



ADMINISTRATIVE POLICY

SUBJECT	CITY OF GRAND RAPIDS EMPLOYEE CODE OF CONDUCT		
NUMBER	23-02	SIGNED DATE	1/17/2023
ISSUED BY	Mark Washington, City Manager	<i>Mark Q. Washington</i>	
PREPARED BY	Anita Hitchcock, Department of Law		
REVISED	NA		
ASSOCIATED POLICIES			
CITY VALUES	<input checked="" type="checkbox"/> Accountability	<input type="checkbox"/> Collaboration	
	<input checked="" type="checkbox"/> Customer Service	<input checked="" type="checkbox"/> Equity	
	<input type="checkbox"/> Innovation	<input type="checkbox"/> Sustainability	

SUMMARY

City employees must maintain the highest ethical standards in the conduct of City affairs. The intent of this policy is that each City employee will conduct the City's business with integrity and will comply with all applicable laws in a manner that excludes considerations of personal advantage or gain.

DISCLAIMER:

This policy shall not be construed to diminish or impair the constitutional rights of an officer or employee of the City of Grand Rapids. Furthermore, this policy shall not be construed to diminish or impair the rights to any employee or officer under any collective bargaining agreement, nor the City's obligation to comply with such collective bargaining agreements.

PURPOSE

The purpose of this code of conduct is to:

1. Encourage high ethical standards in official conduct by City employees.
2. Establish guidelines for standards of conduct for all such employees by setting forth those acts or actions that are incompatible with the interest of the City.
3. When necessary, require disclosure by City employees of private financial interest or other interest in matters affecting the City.

4. Serve as a basis for disciplining those who refuse to abide by the terms of this policy.

POLICY APPLICABILITY:

The provisions of this policy shall be applicable to all City employees. The City Commission has adopted a Code of Conduct for Grand Rapids City Commissioners to assure public confidence in the integrity of local government and its effective and fair operation. Therefore, this policy does not apply to City Commissioners.

DEFINITIONS

- **BENEFIT** means an advantage, any improvement in position, finances, power, or influence.
- **CITY EMPLOYEE (“PUBLIC OFFICER OR EMPLOYEE”)** means every person who occupies a City position, including employees and individuals appointed by the Mayor and City Commission.
- **CITY FUNDS** means any funds, money, or monetary rights owned by the city, or under the control of the city in a fiduciary or representative capacity.
- **CITY PROPERTY** means anything tangible or intangible, including rights, owned by the city or under the control of the city in a fiduciary or representative capacity.
- **CONFIDENTIAL INFORMATION** means information obtained by a public employee, a member of a board or commission, a contractor or advisor by reason of his or her official position concerning the property, government or affairs of the city or any office, department, or agency thereof, not available to members of the public pursuant to the Michigan Freedom of Information Act, (Public Act 442 of 1976. As amended), or other applicable laws, regulations, or procedures.
- **GIFT** means anything of value given without consideration or expectation of return.
- **PERSON** means an individual, firm, or corporation.

I. Overview

The City of Grand Rapids is committed to the highest level of ethics in government. The guiding principle of this Code of Conduct policy is simply to know right from wrong; to act in accordance with what is right; and to avoid even the appearance of what is wrong.

The most important responsibility of management is to believe in, and then act upon, the shared values of our organization. The following standards of ethics are presented to further define our values and to establish the expectations of this City Code of Conduct policy.

Acts in the public interest

Recognizing that stewardship of the public interest must be their primary concern, employees will work for the common good of the people of Grand Rapids and not for

any private or personal interest, and they will assure fair and equitable treatment of all persons, claims and transactions involving the City.

Compliance with the law. Employees shall comply with the laws of the United States, the State of Michigan, and the City of Grand Rapids in the performance of their public duties. These laws shall include but are not limited to the United States and Michigan constitutions; the Grand Rapids City Charter; laws pertaining to conflicts of interest, contracts with public entities, election campaigns, and open processes of government; and City ordinances and policies.

Policy role of members. Employees shall respect and adhere to the Commission-Manager structure of Grand Rapids City government as outlined by the Grand Rapids City Charter. Under the structure, the City Commission determines the policies of the City with the advice, information and analysis provided by the public, subordinate boards, committees and commissions and City staff, and the City Manager is the individual accountable for the implementation of City services, policies, and initiatives. The City Manager is the principal contact point between the City Commission and staff. It is essential and imperative that the City Manager be informed by employees when City Commissioners contact employees for information or assistance with issues.

