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## VIII. Ethics

- A. Ethics  
(*Administrative Policy 60.2*)

*Union employees should refer to collective bargaining agreements and this manual for a complete description of employment guidelines.*

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- B. Guidelines for Application of the City of Kalamazoo Code of Ethics

Below the *City of Kalamazoo Code of Ethics* is, when possible, cross-referenced to relevant sections in the *City Policies and Procedures Manual*. Departments having specific policies that supercede any application listed below should follow those policies.

*We, the employees of the City of Kalamazoo, regardless of our positions in the organization, will:*

1. *Strive to maintain the highest level of personal integrity in business dealings both within the organization and with citizens, suppliers and other persons we encounter.*

Employees should communicate and conduct all business and tasks with honesty, completeness and fairness, regardless of the matter at hand or the temperament of the individuals around them.

Policies and Procedures Manual  
Section V-G: *Rules and Regulations Regarding Acceptable Employee Personal Conduct*

2. *Educate ourselves and comply with all laws, statutes and codes of conduct applicable to our workplace and profession in order to maintain awareness and avoid any infraction or liability due to ignorance or oversight.*

Managers, supervisors and employees will be knowledgeable about all applicable laws, statutes and codes governing their jobs through ongoing education and training. Whenever practical, employees will become members of associations affiliated with their job field and subscribe to the professional standards governing their field. When

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necessary, these employees should inform others who may not be aware of such professional standards due to differences in background, education and experience.

Policies and Procedures Manual  
Section VI-D: *Training*

3. *Avoid any conflict of interest or appearance of conflict of interest.*

Employees shall not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service or business creates a conflict with or impairs the performance of their duties.

Teaching and lecturing are typical activities that generally do not create a conflict of interest nor impair the performance of employees' duties.

Policies and Procedures Manual  
Section V-C: *Outside/Dual Employment*  
Section V-D: *Consulting by City Employees*  
Section V-E: *Conflict of Interest*

4. *Recognize and respect the value of all City employees.*

Every job performed by City employees has a purpose and brings value to the organization. Thus, every employee and every job is important. City employees shall be respectful of each other, regardless of placement in the organization.

Policies and Procedures Manual  
Section I-E: *Equal Employment Opportunity*

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5. *Maintain a constructive, creative and practical attitude toward community affairs and a sense of social responsibility as a trusted public servant.*

City employees are public servants, employed to serve the interests of the Kalamazoo community. Employees should be mindful that service to citizens is at the heart of their daily work. There are times when there may not be an obvious connection with a task and its relationship to the public. At these times, employees and managers should discuss how such duties relate to the City's strategic plan, as the plan has a direct correlation with the needs of citizens.

6. *Conduct ourselves with the highest ideals of honor and integrity in all relationships in order to maintain public confidence.*

A single misdeed of one employee has the potential to mar the image of the City. Therefore, City employees must exercise appropriate judgment and behavior on and off the job. City employees should remember that as public servants we are responsible for conducting ourselves in an exemplary manner.

Policies and Procedures Manual  
Section V-G: *Rules and Regulations Regarding Acceptable Employee Personal Conduct*

7. *Recognize that at all times we will serve the best interests of the community regarding health, safety and general welfare of the population without favoritism.*

As public servants, we need to be aware that we serve all citizens. Thus, when providing services to the public, all citizens should be treated equally

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with dignity and politeness. Favoritism or responding to the interests of a few while ignoring the best interests of many will not be tolerated.

Policies and Procedures Manual  
Section I-E: *Equal Employment Opportunity*  
Section V-R: *Courtesy*

8. *Be mindful that as public servants we should not do anything that could impair our effectiveness on behalf of the City nor create an appearance of impropriety through our participation in political activity.*

City employees are encouraged to exercise their constitutional rights and freedom of speech in regard to political activities. City employees shall not participate in any political activities while on City time. City employees shall not use City resources at any time to help promote or defeat the election of a candidate or an issue on a ballot in connection with partisan or nonpartisan elections. Supervisors should not, directly or indirectly, encourage or discourage their subordinates from participating in the political process. Though senior managers and officials have a constitutional right to support the election of members of the City Commission, they are encouraged to be mindful that as civil servants they should not do anything that could impair their effectiveness on behalf of the City or to create an appearance of impropriety.

