

ETHICS POLICY

1.0 PURPOSE

The purpose of this Policy is to establish the ethical standards of conduct expected of all City elected officials, appointed members of city boards and committees, and employees by setting forth those acts or actions deemed to be in conflict or incompatible, or to create the reasonable appearance of conflict or incompatibility, with the best interests of the City. This policy shall apply to all employees who are members of any City collective bargaining unit with the exception of any provision which has been superseded by such an agreement.

2.0 POLICY

The proper operation of democratic government requires that City elected officials, appointed members of city boards and committees, and employees be honest, fair, impartial, and responsive to the needs of the people in the performance of their respective functions and duties; that public office not be used for personal gain; and that City elected officials, appointed members of city boards and committees, and employees maintain a standard of conduct that will inspire public confidence in the integrity of the City's government. In recognition of these goals, this Code of Ethics is hereby established for all City elected officials, appointed members of city boards and committees, and employees.

3.0 DEFINITIONS

3.1 City Employee

Any individual working for and drawing an hourly wage, salary, or stipend from the City on a permanent or temporary basis, whether full or part time. The term "City employee" shall not include outside consultants or professional personnel providing services to the City as independent contractors under a written professional services contract or other similar engagement.

3.2 Elected Official

Any registered voter who has been elected to municipal office within the City of Lewiston. This shall include voters who have been elected to an office but their term has not yet started (such as Mayor-Elect, Councilor-Elect or School Committee member-elect).

3.3 Appointed Member of a City Board or Committee

Any resident of Lewiston or otherwise eligible member serving on any city board or committee, such boards and committees defined in City Charter, Code of Ordinances, City Policy, task forces and ad hoc committees created by the Mayor or City Council.

3.4 Financial Interest

A direct or indirect interest having monetary or pecuniary value, including but not limited to the ownership of shares of stock. A City elected official, appointed member of city boards and committees, or employee or any member of that person's immediate family who holds a financial interest in a disclosed blind trust shall not be deemed to have a conflict of interest with regard to matters pertaining to assets held by the trust.

ETHICS POLICY

- 3.5 Related Person
Spouse, children, parents, siblings, including step, half, and in-law relations, a domestic partner of a City elected official, appointed member of city boards and committees, or employee or persons sharing the same household and intermingling financial assets with a City employee.
- 3.6 Personal Interest
Any interest of a City elected official, appointed member of city boards and committees, or employee acting in their private capacity as a resident, landowner, taxpayer, citizen, or member of the general public.
- 3.7 Special Interest
A direct or indirect interest having value peculiar to a certain individual or group, whether economic or otherwise, which value may accrue to such individual or group as a result of action or failure to act on the part of the City and which interest is not shared by the general public.

4.0 CONTRACTS, PURCHASES AND EMPLOYMENT

- 4.1 No City elected official, appointed member of city boards and committees, or employee shall participate directly, by means of deliberation, approval, disapproval, or recommendation, in the purchase of goods or services for the City, or in the award of any contracts with the City, except as permitted under the solicitation provisions in Section 4.3 of this Policy, the City's Purchasing Regulations, and the laws of the State of Maine, where, to their knowledge, there is a financial interest, personal interest, or special interest, other than that possessed by the public generally in such purchase or award, or held by:
 - 4.1.1 That individual or a member of their immediate family;
 - 4.1.2 A business in which that individual or a member of their immediate family serves as an officer, director, trustee, partner, or employee in a supervisory or management position; or
 - 4.1.3 Any other person or business with whom or with which that individual or a member of their immediate family does business, is negotiating to do business, or has an arrangement concerning future employment.
- 4.2 No City elected official, appointed member of city boards and committees, or employee shall participate, by means of deliberation, approval, disapproval, or recommendation, in the decision to hire, promote, discipline, lay off, or to take any other personnel action in respect to any City employee or applicant for City employment where the applicant or employee is:
 - 4.2.1 A member of the City employee's immediate family; or
 - 4.2.2 A person with whom either the City employee or a member of their immediate family is in business.
 - 4.2.3 Action by a City employee shall be deemed authorized under this subsection when such action is permitted under the City's published

ETHICS POLICY

Personnel Policies, collective bargaining agreements, or adopted Nepotism policy.

