

# **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.

## **Conflicts of Interest**

A conflict of interest occurs when a city official or 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.

Participation in contracts. City employees may not participate in any decision related to a contract or other matter in which they, their immediate family, or their business have a financial or personal interest in the matter. See § 2-812.

*Example:* The president of a city authority that handles economic development may not participate in any decision related to a real estate investment company that owns land within the city where a proposed multi-modal station would be located because his wife sits on the company's board of directors and owns a significant amount of stock in the company.

Private 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.

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:* A city council policy analyst may not own and participate in a company that provides city-mandated new and annual taxi driver training because it conflicts with, and

adversely affects, his official duties as policy analyst to the public safety committee with jurisdiction over vehicles for hire, a heavily regulated industry.

*Example:* The program manager in the Quality of Life Bond Project, which handles streetscapes and green space, may have an ownership interest in a landscape architect business that purchases a business license and seeks permits from the city, but engages in no other transactions with the city.

**Doing business with the city.** City employees may not have an ownership interest in a company that does business with the City of Atlanta unless the business is conducted through a sealed competitive bid process or a request for proposal awarded at a public meeting. This rule does not apply when an employee owns less than ten percent of any publicly traded stock. See § 2-820 (c).

*Example:* An assistant city solicitor operates a catering business. She may submit applications to serve as a food vendor for any city event or activity so long as she has no special knowledge about the bidding process other than information available to the general public and the contract is awarded through a competitive bid or publicly awarded request for proposal.

### **Gratuities**

City officials and employees may not accept gratuities, honoraria, or other things of value from a prohibited source.

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

*Example:* A neighborhood civic association invites council staff to attend the association's annual meeting and accept an award in appreciation of their services. Because the association frequently seeks official action from the city and has interests that may be substantially affected by the performance of the staff member's official duties, it is a prohibited source.

**Gifts and things of value.** A city employee may not accept any gift from a prohibited source unless the gift falls within one of the exceptions to the definition of gratuity. There are 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) gifts accepted on behalf of the city. See §§ 2-801, 2-817, 2-818.

*Example:* Elected officials and city employees participate in a walking challenge sponsored by Central Atlanta Progress in which the employees wear pedometers to keep track of the number of steps that they walk at City Hall. At the end of the contest, the participants may keep the pedometers as mementos given in recognition of their civic service in the walking campaign.

*Example:* The Department of Planning and Community Development may accept on behalf of the city a donation from the Metro Atlanta Chamber of Commerce to upgrade the computer system used in the building permit process.

Meals. Employees may accept reasonable meals and refreshments furnished in connection with their appearance in an official capacity at a public event, hospitality extended for a purpose unrelated to the city's official business, and meals in connection with certain travel. See § 2-801.

*Example:* A building inspector may attend a topping-off ceremony sponsored by a local builder, but may not accept the project manager's invitation to lunch.

*Example:* A city department may provide lunch for its employees as part of an all-day training session, but may not accept an offer from the private company providing the training to furnish lunch for all the city employees in attendance.

Travel. City employees may accept reasonable hosting expenses from non-city sources for travel, meals, and lodging provided in connection with teaching, a speaking engagement, participation on a professional or civic panel, or attendance at a conference in an official capacity. See §§ 2-801 & 2-815.

*Example:* The Department of Wastewater Management may accept a city contractor's offer to pay for engineers to attend a professional conference where they may view a demonstration of new electronic switching equipment proposed by the company for a city project, but may not accept travel expenses offered by the same contractor for engineers to tour the factory where the equipment is made and examine an installation similar to the one proposed for Atlanta.

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

*Example:* A police officer may not accept the Atlanta Hawk's offer of free tickets for his family to attend any basketball game during the season, but may accept tickets to a Hawks game given by American Red Cross as part of a national blood drive among law enforcement agencies.

