, Appleton Police Department and Parks, Recreation and Facilities Management Department Operations staff may carry a non-household purpose knife with a blade up to 4" long to assist in performing their job responsibilities.

#### **6. Attendance/Appropriate Use of Paid Leave**

Attendance is an essential requirement of every job to ensure we can provide the best service to our customers every day. In order to provide these services, employees are expected to use paid leave appropriately and communicate effectively when not expected to be available for work.

Sick leave is defined as paid time away from work that is used to care for yourself, domestic partner or immediate family member living in an employee's residence due to an illness or injury. It can also be used to attend doctors' appointments as defined in City policy, collective bargaining agreement or Family Medical Leave Act (FMLA) requirements.

If an employee is sick or desires to use leave for an absence, they should use their department's call-in procedure and call in each time they are absent. Employees should also be conscientious of patterns of leave (e.g., sick leave taken each Thursday).

Employees are also expected to report to work regularly, physically and mentally fit to perform their job. Employees are expected to take only authorized absences (e.g., pre-approval from supervisor). If an employee does not show or call for one day (job abandonment) or chooses to take an unauthorized absence, they will only be able to substitute paid leave for this time if extenuating circumstances exist (e.g., car accident or unexpected hospitalization). An employee will be considered to have abandoned their job if they are a no-call, no-show for more than one working day or as outlined in the employee's collective bargaining agreement.

#### 7. Accurate books and records

All City employees and volunteers must:

- a. Not intentionally include any false or misleading entries in any City books or records.
- b. Not intentionally destroy City records or information without prior consent from

their supervisor.

- c. Not create or participate in the creation of any records which are intended to conceal anything improper.
- d. Volunteer knowledge of any untruthful or inaccurate statements or records whether intentionally or unintentionally made.
- e. Bring to the attention of a supervisor, transactions that do not seem to serve a legitimate purpose or that appear questionable.
- f. Immediately correct and record all errors and adjustments when discovered
- g. Honestly and fairly record information about job responsibilities, including attendance, time records and expense reports.
- h. Not make financial arrangements for themselves or other City employees with a customer or supplier (for example: over-invoicing).
- i. Not falsify records.
- j. Not disclose confidential records or information protected by State and Federal law.

## 8. Expense Reimbursement

The City of Appleton reimburses its employees for expenses incurred when conducting City business with supervisory approval. City employees should use caution when incurring business expenses and be fiscally responsible when choosing accommodations (for example: expensive hotel accommodations or accommodations for family members not related to City business). Supervisors have the responsibility to judge the reasonableness of expenses incurred by employees.

## 9. City of Appleton Logo

The City of Appleton logo should be used per standards set by the Mayor's office (for example: color). The logo or the City's identity should not be used for personal gain (for example: because of your association with the City, you receive a discount on a personal purchase). When wearing a City-logoed uniform or approved business apparel, the employee represents the image of the City whether or not the employee is on work time and should not engage in unbecoming behavior.

## 10. Gifts

No staff member should solicit gifts, awards, rewards or favors. However, the City recognizes that periodically, unsolicited gifts or favors are often offered to City employees and volunteers as a token of appreciation.

Per section 19.59 Wisconsin Statute and Chapter ER-MRS 24 Wisconsin Administrative Code, the following guidelines shall be adhered to regarding accepting gifts, "No employee may solicit or accept from any person or organization, directly or indirectly, money or anything of value if it could reasonably be expected to influence such employee's official actions or judgement, or could reasonably be considered as a reward for any official action or inaction on the part of such employee."

Should such an influential gift or favor be offered, provided or delivered to someone who has direct authority over business decisions with the vendor/gift source, a legal determination shall be made on whether or not such item or reward may be accepted

or utilized. Employees should refer each case to the Legal Services Department for determination.

The City realizes, particularly during the holiday season, departments or individuals may receive gifts as tokens of appreciation from outside sources. If the recipient has direct authority over business decisions with the giving party/vendor and the gift is substantial or significant the recipient should consult with the Legal Services Department on what action to take regarding the gift.

#### 11. Employee Participation in Political Affairs

The City of Appleton respects the right of all employees and volunteers as individuals to become involved in civic affairs and participate in the political process.

While employees may volunteer their services for political purposes, such services must be rendered on their own time and at their own expense. Should an employee choose to speak on political issues, the employee must make it clear that the comments or statements made are the employee's own, and not of the City of Appleton. Solicitation of political support must not be done during City hours of operation (for example: collecting signatures for nomination during hours of operation on City premises).

#### 12. Improper Advantage

City of Appleton employees should avoid taking advantage of their official position for private or personal benefit. Public duties shall be carried out objectively and without consideration of personal or financial gain. Information not in the public domain, that is obtained in the course of official duties, should not be turned to private advantage, even after leaving public office. By the same token, public property or services must not be used for personal gain.

#### 13. Personal Business

Conducting personal business for profit (for example: selling Mary Kay) during City operating hours is not permissible. Any solicitation for non-City purposes (for example: selling candy bars for your son's school class) must have prior approval from the employee's supervisor.

#### 14. Gambling

Gambling for personal or monetary gain is not permitted on City premises.

