

## Rule # 3-30

### Code of Ethics

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#### § 3-30-010 Policy

A public office is a public trust, and all County employees, as defined below, are public officials under [ORS Chapter 244](#) and must conform to this rule and all relevant provisions of ORS Chapter 244.

Nothing in this rule prohibits Department Directors from adopting stricter ethics guidelines.

#### § 3-30-015 Definitions

**Actual Conflict of Interest:** Any action or any decision (as defined below) or recommendation by an employee acting in a capacity as an employee, the effect of which would be to the private financial benefit or detriment of the employee or the employee's relative or any business with which the employee or a relative of the employee is associated.

**Business:** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which an employee

or a relative of the employee is associated only as a member or board director or in a non-remunerative capacity.

**Business with which the Person is Associated:**

- A. Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person's relative owns or has owned stock, another form of equity interest, stock options, or debt instruments worth \$1,000 or more at any point in the preceding calendar year;
- B. Any publicly held corporation in which the person or the person's relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options, or debt instruments at any point in the preceding calendar year;
- C. Any publicly held corporation of which the person or the person's relative is a director or officer; or
- D. For public officials required to file a statement of economic interest under [ORS 244.050](#), any business listed as a source of income as required under [ORS 244.060\(3\)](#).

**Decision:** A recommendation, vote or conclusion.

**Employee:** For purposes of this rule, any person who is serving the County as an employee, intern, volunteer, or agent, irrespective of compensation, when an alleged violation of ORS Chapter 244 or this rule occurs.

**Entertainment:** Amusement or diversion. Entertainment may be provided by others (such as athletes at sporting events) but also includes events where the public official, relative, or member of the household personally participates. Examples of entertainment include, but are not limited to concerts, plays, movies, operas, sporting events, participating in sports (golf, skiing, hunting or fishing, etc), comedy shows, and similar events.

**Gift:** Something of economic value given to an employee, relative, or member of the employee's household, without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or the relatives or members of the household of public officials on the same terms and conditions, or for valuable consideration less than that required from others who are not public officials. "Gift" **DOES NOT** mean:

- A. Political contributions as defined in ORS 260.005.
- B. Gifts from relatives or members of the employee's household.

- C. An unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento or similar item, with a resale value reasonably expected to be less than \$25.
- D. Informational or program material, publications or subscriptions related to the recipient's performance of official duties.
- E. Admission provided to or the cost of food or beverage consumed by an employee, or a relative or member of the employee's household when accompanying the employee, at a reception, meal or meeting held by an organization when the employee officially represents the County.
- F. Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which the County pays membership dues or a not-for-profit corporation that is tax exempt under Section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the employee is scheduled to deliver a speech, make a presentation, participate on a panel or represent the County.
- G. Reasonable food, travel or lodging expenses provided to an employee or a relative accompanying the employee, or a member of the employee's household when accompanying the employee, when the employee is officially representing the County, in officially designated negotiations or economic development activities where receipt of the expenses is approved in advance.
- H. Food or beverages consumed by an employee acting in an official capacity in association with the review, approval, execution of documents or closing of a borrowing, investment or other financial transaction, including any business agreement between the County and a private entity or other public body.
- I. Waiver or discount of registration expenses or materials provided to an employee at a continuing education event that the employee may attend to satisfy a professional licensing requirement.
- J. Food or beverage consumed by an employee at a reception where the food or beverage is provided as an incidental part of the reception and no cost is placed on the food or beverage.
- K. Entertainment provided to an employee or a relative or member of the household of the employee that is incidental to the main purpose of another event.

- L. Entertainment provided to an employee or a relative or member of the household of the employee where the employee is acting in an official capacity while representing the County for a ceremonial purpose.
- M. Anything of economic value offered to or solicited or received by an employee or a relative or member of the household of the employee:
  - 1. As part of the usual and customary practice of the person's private business, or the person's employment or position as a volunteer with a private business, corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, not-for-profit corporation or other legal entity operated for economic value; and
  - 2. That bears no relationship to the employee's holding of the official position or public office.
- N. Expenses provided by any public official to an employee for travel inside the State of Oregon to or from an event that bears a relationship to the receiving employee's office and at which the employee participates in an official capacity.