Policies and Procedures Manual  
Section V-F: *Political Activity*

9. *Keep the community informed about local government affairs, encourage communication between citizens and City officials, emphasize friendly and courteous service to the public, and*

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*seek to improve the quality and image of public service.*

All employees must treat citizens with respect and courtesy. Rather than simply performing the tasks at hand, City employees, in their roles as public servants, should make an effort to offer explanations to citizens regarding any delay or problem in service, and communicate how the service will be improved in the future. Employees should promptly identify themselves to citizens when asked. If requested, names of supervisors should be given when requested by citizens.

Section V-R: *Courtesy*

10. *Make decisions fairly.*

Managers and supervisors must make decisions objectively in accordance with existing laws, policies, procedures, contracts, etc. Decisions should be documented and written in such a way that a disinterested person would comprehend the reasons behind the action.

Policies and Procedures Manual  
Section VII-A: *Management Rights*  
Section VII-B: *City Bargaining Units (Recognition)*  
Section VII-C: *Corrective Action and Discipline*

11. *Handle all matters of personnel on the basis of merit so that fairness and impartiality govern decisions regarding appointments, compensation, performance reviews, promotions and discipline.*

Managers and supervisors must cautiously make decisions about employment actions so that all decisions are made objectively in accordance with

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existing policies, procedures, contracts, etc. Decisions should be documented and written in such a way that a disinterested person would comprehend the reasons behind the action.

Policies and Procedures Manual  
Section III: *Wage and Salary Administration*  
Section VII-A: *Management Rights*  
Section VII-B: *City Bargaining Units (Recognition)*  
Section VII-C: *Corrective Action and Discipline*

12. *Support the recruitment and hiring of under-represented populations in order to achieve a diverse workforce.*

Managers, supervisors and Human Resources will gather a diverse pool of appropriate, qualified candidates for all external job openings. Employees should support the hiring of diverse candidates by welcoming them into the workplace with respect and professional courtesy. Minority and women employees should be treated as equals to all male or non-minority employees.

Policies and Procedures Manual  
Section II-B: *Recruiting/Hiring Process*  
Section II-D: *Testing Policy*

13. *Seek no favor, prestige or profit from confidential information or by misuse of public time.*

Employees should not solicit or accept any gratuity, whether it be money, services, loans, travel, entertainment, hospitality, promise, or any other form if it could be reasonably inferred or expected that the gratuity was intended to influence them in the performance of their official duties or reward them for any official action.

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Employees should not be isolated from normal social practices where gifts among friends and associates are appropriate for certain occasions. Therefore, gratuities are permitted under any of the following circumstances:

- a. The gratuity is a meal and/or incidental entertainment offered on an occasional and sporadic basis in a professional or social context.
- b. The gratuity is admission to events where the City employee is invited in his/her official and representative capacity.
- c. The gratuity is offered to the City and accepted on behalf of the City of Kalamazoo, or is a gesture of goodwill in conjunction with a holiday or special occasion, and has a value that does not exceed \$100.

Policies and Procedures Manual  
Section V-E: *Conflict of Interest*  
Section V-G: *Rules and Regulations Regarding Acceptable Employee Personal Conduct*  
Section V-P: *Acceptance of Gifts*  
Section V-Q: *Employee Discounts*

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C. Procedures Regarding Ethical Questions and Misconduct

1. Where to seek advice

A City employee who has a question about the ethics of an action should discuss it with his or her supervisor or bring it to the attention of the Human Resources/Labor Relations Director or City Attorney.

2. What to do if the employee is uncertain

Normally an ethical issue will not arise unless certain circumstances exist. If the employee has the ability to do so, he or she should call the Human Resources/Labor Relations Director for advice. If there is no time to obtain advice, rather than risk a violation of the policy or the law, the safest course of action is simply to declare that a conflict may exist that prevents the employee from participating, making a decision, or continuing the discussion. A good rule is “If in doubt, don’t.”