4.3 No City elected official, appointed member of city boards and committees, or employee shall solicit any person, vendor, company or organization for items, events, favors, or services the value of which exceeds, in total, the "De Minimus" value as defined in Section 6.3 unless those things of value are approved by the City Administrator or their designee.

4.3.1 All things received by any City elected official, appointed member of city boards and committees, or employee which exceed the "De Minimus" value stated in Section 6.3, and approved under this Section, shall be posted on the City web site.

4.3.2 All defined things of value solicited by City elected officials, appointed members of city boards and committees, or employees and posted on the City web site shall remain posted for no less than one (1) year from the date received.

5.0 CONFIDENTIAL INFORMATION

No City elected official, appointed member of city boards and committees, or employee shall, without proper legal authorization, disclose confidential information concerning the property, government, or affairs of the City, nor shall they use such information to advance their financial, special, or personal interest or the financial, special, or personal interest of others. For purposes of this section, the term "confidential information" shall mean any information, oral or written, that comes to the attention of, or is available to, a City elected official, appointed member of city boards and committees, or employee only because of their position with the City and is not a matter of public record. Information received and discussed during an executive session of the City Council or any City agency called pursuant to 1 M.R.S.A. § 405 *et seq.* shall be considered within the constraints of this section and shall not be disclosed to any third party unless permitted by such body.

6.0 THINGS OF VALUE, GIFTS, AND FAVORS

6.1 For purposes of this Section, "Things of Value" shall mean any gift, favor, service, loan, event, promise or other thing of value.

6.2 Unless otherwise permitted in this policy, no City elected official, appointed member of city boards and committees, or employee shall accept or solicit any Things of Value from any person, organization, or business that, to their knowledge, is interested or is participating directly or indirectly in any manner whatsoever in business or other legal or regulatory dealings with the City or its affiliated joint agencies. Nor shall any City elected official, appointed member of city boards and committees, or employee:

6.1.1 Accept any gift, favor, or thing of value that tends to influence that individual in the discharge of their official duties; or

ETHICS POLICY

- 6.1.2 Grant in the discharge of their official duties any improper favor, service, or thing of value.
- 6.3 The prohibition contained in Section 6.2 shall not apply to “De Minimus” Things of Value, which shall initially be defined as Things of Value that do not exceed \$25 in total value. The City Administrator may increase this amount from time to time as may be appropriate to reflect overall price increases.
- 6.4 The prohibition contained in Section 6.2 shall not extend to the solicitation or acceptance of Things of Value that are approved by the City Council or the City Administrator or their designee. “De Minimus” Things of Value received by any City employee that have been approved under this Section, shall be posted on the City web site for no less than one (1) year from the date received.
- 6.5 The prohibitions contained in Section 6.2 shall not extend to such items as gifts of products or services to the City for purpose of trial or demonstration or gifts associated with holidays or special events to the extent that such gifts are made available and/or shared with all employees in a department. Nor shall it extend to reasonable gifts made to employees to recognize their service at time of retirement or separation.
- 6.6 In all such cases, gifts, products, or services with a value greater than “De Minimus” shall be reported to the City Administrator and, with the exception of retirement or separation not involving the City Administrator, shall be posted on the City web site for no less than one (1) year from the date received.
- 6.7 Unless prohibited by local, state or federal law, nothing herein shall prohibit the acceptance of gifts or favors by City elected officials, appointed members of city boards and committees, and employees from members of their immediate families or other city employees.
- 6.8 In determining whether a violation of this section has occurred, the following may be taken into consideration: the monetary or pecuniary value of the Thing of Value received; the act and/or item that constitutes the Thing of Value received; any special economic value the Thing of Value received may have to the recipient; the circumstances under which the Thing of Value was received; and whether a public disclosure of the receipt was made at the time of receipt.