**Honorarium:** A payment or something of economic value given to an employee in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event.

**Legislative or Administrative Interest:** An economic interest, distinct from that of the general public, in any matter subject to the decision or vote of the employee acting in their capacity as an employee.

**Member of the Household:** Any person who resides with the employee.

**Potential Conflict of Interest:** Any action or any decision or recommendation by an employee acting in a capacity as an employee, the effect of which could be to the private financial benefit or detriment of the employee or the employee's relative or any business with which the employee or a relative of the employee is associated. A potential conflict of interest does not occur if the private financial benefit or detriment arises out of any action in the employee's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the employee, or the employee's relative or business with which the employee or the employee's relative is associated, is a member or is engaged.

**Relative:** For purposes of this rule a relative is:

- A. A spouse or domestic partner of the employee,
- B. Children or children-in-law of the employee or of the employee's spouse or domestic partner,
- C. Siblings and stepsiblings of the employee or of the employee's spouses or domestic partners of the employee's siblings,
- D. Parents or stepparents of the employee or of the employee's spouse or domestic partner,
- E. Any individual for whom the employee has a legal support obligation,
- F. Any individual for whom the employee provides benefits arising from the employee's public employment, or
- G. Any individual from whom the employee receives benefits arising from that individual's employment.

**§ 3-30-020 Prohibited Use of Position or Office**

- A. Except as provided in Subsection B of this section, an employee may not use or attempt to use their official position or their employment to obtain financial gain or avoid financial detriment for the employee, a relative or member of the household of the employee, or any business with which the employee or a relative or member of the household of the employee is associated, if the financial gain or avoidance of financial detriment would not otherwise be available but for the employee's holding of their official position or employment.
- B. Subsection A. of this section does not apply to:
  - 1. Any part of an official compensation package as determined by the County;
  - 2. The receipt by the employee or a relative or member of the household of the employee of an honorarium or any other item allowed under § 3-30-030;
  - 3. Reimbursement of expenses;
  - 4. An unsolicited award for professional achievement;
  - 5. Gifts that do not exceed the limits specified in § 3-30-035 received by an employee or a relative or member of the household of the employee from a source that could reasonably be known to have a legislative or administrative interest;

6. Gifts received by an employee or a relative or member of the household of the employee from a source that could not reasonably be known to have a legislative or administrative interest; or
  7. The receipt by an employee or a relative or member of the household of the employee of any item, regardless of value, that is expressly excluded from the definition of “gift” in Section § 3-30-015.
- C. An employee may not use the County’s equipment (e.g. telephones, cellular devices, computers) for personal use when the use is more than brief and infrequent.
  - D. An employee may not solicit or receive, either directly or indirectly, any pledge or promise of future employment, based on any understanding that the employee’s vote, official action or judgment would be influenced by the pledge or promise.
  - E. An employee may not attempt to further, or actually further, the personal gain of the employee through the use of confidential information gained in the course of or by reason holding position as an employee or activities of the employee. This does not apply to the protected use of budgetary information by a bargaining unit. This prohibition extends to information that is confidential or information normally available to the general public only by special request or information that has not otherwise been disclosed by the County.
  - F. No employee may solicit private business from other employees for personal gain while on duty, while wearing a uniform or insignia that identifies them as County employees, while in a County vehicle, or while on County premises. No manager or lead worker may solicit private or charitable business from subordinates at any time, with the exception of a charitable effort authorized by the County.
  - G. The provisions of this section apply regardless of whether actual conflicts of interest or potential conflicts of interest are announced or disclosed under Section § 3-30-025 of this rule.