Should it become necessary to consult administrative regulations, personnel policies and procedures, and department directives to determine whether a particular action is allowable, the Human Resources/Labor Relations Director will research ambiguities and issue a clarification.

3. How to declare a possible conflict of interest

If a conflict of interest or possible conflict of interest arises, the employee should announce this as soon as possible. Examples of situations where a conflict of interest may arise include:

- ◆ Membership on a City or community board

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- ◆ Membership on an internal committee
  - ◆ Vendor recommendation or selection

The employee should immediately announce to those involved that conflict or potential conflict exists so that it can be recorded in meeting minutes. The employee should then follow up with a statement in writing, indicating the nature of the conflict of interest.

If the conflict was not anticipated, as soon as the employee realizes a conflict exists, he or she should:

- ◆ Announce the conflict of interest on the record for the minutes.
- ◆ Abstain from voting.
- ◆ Within 15 days of the vote, document the disclosure in a written memorandum addressed to the meeting chair.

Although the employee may declare a conflict of interest and is barred from voting, he or she may participate in the discussion of the matter, provided the nature of interest in the matter is first disclosed.

The employee will ensure that the statement regarding the conflict of interest will be forwarded to the City Clerk for retention in official City records.

4. Where to report improper behavior

City employees have a duty as public servants to prevent any improper governmental actions. They should not hesitate to report suspected wrongdoing or improper action by a fellow employee, appointee or elected official.

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If an employee believes that a violation of the law or City policy has occurred, he or she should immediately contact the Human Resources/Labor Relations Director.

Before the Ethics Panel is convened, the Human Resources/Labor Relations Director, Deputy or Assistant City Manager and City Attorney will determine if the situation is appropriate for the Panel. The following alternative methods of resolution must first be explored to determine whether or not they provide better avenues of resolution:

- ◆ Collective bargaining agreement
- ◆ Civil Service Board
- ◆ Harassment/Discrimination complaint procedure

If the situation before the panel is criminal in content, the criminal investigation and guilt determination must be completed prior to bringing before the Ethics Panel.

#### 5. Convening the Ethics Panel

The Ethics Panel will review cases of impropriety against the standard of the City of Kalamazoo Ethics Policy. The City Ethics Panel is composed of the following individuals:

- ◆ City Attorney (or designee)
- ◆ City Manager (or designee)
- ◆ Human Resources/Labor Relations Director (or designee)
- ◆ Six employees representing each of the employee groups within the City. Employees will submit letters of interest to the City Manager, who will select the representatives.

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- ◆ A non-participating recorder to take minutes
- #### 6. Panel Procedures
- a. Non-supervisory employees should be granted time to attend meetings.
  - b. All discussions of the meeting are confidential.
  - c. A quorum of six members must be present to conduct business.
  - d. The Human Resources/Labor Relations Director and the City Attorney will prepare and present details of the situation to the Panel. The City Manager will name the Chair of the Panel from these individuals. Based on this information, the Panel should:
    - ◆ Discuss the situation fully so that all sides of the issue can be addressed.
    - ◆ Identify immediate and long-term damages to the City, its employees and operations.
    - ◆ Request adjournment if the information presented at the meeting is not sufficient to render a decision.
    - ◆ Request additional information.
    - ◆ Request that the employee under review appear and answer questions posed by the Ethics Panel.
  - e. The Panel should determine the nature of the discipline as follows:
    - ◆ State the seriousness of the Ethics violation.
    - ◆ Cite the section of the Code of Ethics that was violated.

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- ◆ Recommend discipline.
  - ◆ Give the rationale for the discipline.
- f. The Human Resources/Labor Relations Director will draft the summary statement and recommendation. All Ethics Panel members in agreement shall initial the recommendation. If a majority of Panel members approve the recommendation, it shall be sent to the City Manager for final action.
- g. In cases where the employee under review is a City Commission appointee, the recommendation will be sent to the City Commission with a copy to the City Manager.
- h. A written record of the proceedings of the Ethics Panel should be made by the recording member. The City Attorney's Office will retain ownership of the records of the Panel.

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