Personal Honesty and Integrity. Each City employee has a responsibility to the organization and to their colleagues to demonstrate the highest standards of personal integrity in all public activities. We must always strive for professional excellence and exhibit a professional attitude based upon sound judgment free of personal biases.

Open and Accessible Government. Pursuant to City Commission Policy 100-07, a primary responsibility and fundamental value must be open and honest government. Our competence is encouraged by subjecting actions to the public arena and ideas become better when we expose them to public scrutiny. It is crucial that we maintain an organizational reputation for honesty and integrity.

Fiscal Responsibility. Proper use of public funds is a trust that must continually be guarded. Public funds must be always managed in the most efficient manner. All rules and regulations pursuant to their use must be clearly understood and followed.

Public Service Orientation. This organization recognizes that the chief function of local government is to always serve the best interests of the public. We are committed to serve the public with respect, concern, courtesy, and responsiveness, recognizing that service to the public is beyond service to oneself.

II. Standards of Conduct for Employees

- a. Pursuant to MCL 15.342, the following is considered prohibited conduct for any City officer or employee:

1. A public officer or employee shall not divulge to an unauthorized person, confidential information acquired in the course of employment in advance of the time prescribed for its authorized release to the public.
2. A public officer or employee shall not represent their personal opinion as that of an agency.
3. A public officer or employee shall use personnel resources, property, and funds under the officer or employee's official care and control judiciously and solely in accordance with prescribed constitutional, statutory, and regulatory procedures and not for personal gain or benefit.
4. A public officer or employee shall not solicit or accept a gift or loan of money, goods, services, or other thing of value for the benefit of a person or organization which tends to, or could be perceived to, influence the way the public officer or employee or another public officer or employee performs official duties.
5. A public officer or employee shall not engage in a business transaction in which the public officer or employee may directly or indirectly profit from their official position or authority. This includes any potential financial benefit derived from confidential information which the public officer or employee has obtained or may obtain by reason of that position or authority. Instruction which is not done during regularly scheduled working hours except for annual leave or vacation time shall not be considered a business transaction pursuant to this subsection if the instructor does not have any direct dealing with or influence on the employing or contracting facility associated with their course of employment with this city.
6. Except as provided, a public officer or employee shall not engage in or accept employment or render services for a private or public interest when that employment or service is incompatible or in conflict with the discharge of the officer or employee's official duties, or when that employment may tend to impair their independence of judgment or action in the performance of official duties.
7. Except as provided, a public officer or employee shall not participate in the negotiation or execution of contracts, making of loans, granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation or supervision relating to a business entity in which the public officer or employee has a financial or personal interest.

8. Sections 4-7 do not apply to secondary employment that is preapproved and is not incompatible or in conflict with the discharge of an employee's official duties. [see "to be created" HR policy on secondary employment].

b. Additional prohibited conduct:

1. Use of official position to secure special privileges or exemptions for themselves or others, or to secure confidential information for any purpose other than official duties on behalf of the City.
2. Act as an agent or attorney for another in any matter before the City Commission or other City body.
3. Directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in any matter or proceeding connected with, or related to, the duties of their City employment except as permitted by Administrative Policy 74.07 or other departmental policies.
4. Steal City property or use City facilities, personnel, equipment or supplies for private purposes pursuant to Administrative Policy 71-04, except to the extent such are lawfully available to the public.
5. Grant or make available to any person any consideration, treatment, advantage, or favor beyond that which it is the general practice to grant or make available to the public at large.
6. Directly or indirectly make use of, or permit others to make use of, official information not made available to the public for the purpose of furthering a private interest.
7. Use their position in any way to coerce, or give the appearance of coercing, another person to provide any financial benefit to such employee or persons within the employee's immediate family, or those with whom the employee has business or financial ties amounting to a substantial interest.
8. Order any goods and services for the City without prior official authorization for such expenditure. No City employee shall attempt to obligate the City, nor give the impression of obligating the City without proper prior authorization.

