

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 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 Created when any decision (as defined below) by an employee *would* have the effect of financial gain or loss to the employee or the employee's relative or to any business with which the employee or a relative of the employee is associated.

DECISION A recommendation, vote or conclusion.

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

GIFT Something of economic value given to an employee or member of the employee's household, including the full or partial forgiveness of indebtedness. "Gift" **DOES NOT** mean:

- (A) Political contributions.
- (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 their work.

(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 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.

(G) 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.

(H) 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.

(I) Food or beverage consumed by an employee at an official 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.

(J) 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.

(2) That bears no relationship to the employee's employment or duties.

LEGISLATIVE OR ADMINISTRATIVE INTEREST An economic interest, distinct from that of the general public in any matter subject to the vote or decision of the employee acting in their status as an employee.

MEMBER OF THE HOUSEHOLD Any person who resides with the employee.

POTENTIAL CONFLICT OF INTEREST Created when any decision by an employee *could* have the effect of financial benefit or detriment to the employee or the employee's relative or to any business with which the employee or a relative of the person is associated. A potential conflict of interest does *not* occur if the financial benefit or detriment arises out of any action in the employee's official capacity which would affect to the *same degree* a group consisting of all inhabitants of the state, or a smaller group consisting of an industry, occupation or other similar group.

RELATIVE For purposes of this rule a relative is:

- (A) A spouse or domestic partner of the employee,
- (B) Children of the employee or of the employee's spouse or domestic partner,
- (C) Siblings of the employee or spouses or domestic partners of the employee's siblings,
- (D) Parents 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) An employee may not use or attempt to use their 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 position.

(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 public official 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 not reasonably be known to have a legislative or administrative interest; or
- (6) The receipt by a public official 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 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, and a person may not offer or give to any employee any pledge or promise of future employment, based on any understanding that the employee's decision on an official matter would be influenced by the pledge or promise.

(E) An employee may not attempt to make or actually receive personal gain through the use of confidential information gained in the course of or by reason of having been an 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 supervisor 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 § 3-30-025.

§ 3-30-025 CONFLICTS OF INTEREST

(A) An employee may be called upon to make a decision that will or may affect the employee's private interests, or the private interests of a relative, which may present an actual or potential conflict of interest. The county requires that actual or potential conflicts of interest be reported on an annual basis pursuant to the procedure for reporting set forth in § 3-30-050, or sooner if a new actual or potential conflict arises, before taking any action or making a decision that *could* or *would* affect property 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 employment of the employee.

(B) This section does not prohibit:

(1) The solicitation or receipt of 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, 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 in the county or its business or in the official actions of the employee. Any gift in cash is presumed to be a donation to the county and must be given to the county Treasurer.

(B) During a calendar year, a person who has a legislative or administrative interest in the county's business or the actions of the employee, may not offer to a county employee or a relative or member of the household of the employee any gift or gifts with an aggregate value in excess of \$50.

(C) 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 is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

(C) Employees may not accept outside employment that involves:

(1) The use of county time, facilities, 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 assuring 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.

§ 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 supervisory chain of the person with whom the employee has such a relationship.

(C) Relationships subject to disclosure, within the supervisory 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, brothers-in-law, sisters-in-law and the parents, step-parents, siblings, step-siblings and grandparents of his or her 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 supervisor 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 supervisory 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 in 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 on [Multco Commons](#), and the completed form should be provided to the employee's supervisor.

(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 in the Department Director's discretion.

(C) 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 in the Department Director's discretion.

(D) 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 in the Department Director's discretion.

(E) 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 <http://web.multco.us/records/retention-schedules>.

§ 3-30-055 SANCTIONS

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

(ER 375, Amended, 2/20/2013)