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68 MITCHELL STREET SW, SUITE 12130
ATLANTA, GEORGIA 30303-0312
(404) 330-6286
FAX: (404) 658-6077

ETHICS OFFICE
Ginny Looney
City Ethics Officer
glooney@atlantaga.gov

Ethical Standards for City Employees

The City of Atlanta's Code of Ethics seeks to ensure that governmental decisions are made in the public's best interest by prohibiting city officials and employees from participating in matters that affect their personal or financial interests. By following the standards established in the code, employees help the City of Atlanta gain the full trust of its citizens as a government that conducts itself in an open, honest, and fair manner.

Persons Affected by the Ethics Code

The Ethics Code applies to all city officials and employees. It covers persons who are elected or appointed, employed full-time or part-time, and paid or unpaid. It also includes retired employees or former city employees if they are reemployed or retained by the City.

Gratuities

Ban on gratuities. The ethics law bans employees from receiving anything of value from a prohibited source. There is no de minimis exception. A city employee may not accept any gift from a prohibited source unless the gift falls within one of 11 exceptions. The most important exceptions permit reasonable meals at a public event, travel to conferences, and gifts to the City. See § 2-801.

Example: A city employee cannot accept \$10 in cash for lunch from a resident who is paying his water bill at City Hall and wants to show his appreciation for the help that the employee gave him.

Prohibited source. A prohibited source is any person, company, or entity that is doing business with the City, seeking to do business with the City, seeking official action from the City, is registered as a lobbyist with the State Ethics Commission, or has interests that could be substantially affected by the performance of the employee's official duties. See § 2-801.

Example: A neighborhood civic association that frequently opposes rezoning is a prohibited source and may not give free tickets to its annual tour of homes to employees in the Department of Planning and Community Development.

Example: The Metro Atlanta Chamber of Commerce, Central Atlanta Progress, and Atlanta Housing Authority are all registered lobbyists and, therefore, prohibited sources.

No personal gifts. Employees may not accept personal gifts of cash, meals, golf, tickets, or honoraria.

Example: An employee cannot accept a company's offer to pay for her lunch when the company does business with her department or is seeking business from it.

Example: An employee invited to participate in a market research study may not personally accept the \$300 participation fee since she is participating in her official capacity on city time. The honorarium must go to the City of Atlanta General Fund.

Holiday gift rule. The holiday gift rule allows employees to accept a gift on behalf of the agency from a city contractor or vendor when the gift is perishable, of modest value, and shared with the public or others in the office.

Example: The accounting firm that performs the city's annual audit sends a box of oranges to the Chief Financial Officer in the Finance Department. The department head may accept the fruit provided that it is shared with everyone in the office.

Example: A city contractor sends a certificate for a ham to two employees. Since the gift is not perishable, the employees need to return it to the contractor. Alternatively, they may donate the gift to a charity and write a note to the contractor about why they could not accept it.

Meals at public events. Employees may accept reasonable meals and refreshments furnished in connection with their appearance in an official capacity at a public, civic, charitable, or non-profit ceremony, event, convention, or conference. It doesn't matter if the event sponsor is a city contractor or vendor.

Example: Employees may accept a lunch that is provided as part of a seminar sponsored by the city vendor when the event is open to employees of other private companies and governments in the metro Atlanta area.

Example: A member of the City Council staff may accept an invitation from a lobbyist to attend a \$100 per plate fund-raising dinner for an affordable housing advocacy group.

Travel exception. City employees may accept reasonable hosting expenses, including travel, meals, lodging, and registration fees, from prohibited sources in connection with teaching, a speaking engagement, participation on a professional or civic panel, or attendance at a conference in an official capacity. They may accept travel reimbursements from entities other than prohibited sources for any purpose. In both instances, the employee must file a Travel Disclosure Report within 30 days of the event or the travel. See §§ 2-801 & 2-815.

Example: An engineer may accept a city contractor's offer to pay his air fare to attend a professional conference where the contractor will be demonstrating new electronic switching equipment to be used in a city project. The employee must disclose the expenses paid or reimbursed on a Travel Disclosure Report.