### **§ 3-30-025 Conflicts of Interest**

- A. An employee may be called upon to take an action, make a decision, or make a recommendation that will or may affect the private financial interests of the employee or the employee’s relative, or any business with which the employee or a relative of the employee is associated, which may present an actual or potential conflict of interest. The County requires that actual or potential conflicts of interest, or situations that may give the appearance of a conflict of interest, be reported on an annual basis pursuant to the procedure for reporting set forth in

Section § 3-30-050 of this rule, or sooner if a new actual or potential conflict of interest arises, before taking any action or making a decision or recommendation that could or would affect the private financial interests of the employee, the employee's relative, or a business with which the employee or any relative of the employee is associated.

- B. To avoid actual or potential conflicts, officials and employees who are in a position to influence County contract decisions related to selection, award, or administration of a contract supported by public funds, may not serve on decision-making boards of, be employed by, or serve on evaluation or selection committees related to contract award for contractors who could benefit from such involvement.

### **§ 3-30-030 Honoraria**

- A. Except as provided in subsection B of this section, an employee may not solicit or receive, whether directly or indirectly, honoraria for the employee or any member of the household of the employee if the honoraria are solicited or received in connection with the official duties or employment of the employee.
- B. This section does not prohibit:
  - 1. The solicitation or receipt of an honorarium such as a certificate, plaque, commemorative token or other item with a value of \$50 or less; or
  - 2. The solicitation or receipt of an honorarium for services performed in relation to the private profession, occupation, avocation or expertise of the employee.

### **§ 3-30-035 Gifts**

- A. During a calendar year, an employee or a relative or member of the household of an employee may not solicit or receive, directly or indirectly, any gift or gifts with an aggregate value in excess of \$50 from any single source that could reasonably be known to have a legislative or administrative interest. Any gift in cash is presumed to be a donation to the County and must be given to the County Treasurer.
- B. Please see the definition of "gift" above for the applicable exclusions from the definition.

### **§ 3-30-040 Outside Employment**

- A. Generally, employees may obtain employment with a private employer or engage in private income producing activity of their own so long as that activity is not otherwise prohibited by these rules.
- B. An employee may not solicit or receive, either directly or indirectly, any pledge or promise of future employment, based on any understanding that the employee's vote, official action or judgment would be influenced by the pledge or promise.
- C. Employees may not accept outside employment that involves:
  - 1. The use of County time, facilities, records, equipment and supplies, or the prestige or influence of the employee's County position. In other words, the employee may not engage in private business interests or other employment activities on the County's time or using the County's property;
  - 2. The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works;
  - 3. Receipt of money or other consideration for performance of duties that the employee is required to perform for the County; or
  - 4. Competing with the County in providing a service or product.
- D. Employees are responsible for ensuring that their outside employment does not conflict with these rules.
- E. The County requires employees to report outside employment on an annual basis, or sooner if any changes in outside employment occur, using the procedure described in § 3-30-050.
- F. Department Directors may issue department ethics guidelines that are more restrictive than this rule.
- G. Employees are responsible for ensuring that their outside employment does not negatively impact work performance, or prevent them from completing the roles, responsibilities, expectations, and assigned tasks associated with their County position.

### **§ 3-30-045 Nepotism**

- A. Nepotism is the exercise of preferential treatment based upon relationship rather than merit, and is prohibited at the County.



B. The County requires that relationships described in § 3-30-045(C) of this rule are subject to disclosure to the employee's Department Director, using the process described in § 3-30-050 below, annually, or sooner if the relationship arises prior to the date the disclosure form is due. Disclosure of the relationship is required when either of the following circumstances arise:

1. The employee is called upon to participate in a personnel action involving the person with whom the employee has such a relationship; or
2. The employee is in the managerial chain of the person with whom the employee has such a relationship.

C. Relationships subject to disclosure, within the managerial chain of command:

1. Relatives: For purposes of this rule, "relative" includes the employee's spouse, domestic partner, children of the employee, children of the employee's spouse, and children of the employee's domestic partner, parents, step-parents, step-children, siblings, step-siblings, grandchildren, grandparents, siblings-in-law, and the parents, step-parents, siblings, step-siblings and grandparents of their spouse or domestic partner.
2. Persons with whom the employee has formed an intimate relationship.