7.0 USE OF CITY PROPERTY

No City elected official, appointed member of city boards and committees, or employee shall use or permit the use of any City-owned property, including but not limited to motor vehicles, equipment, and buildings, for any private purposes. Nothing herein shall prohibit:

- 7.1 The use of City equipment or motor vehicles by City elected officials, appointed members of city boards and committees, or employees in accordance with written policies and at rates established by the City Council, City Administrator, City department head concerned, or collective bargaining agreement; or
- 7.2 The private use of surplus City property legally disposed of by the City or its departments in compliance with procedures established by the City Council, City Administrator, or City department head concerned.

ETHICS POLICY

8.0 POLITICAL ACTIVITIES

No City employee shall participate in any political activity that would be in conflict or incompatible with the performance of their official functions and duties for the City. No City employee may use their official authority or position for the purposes of influencing, interfering with, or affecting the results of any election, nor shall they solicit or accept funds or contributions during the work day from other City employees for political purposes. Nothing herein shall be construed to prohibit any City employee from participating in the political process in their capacity as private citizens or as candidates for elected office.

9.0 INCOMPATIBLE EMPLOYMENT

No City employee shall engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that employee's official duties or would tend to impair their independence of judgment or action in the performance of those official duties.

10.0 REPRESENTING PRIVATE INTEREST BEFORE CITY AGENCIES OR COURTS

No City employee shall appear on behalf of private interests before any agency of the City. A City employee shall not represent private interests in any action or proceeding against the interests of the City in any litigation to which the City is a party unless the employee is representing themselves as a private citizen on purely personal business or has been subpoenaed to appear. No City employee shall accept a retainer or compensation that is contingent upon a specific action by a City agency.

11.0 DISCLOSURE OF INTEREST IN LEGISLATION

Any City elected official, appointed member of city boards and committees, or employee who has a financial, special, or other private interest, and who participates in discussions with or gives an official opinion to the Council, shall disclose the nature and extent of such interest to the Council and the public.

12.0 DISCUSSION OF FUTURE EMPLOYMENT

When a City employee has been offered or is discussing future employment with a person, firm, or any other business entity that is presently dealing with the City concerning matters within the employee's current official duties, that person should disclose such possible future employment to the Human Resources Department.

13.0 APPLICABILITY OF CODE

This policy shall apply in all instances except when superseded by an applicable statute, ordinance, adopted personnel rule or regulation, or collective bargaining agreement.

ETHICS POLICY

When a City employee has doubt as to the applicability of a provision of this code to a particular situation, that employee should apply to the Human Resources Director or Deputy City Administrator for a written advisory opinion and be guided by that opinion when given. The employee shall have the opportunity to present their interpretation of the facts at issue and of the applicable provision(s) of the code before such advisory decision is made. All such requests for advice shall be treated as confidential.

14.0 VIOLATIONS AND REPORTING

City elected officials, appointed members of city boards and committees, and employees have an affirmative obligation to report all suspected violations of this Code of Ethics. Reporting violations of this Policy shall follow the reporting protocols outlined in the City's Whistleblower Protection and Reporting Policy.

Violations of this Code of Ethics, including the failure to report violations of others, may result in disciplinary action, up to and including termination, in accordance with the disciplinary procedures established in the City's Personnel Rules and Regulations and applicable collective bargaining agreements. City elected officials and appointed members of city boards and committees, who commit violations of this Code of Ethics, including the failure to report violations of others, may result in disciplinary action as outlined in the City Charter.

15.0 POLICY COMMUNICATIONS TO EMPLOYEES

All new Employees shall be presented a copy of this Policy as part of their hiring/appointment orientation and, following the City Council's adoption of this Policy. All current Employees shall be issued a notice in their paychecks advising them of the policy's existence; where it is located on the City's web site; and the opportunity to receive a hard copy if they so desire.

Approved by the Lewiston City Council, December 4, 2012.