Example: Two employees in Information Technology may not accept a contractor's offer for an all-expense paid weekend trip to Las Vegas to attend a two-hour customer briefing by the company and a national auto racing event.

Gifts to the City. Gifts may be accepted on behalf of a department or city agency when disclosed on a city gift report.

Example: The Department of Public Works may accept a donation of trucks from a local utility company. The department needs to disclose the gift on its year-end Gift to City Report.

Example: The Executive Offices may accept an offer from Central Atlanta Progress to pay for three councilmembers to travel to examine a streetcar system when the travel is donated to the City, the City chooses who travels, the expenses are reasonable, the department files a gift report, and the travelers file a Travel Disclosure Report.

Tickets. City officials and employees generally may not accept tickets to concerts, plays, athletic, or other entertainment events as a gift, unless they are performing an official duty at the event. See § 2-816.

Example: A department head may accept tickets from the Atlanta-Fulton County Recreation Authority to attend opening day of the baseball season when persons holding similar positions in other local governments will also be attending as the authority's guests.

Example: The Police Department may accept 500 circus tickets offered to the department, provided that it distributes the tickets fairly and without favoritism to staff and discloses the gift on an online gift report.

Example: An employee may not accept tickets from a vendor to attend a golf tournament at East Lake Country Club or an invitation to play as the company's guest in a charitable golf tournament.

Other Things of Value that May Be Accepted. There are other exceptions for (1) awards, plaques, certificates, mementos, novelties, or similar items given in recognition of public service; (2) nominal gifts from representatives of other governments; (3) gifts from family members; and (4) campaign contributions. See §§ 2-801, 2-817, 2-818.

Example: An employee who works in the park design office may accept a neighborhood association's award in recognition of the work she has done in designing a new neighborhood park.

Use of Public Property

City employees may not use city property, vehicles, equipment, labor, or services for their own personal use or for the private advantage of any other person. There are exceptions when the general public may use the property in the same way and when the City has a written policy permitting the use of the property for official city business. See § 2-811.

Example: An employee has a second job as a sales representative for a cosmetic company. She may not use her city e-mail account or her city cell phone to announce new products, solicit orders from customers, or place orders with the company.

Example: A city employee may reserve the Historic City Council Chamber to honor a fellow employee who is retiring after 30 years because it is official city business, but must pay the normal fee charged the general public when reserving a city facility on behalf of her church.

Example: The Department of Corrections may not use its vehicles to escort union officials during an international convention of trade unionists or loan the cars to employees for their use while their personal vehicles are undergoing repair.

Conflicts of Interest

A conflict of interest occurs when a city employee has a personal or financial interest or engages in an outside activity that is incompatible with the proper discharge of the employee's official duties or the individual's exercise of independent judgment or action.

Decisions and voting. City employees who know or with reasonable investigation should know that they have a financial or personal interest in any decision pending before them or their agency may not vote, discuss, decide, participate, or seek to influence others on the matter. See § 2-813.

Example: A city employee may not work on a project involving a former employer from whom the employee is receiving a pension or deferred compensation.

Participation in contracts. City employees may not participate in any decision related to a contract or other matter in which they know or should know that there is a financial or personal interest possessed by themselves, their immediate family, an employer, prospective employer, or a business in which they serve as an officer, director, stockholder, creditor, trustee, or partner. See § 2-812.

Example: An employee whose spouse works for a consulting firm that is bidding on an airport contract as part of a joint venture may not participate on the panel evaluating bids and choosing the contractor for the project.

Outside employment. City employees may not engage in private employment, including self-employment, or render services for private interests when the employment is adverse to and incompatible with the proper discharge of the employee's official duties. See § 2-820 (b).

Example: The city's fire marshal with oversight authority over fire safety inspectors and permits at public venues may not accept an extra job as an in-house fire marshal at one of those venues.

Example: An automotive technician supervisor who operates a private repair shop cannot purchase the city's surplus motorcycles at the city's public auction because he makes the initial recommendation about when the vehicles should be replaced rather than repaired.

Example: Off-duty police officers may work as customer service agents handling baggage for a national airline since the job is unrelated to their official duties.

Investments. No employee may hold any direct or indirect investment in any financial, business, commercial or other private transaction that adversely affects the individual's official duties to the city's detriment. See § 2-820 (a).