D. Notwithstanding disclosure, employees may not participate in any personnel action by the County that would impact the employment of a relative, a member of the public official's household, or a person with whom the employee has an intimate relationship. An employee may not participate in the following:

1. Appointing, employing or promoting;
2. Discharging, firing or demoting;
3. Interviewing; and/or
4. Discussing or debating the appointment, evaluation, employment, compensation, promotion, discharge, firing or demotion.

E. Notwithstanding disclosure, an employee may not be directly supervised by a person who is a relative, a member of the employee's household, or a person with whom the employee has an intimate relationship. This means that the manager may not have any say or input into the subordinate individual's job benefits or detriments, either directly or indirectly.

F. Upon disclosure of the existence of a relationship subject to disclosure in the same managerial chain, the Department Director may change the reporting

relationship of the individuals involved, shift responsibilities or duties, or take any other action eliminating the problem at the Department Director's discretion.

### **§ 3-30-050 Procedure for Disclosure**

- A. The County requires that employees complete the form "[Code of Ethics Disclosure Form](#)" (or a substantially similar form) on an annual basis, or sooner if new situations arise requiring disclosure. The form is located in Workday and the completed form will be sent by Workday to the employee's manager for review.
- B. Actual or potential conflicts of interest: The Department Director will decide if the employee may participate in the decision-making process when the situation presents an actual or potential conflict of interest, based on the Department Director's application of the ethics rules and at the Department Director's discretion.
- C. Appearance of Conflicts of Interest: The employee's manager will discuss with the employee the potential appearance of conflicts of interest, and identify actions that the employee shall take to mitigate them. As part of the process, employees and managers are encouraged to review the County core competency - "Acting with Integrity" for ideas and suggested resources, located on the [Core Competencies](#) web page on Multco Commons, and seek opinions from others, e.g. subject matter experts in the field and mentors.
- D. Outside employment. The Department Director will decide if the employee may continue in an outside employment situation, based on the Department Director's application of the ethics rules and at the Department Director's discretion.
- E. Relationships subject to disclosure. The Department Director will decide if the individuals involved may continue in their respective positions, or if one or both of the individuals must transfer, or if duties and responsibilities may be shifted, based on the Department Director's application of the rules and at the Department Director's discretion.
- F. The Department Director shall keep a record of resolution of potential and actual conflicts, outside employment issues, and resolution of issues involving relationships subject to disclosure, including a statement of how those matters were determined. Document retention schedules are located at <https://www.multco.us/records/retention-schedules>.

### **§ 3-30-055 Reporting**

- A. Employees are encouraged to promptly report suspected ethical violations as outlined in this rule. Human Resources and management staff are required to report.
- B. Complaints may be submitted orally or in writing. A complainant may also include a suggested method of resolution.
- C. Suspected ethical violations as outlined in this policy may be reported to:
  - 1. Any manager;
  - 2. Department Human Resources Manager;
  - 3. Multnomah County Chief Human Resources Officer (CHRO);
  - 4. [Multnomah County Auditor](#);
  - 5. [Multnomah County Good Government Hotline](#); or
  - 6. State Code of Ethics (ORS Chapter 244) to the [Oregon Government Ethics Commission](#).
- D. All complaints will be thoroughly and promptly investigated. Confidentiality will be maintained to the extent permitted by the circumstances.

### **§ 3-30-060 Retaliation**

The County will not tolerate retaliation against any individual who reports, in good faith, any ethical violations in accordance with these policies and procedures. However, employees may be subjected to discipline if the information disclosed relates to the employee's own ethical violations. Examples of retaliation towards an individual include demotion, suspension, failing to hire or consider hiring, failing to treat impartially when making employment related decisions, assigning the individual the least desirable jobs, etc.

### **§ 3-30-065 Sanctions**

Employees who engage in actions that violate these rules are subject to disciplinary action, up to and including dismissal.

### **REFERENCE**

[ORS Chapter 244](#)

[ORS 260.005](#)