9. Draw travel funds or per diem from the City for attendance at meetings, seminars, training, or other educational events and fail to attend such events without promptly reimbursing the City therefore. For additional guidance on travel, memberships, local business expense and mileage see Administrative Policy 69-03.
10. Attempt to unduly influence the outcome of a case before the 61st District Court or engage in ex parte communication with a 61st District Court judge on any matter pending before the Court.

III. Conflict of Interest

City employees are expected to put service to the public and their constituents ahead of their personal interests. Conflict of interest rules are intended to prevent City employees from making decisions in circumstances that could reasonably be perceived as violating this duty of office.

These are often, but not exclusively, interests of public duty versus private interests. This refers to a reasonably perceived, potential, or actual conflict of interest. Conflicts of interest can involve financial or non-financial interests of the City employee and the interests of a business partner or associate, family member, friend, or person in a close personal relationship with the employee.

The presence of a conflict of interest is independent of the occurrence of impropriety. Therefore, a conflict of interest can be discovered and voluntarily mitigated before any harm occurs.

While the City recognizes the right of City employees to be involved in activities as members of the community, conflict must not exist between City employees' private interests and the discharge of their City duties. Upon hire by the City of Grand Rapids, employees must arrange their private affairs in a manner that will prevent conflicts of interest, or the perception of conflicts of interest, from arising. City employees who find themselves in an actual, perceived, or potential conflict of interest must disclose the matter to their supervisor, manager, or other individual as designated by their department head or the City Manager.

- a. Pursuant to MCL 15.322, the following is considered prohibited conduct for any City officer or employee:
 1. Except as provided, a city employee shall not be a party, directly or indirectly, to any contract between the employee and the public entity of which they are an officer or employee.
 2. Except as provided, a public servant shall not directly or indirectly solicit any contract between the public entity of which they are an officer or employee and any of the following:

- (i) Themselves.
 - (ii) Any firm, meaning a co-partnership or other unincorporated association, of which they are a partner, member, or employee.
 - (iii) Any private corporation in which they are a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of \$25,000.00 if the stock is listed on a stock exchange or of which they are a director, officer, or employee.
 - (iv) Any trust of which they are a beneficiary or trustee.
3. In regard to a contract described, a city employee shall not do either of the following:
- (i) Take any part in the negotiations for such a contract or the renegotiation or amendment of the contract, or in the approval of the contract.
 - (ii) Represent either party in the transaction.
4. Sections 1-3 do not apply to secondary employment that is preapproved and is not incompatible or in conflict with the discharge of an employee's official duties. [see "to be created" HR policy on secondary employment].

IV. Penalty

Violation of these provisions by an employee shall be sufficient cause for discipline, up to and including immediate dismissal from City employment.

V. Complaint Process

- A. Early reporting and intervention have proven to be the most effective method of resolving actual or perceived ethical issues. Therefore, the City of Grand Rapids strongly urges the prompt reporting of complaints or concerns to the employee(s) immediate supervisors for prompt remedial action. If the employee perceives that their immediate supervisor is involved in the activity, the employee is encouraged to bring issue their department director or directly to Labor Relations or the Human Resources Department for redress.
- B. Any employee who believes they have an ethical dilemma or information related to an ethical violation and wishes to file a formal disclosure or complaint must present the matter to Labor Relations as soon as possible.
- C. It will be considered misconduct for an employee to violate the city's ethics policies or related administrative/commission policies while employed.

- D. It will be considered misconduct for directors or supervisors who know or should have known of ethical violations to fail to take immediate, appropriate corrective action. Individuals failing to obey the above-mentioned directive shall be subject to discipline, up to and including discharge.

- E. The Labor Relations Department or their designee will undertake or cause to be undertaken a confidential investigation upon the receipt of an ethical complaint. All parties in the investigation will be treated with respect and dignity. This process will result in a factual determination based on the evidence received.

- F. Any employee found to have violated this policy will be subject to appropriate disciplinary sanctions ranging from a warning in their file up to and including discharge.

- G. Retaliating or discriminating against an employee for filing a complaint is strictly prohibited and will be dealt with in an expedient fashion with appropriate disciplinary sanctions.

- H. The City recognizes that false accusations can have serious effects on innocent individuals and their families. Therefore, all employees are expected to act in a responsible and professional manner to establish a working environment free of ethical violations.