Example: An employee who approves building permits in the planning department may not own a company that renovates houses within the city limits and thus is required to obtain permits from his office.

Doing business with the City. City employees may not own stock, be employed by, or have a business connection or ownership interest in a company that does business with the City of Atlanta unless the business is conducted through a sealed competitive bid process. This rule does not apply when an employee owns less than ten percent of any publicly traded stock. See § 2-820 (c).

Example: A city employee may not sell products or services to his department through his own company when the purchase is made by purchase order after contacting three potential vendors.

Example: The Department of Aviation cannot hire a training company owned by a city employee to provide hazardous materials training at the airport when the contract is awarded through an informal request for proposal process.

Disclosure Statements

Annual Financial Disclosure Statement. Certain city employees are required to file a financial disclosure statement every year that they are employed with the City and in the year after they leave city employment. The statement requires disclosure of income sources, real estate interests, business transactions with the City, and family members' transactions with the City. Required filers are notified in January, and disclosure statements are due on February 15.

Conflict of Interest Disclosure Report. The code requires employees to disclose when they know or with reasonable investigation should know that they have a financial or personal interest in proposed legislation or a decision pending before them or their agency. All officials and employees are disqualified from decisions in which they have an interest, but only employees filing the financial disclosure statement are required to file an online conflicts disclosure form.

Gift to the City Report. The Gift to the City Report is filed when city employees accept a gift on behalf of their office, department, or agency. It is required when the gift comes to the City or one of its agencies (1) from a prohibited source; (2) as a result of soliciting a donation; (3) as an honorarium; (4) for addition to the general fund or the city's inventory of property; and (5) when gifts will be distributed to individual officials or employees.

Travel Disclosure Report. The Travel Disclosure Report is used to report reasonable hosting expenses paid by a source other than the City of Atlanta for travel in an official capacity. Reasonable hosting expenses include travel, meals, lodging, and conference registration. The report is due within 30 days of the travel, event, or reimbursement.

Other Ethics Provisions

Confidential information. A city employee may not disclose any confidential information concerning the property, governing operations, policies, or affairs of the city or use the information acquired in an official capacity to advance any personal or financial interests. See § 2-819.

Example: An employee in the Department of Watershed Management operates his own plumbing business on the weekends. He may not use his work orders or other departmental records to solicit city residents as customers for his private business or to make referrals to other private plumbing companies.

Representation. City employees may not appear on behalf of private interests before any city agency and may not represent private interests in actions that conflict with the city's interests, in litigation where the city is involved, or in certain proceedings in city court or municipal court. See §§ 2-808, 2-809.

Example: A parks department employee who is also a landscape architect may not represent a client before the Urban Design Commission.

Solicitations. A city employee may not solicit anything calculated to influence a vote, decision, or the exercise of official authority. When employees solicit gifts or donations, they must solicit in an official capacity for a city purpose, project, or program; they should not seek donations from companies with whom they do business; the gift must be given to the City or a city agency; and the gift should be reported on the online Gift to the City Report. See § 2-818.

Example: An attorney in the law department serves on the planning committee for the American Bar Association's annual meeting. The attorney should not solicit funds for the conference from any lawyers or private law firms who are performing legal services for the City or seeking the city's legal work.

Post-employment. The city's one-year cooling-off period limits the activities of former city employees for one year. It prohibits employees from appearing before any city agency or receiving compensation for any services in connection with any matter in which they were directly concerned, personally participated, actively considered, or acquired knowledge while working for the city. See § 2-810.

Example: A former budget analyst in the Department of Aviation may not make any presentation or represent his new employer at weekly construction meetings at the Atlanta Hartsfield-Jackson International Airport for one year after leaving his city job.

Example: A former city planner who approved new subdivisions may not represent subdivision developers who are seeking approval of plans that he first reviewed as an employee.

This list is a summary of key provisions in the Code of Ethics, sections 2-801 to 2-824 of the Code of Ordinances. It is not intended as a guide in any specific situation. For questions about how these rules apply to you in a particular situation, contact the Ethics Office at ethicsofficer@atlantaga.gov or 404-330-6286.