

# 441 Standards of Ethical Conduct for Employees

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## I. Purpose

Each employee has a responsibility to the District to place loyalty to laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the District, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

## II. General Statement of Policy

- A. The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.
1. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
  2. An employee shall not solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
  3. Employees shall put forth honest effort in the performance of their duties.
  4. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the District.
  5. Employees shall act impartially and not give preferential treatment to any private organization or individual.
  6. Employees shall protect and conserve property and shall not use it for other than authorized activities.
  7. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
  8. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
  9. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

## III. Acceptance of gifts

- A. Employees may not receive anything of value for performing their job, except for the compensation and benefits provided by the District. They may not receive any payment of

expense, compensation, gift, reward, gratuity, favor, service, promise of future employment, or promise of a future benefit for any activity related to their duties, except those provided by the District.

The *limited exceptions* to the ban on the acceptance of gifts are as follows:

1. Gifts of "nominal value." Nominal value is means something of little to no marketable value. Some examples of gifts of "nominal value" include:
  - a. Pens, cups, totes, flash drives or other trinkets bearing a company's name/logo that do not have a marketable value.
  - b. Snacks or light refreshments provided at a meeting, conference or other event as a normal courtesy and offered to all attendees.
  - c. Mementos recognizing individual service in a field of specialty or to a charitable cause.
2. Payment or reimbursement of expenses for travel (including lodging and meals) that:
  - a. are not reimbursed by the District,
  - b. have been approved in advance by the employee's agency,
  - c. are associated with a work assignment, and
  - d. which do not otherwise present a conflict of interest.
3. Honoraria or expenses paid for papers, talks, demonstrations, or appearances which are:
  - a. made by employees on their own time, including vacation,
  - b. not part of their regular job duties, and
  - c. which do not otherwise present a conflict of interest.

#### **IV. Use of confidential information**

- A. Employees may not use confidential information obtained in the course of their employment to further their own private interest. Additionally, employees may not accept outside employment or involvement in a business or activity which requires them to disclose or use confidential information obtained in the course of their employment.
- B. "Confidential Information" means any information obtained under government authority which has not become part of the body of public information and which, if released prematurely or in non-summary form, may provide unfair economic advantage or adversely affect the competitive position of an individual or a business.
- C. "Private interest" means any interest, including but not limited to a financial interest, which pertains to a person or business whereby the person or business would gain a benefit, privilege, exemption or advantage from the action of the District or employee that is not available to the general public.

#### **V. Use of District property or time**

Employees may not use District work time, supplies, equipment or other property for their private interests. One exception is that an employee may use District time, property or

equipment to communicate electronically for certain purposes (*e.g.*, to elected officials, the employer, or to an exclusive representative) provided such use results in no additional charge to the agency, or a charge so small as to make accounting for it unreasonable or administratively impractical. .

**VI. Conflict of interest**

- A.** Employees must avoid any action which might result in a conflict of interest or the appearance of a conflict of interest. Conflicts of interest include but are not limited to the following actions:
1. Using an employee's official position to secure benefits, privileges or advantages for the employee, the employee's immediate family, or an organization the employee is associated with which are different from those available to the general public.
  2. Accepting employment or a contractual relationship that will affect the employee's independence of judgment in the exercise of official duties, for example, accepting employment with a business that is subject to the direct or indirect control, inspection, review, audit or enforcement by the employee.
  3. Competing with the District where the District is currently engaged in providing a service or where the District has expressed an intention to engage in competition for providing a service, unless the District waives this conflict.
  4. Using District time, facilities, equipment, supplies, badge, uniform, prestige or influence of office or employment for private gain.
- B.** It is the employee's responsibility to recognize and avoid potential or actual conflict of interest situations. If an employee becomes aware of or is not sure if a conflict of interest exists, the employee may submit a request in writing, for determination of potential conflict, to the employee's supervisor. The supervisor will confer with the Superintendent or his/her designee to determine if a conflict exists.