#### 15. Nepotism

A supervisor shall not appoint a person who is a relative or significant other of themselves to a position that is funded by the supervisor's budget or to a position that operates under the supervisor's direct or indirect supervision (unless in non-routine, emergency situations or conditions). For purposes of this policy, the term "relative" shall include the supervisor's spouse, registered or unregistered domestic partner, or any one of the following: parent, child, uncle, aunt, brother, sister, niece, nephew, or any of the same relatives of the supervisor's spouse. The term "significant other" shall include a person with whom the supervisor cohabits or with whom the supervisor maintains an intimate relationship.

If, during employment, a supervisor and subordinate become spouses, registered or

unregistered domestic partners, or develop a “significant other relationship,” one of the parties must either transfer to a position in another department/division or terminate employment within six months of the marriage or the beginning of the “significant other” or domestic partner relationship.

If the supervisor becomes a relative of a subordinate as the result of a marriage or domestic partnership within the supervisor’s family, the relationship must be reported to the supervisor’s supervisor and the Director of Human Resources within 30 days of marriage. The individual’s supervisor and the Director of Human Resources may meet with the supervisor and subordinate to determine an appropriate employment continuation agreement.

When an applicant is a relative of a staff person involved in the selection process, the relationship must be revealed by the staff person to the Human Resources Director in advance of the final selection process. The staff person is not allowed to participate in the final selection decision.

This section of the policy does not exist for the purpose of depriving any citizen of an equal opportunity for City employment. It serves to eliminate the possibility of preferential treatment given in favor of relatives or significant others in employment decisions.

#### 16. Improper Acts of Conduct

- a. Any act that is subject to prosecution under criminal or civil codes of law is prohibited.
- b. Dishonesty, theft or destruction of City equipment or property.
- c. Work stoppage such as strike or slowdown.
- d. Violation of policy or department work rules.
- e. Incarceration or unavailability for work.
- f. Unbecoming conduct on or off-duty where such conduct results in one of the following:
  - Injury or damage to the employer’s reputation or business;
  - The employee’s substantial inability to report to work;
  - The employee’s unsuitability for continued employment;
  - Co-workers refusal to work with the off-duty offender or danger to other employees.
- g. Insubordination (an act of deliberately disobeying a directive, unless the directive is illegal or violates City safety policy)

#### ~~17. Bidding on City property on eBay or any other City run auction site~~

~~When the City sells surplus items on eBay, City employees, elected officials or volunteers shall not directly bid on the items. This activity—called shill bidding—is prohibited in the eBay User Agreement and can result in loss of the City’s use of eBay as a selling tool. City employees, elected officials and volunteers may use eBay purchase options—such as Buy It Now—that do not involve bidding.~~

#### 17. Bidding on City Property

When the City sells surplus items (e.g. through GovDeals), City employees, elected officials or volunteers shall:

- a. Not bid when have knowledge about the item that is not available to the general

- public.
- b. Not bid when they have been involved in the decision to sell the item as surplus, or they are directly involved in the selling process.
- c. Follow all provisions of the Procurement and Contract Management policy.

## B. Responsibilities

### 1. Supervisory Responsibilities

Supervisors shall be responsible for ensuring an ethical, positive, productive and safe workplace. This responsibility includes the following:

- a. Monitoring the work environment for signs of inappropriate behavior;
- b. Informing employees on the types of behavior prohibited and informing employees about the City's expectations and procedures for reporting inappropriate behavior;
- c. Stopping any observed behavior that may be considered unethical or inappropriate and taking appropriate steps to intervene and report the behavior to the department director, Human Resources Department, Legal Services Department or Mayor's office, whether or not the involved employees are within the supervisor's line of supervision; and
- d. Assisting any employee of the City who comes to that supervisor with a concern of inappropriate behavior in documenting and filing a complaint with the Human Resources Department, Legal Services Department, Mayor's Office or other reporting authority as designated by the City.
- e. Taking immediate action to prevent retaliation toward the complaining party and to eliminate any similar conduct where there has been a complaint of inappropriate behavior, pending investigation. If a situation requires separation of the parties, care shall be taken to avoid actions that appear to negatively impact the complainant. Transfer or reassignment of any of the parties involved shall be voluntary if possible and, if non-voluntary, shall be temporary pending the outcome of the investigation.
- f. Failing to carry out these responsibilities will be considered in any performance evaluation or promotional decisions and may be grounds for discipline, up to and including discharge.

### 2. Employee and Volunteer Responsibilities

- a. Each employee and volunteer, including supervisors, of the City is responsible for assisting in the prevention of inappropriate behavior by taking the following steps:
  - 1. Refraining from participation in, or encouragement of, actions that could be perceived as inappropriate; and
  - 2. Reporting to a supervisor any inappropriate or unsafe behavior;
  - 3. Employees are expected to cooperate fully in any investigation, whether or not

they are directly involved in the alleged inappropriate behavior.

Any employee or volunteer who fails to comply with this policy or who withholds information during the course of an investigation regarding possible violations of this policy is subject to discipline up to and including discharge. Depending on the nature of the non-compliance, the City of Appleton may report the non-compliance to the appropriate authorities.

For questions regarding this policy, please contact the Human Resources Department or Legal Services Department.