*Example:* The City Council President may receive tickets to attend the National Basketball Association's 2003 All-Star Game in Atlanta in her official capacity as a member of the Host City delegation. However, she may not accept tickets from the Georgia World Congress Center to attend any game during the Southeastern Conference's annual basketball tournament since she performs no official duty at that event.

Honoraria. City employees may not accept personal honoraria from a prohibited source. See § 2-820 (f).

*Example:* A fire captain may not receive a personal honorarium for teaching a Community Emergency Response Training class to a local electric utility that does business with the city. Any payment for his appearance must go directly to the city's general fund.

Other Things of Value that May Be Accepted. Besides certain gifts, meals, and travel, the code excludes the following from the definition of a prohibited gratuity: salaries from another employer, campaign contributions, commercially reasonable loans, inheritances, and items of nominal, insignificant, or trivial value. See § 2-801.

### **Disclosure of Interests**

Disclosure of financial interests. The ethics code requires managers and employees involved in inspections, law, contract compliance, purchasing, procurement, finance, internal audit, and ethics to file a financial disclosure statement every year that they are employed with the city and for the year after they leave city employment. The statement requires disclosure of sources of income, real estate interests, business transactions with the city, and fiduciary positions. It does not require disclosure of amounts of income from any source or personal information, such as home addresses. Monetary penalties may be imposed for the failure to file a timely or complete statement. See § 2-814.

Disclosure of interest in pending decisions. When an employee knows or should know that he or she has a financial or personal interest in any proposal or decision pending before the employee or agency, the individual must publicly disclose the nature of that interest in writing on the official records of the agency, with a copy to the municipal clerk, and refrain from voting or participating in any way in the matter. See § 2-813.

*Example:* An employee in the Bureau of Buildings who gives final approval for building permits cannot review the architectural drawings or plans prepared by his spouse. After publicly disclosing his interest in the matter, he is disqualified from considering, discussing, or participating in the matter.

Other disclosure forms. City employees must also disclose travel expense reimbursements received from a prohibited source and gifts accepted on behalf of the City of Atlanta. See §§ 2-815, 2-818.

*Example:* A financial system auditor is invited to participate in a panel discussion at a national conference sponsored by a city software vendor. The vendor pays for the employee's airfare and, following her presentation, gives her a gift certificate for a city employee to attend a company seminar without charge. The employee must disclose receipt of the travel expenses on a travel reimbursement form that is filed with the Municipal Clerk and Ethics Office and receipt of the honorarium on the gift report form that is filed with the Ethics Office.

### **Other Ethics Provisions**

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, unless the general public may use the property in the same way. City officials should restrict their use of city property to 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 Old 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 a community group in her neighborhood.

*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.

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 department 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 homeowner client before the Urban Design Commission.

*Example:* A city planner cannot serve as a paid expert witness on behalf of a property owner who sues the City of Atlanta seeking to overturn a decision of the Board of Zoning Adjustment.

Solicitations. A city employee may not solicit anything calculated to influence a decision or the exercise of official authority. 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.

### **Restrictions for One Year After Leaving City Employment**

Representation after Separation from Employment. The city's "revolving door" policy 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 administrative and budget analyst in the planning division of the Department of Aviation may not make any presentation or attend weekly construction meetings concerning any airport project of his new employer, an airport prime concessionaire, in the City of Atlanta for one year after leaving his city job.

*Example:* While employed with the City of Atlanta, an employee sat on the consultant selection panel that recommended the award of the contract for the Long-Term Waste Water Master Plan Project. She accepts a job offer to work for a private consulting firm that is a subcontractor of that project. Based on her direct role in evaluating the proposals, she is precluded from participating in the wastewater project with her new employer for one year.

### **Standards of Conduct**

This guide provides a summary of the significant provisions in the City's Code of Ethics. Employees are encouraged to review the specific language in sections 2-801 to 2-825 of the City's Code of Ordinances or contact the City's Ethics Office at [ethicsofficer@atlantaga.gov](mailto:ethicsofficer@atlantaga.gov) if they have a question about applying these ethical standards to their actions.

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