

**PURPOSE AND SCOPE**

In order to best serve the citizens and customers of the City of San Jose, the elected and appointed officials, and employees of the City must act individually and collectively to create a City government that is responsible, fair, honest and open. City employees and officials are expected to demonstrate the highest standards of personal integrity, honesty and conduct in all activities in order to inspire public confidence and trust in City employees.

The purpose of this Code of Ethics is to establish policy and guidelines, reflecting expected values and behaviors for use by and applicable to elected and appointed City officials, City officers, including Board and Commission members, and employees. Individuals employed by the City under contractual agreement must also observe the provisions of this policy for the term of their contract or as the contract may stipulate.

For additional regulations regarding ethics please refer to Title 12 of the San Jose Municipal Code.

**POLICY**

Elected and appointed officials and employees of the City of San Jose at all levels are guardians of the public trust. City officials and employees are required to be impartial and responsible in the fulfillment of their duties. The citizens and customers of San Jose expect and must receive the highest standard of ethics from all those in public service, regardless of personal consideration.

**1. Responsibilities of Public Service**

City officials and employees are obligated to uphold the Constitution of the United States and the Constitution of the State of California and to comply with Federal, State, and local laws and City policies.. Recognizing the special responsibilities of serving the City and its citizens and customers, City officials and employees are required to maintain the highest standards of integrity and honesty, and they are expected to treat all members of the public and fellow City employees with respect, courtesy, concern and responsiveness. The conduct of City officials and employees in both their official and private affairs should be above reproach to assure that their City position is not used for personal gain.

**2. General Rule with Respect to Conflicts of Interest**

City employees and officials are expected to avoid any conflicts of interest or the appearance of conflicts of interest in order to ensure that City decisions are made in an independent and impartial manner.

All City officials, officers and employees are prohibited from making, participation in making, or attempting in any way to use his or her official position to influence a City decision in which the employee knows or has reason to know he or she has a financial interest. City employees and

officials shall not make personal investments nor maintain any direct or indirect interest in enterprises, activities, or entities which they have or have reason to believe may be involved in decisions or recommendations to be made by them or persons under their supervision, or which may create a conflict between their private interests or may impair their independence of judgment in the accomplishment of their official duties. If, however, persons in the public service have financial interests in matters coming before them, or before the department in which they are employed, they shall remove themselves from making, participating in the making, or seeking to influence any decision regarding such matter.

A conflict of interest may arise when dealing with a current or prospective vendor, supplier, or other business. Please refer to Section 3 below and seek guidance from a supervisor or from the Employee Helpline at 277-4486.

### **3. Acceptance of Favors, Gratuities and Gifts**

City employees and officials shall not accept money or other consideration or favors from anyone other than the City for the performance of an act which they would be required or expected to perform in the regular course of their duties; nor shall such persons accept any gifts, gratuities or favors of any kind which be perceived or interpreted as an attempt to influence their actions with respect to City business.

For additional information regarding specific regulations on the acceptance of gifts, please refer to the Gift Policy, Section 2.02 of the City Policy Manual.

### **4. Use of Confidential Information**

City employees and officials shall not use confidential information acquired by or available to them in the course of their employment with the City for personal gain or for personal, non-City business related reasons.

### **5. Use of City Employment and Facilities for Personal Gain**

City employees and officials shall not use City time, City funds or City facilities, equipment or supplies for personal use or personal gain, nor shall they use or attempt to use their position to secure unwarranted privileges or exemptions for themselves or others.

For additional information please refer to the Personal Use of City Equipment Policy and Use of E-Mail, Internet Services and Other Electronic Media, Sections 3.10 and 3.01 of the City Policy Manual.

### **6. Outside Employment**

No employee shall engage in any work, employment or occupation outside City employment, which is detrimental to City service, which prevents or impedes the efficient performance of their duties in City employment, or which is in any way in conflict with their employment with the City. No employee shall engage in any work, employment or occupation outside City employment unless they have notified their department via an Outside Work Permit, and the permit has been approved by the Department Director.

Original Effective Date: August 19, 1980

Revised: xx/xx/xxxx

For additional information please refer to the Outside Employment Policy, Section 3.02 of the City Policy Manual.

#### **7. Discussion of Future Employment**

All offers or discussions of offers to City employees of future employment outside City service must be reported immediately to the employee's supervisor whenever such discussions occur with, or when such offer is made by, any person, firm or organization presently dealing with the City concerning matters directly within the employee's current areas of decision-making responsibilities. It shall be within the supervisor's discretionary powers to relieve said employee from further decision-making responsibilities in relationship to said person, firm or organization if he or she determines that the offer of employment or discussions of an offer of employment would impair the employee's independence or judgment or could be construed by others as a bid for favorable treatment.

#### **8. Reporting of Improper Activities**

The City of San Jose has a responsibility to conduct its affairs ethically and in compliance with the law. City employees and persons in City service are expected and encouraged to promptly raise questions and concerns regarding possible violations of City policy or

local, State or Federal law with his/her immediate supervisor or another management employee within the employee's department. Employees may also call the Employee Helpline at 277-4486 (**Note: The Fraud and Audit Hotline number will be added here after July 1<sup>st</sup>.**)

It is the policy of the City to prohibit the taking of any adverse employment action against those who in good faith report or participate in investigations into complaints of alleged violations of City policy or local, State or Federal law in retaliation for that reporting or participation. No officer or employee of the City shall directly or indirectly use or attempt to use the authority or influence of such officer or employee for the purpose of intimidating, threatening, coercing, directing or influencing any person with the intent of interfering with that person's duty to disclose alleged violations of City policy or local, State or Federal law.

For additional information please refer to the Non-Retaliation Policy, Section 1.04 of the City Policy Manual.

#### **9. Discrimination and Harassment**

City employees and officials shall not, in the performance of their duties, discriminate against any person on the basis of race, color, religion (religious creed), national origin, ancestry, age (40 and above), sex, gender, pregnancy, childbirth or related medical condition, sexual orientation, marital status, disability (physical and mental, including

HIV and AIDS), medical condition (cancer/genetic characteristics) and actual or perceived gender identity and they will reinforce the City of San Jose’s commitment to equal employment opportunity and a work environment free of discrimination and harassment, including sexual harassment.

For additional information please refer to the Discrimination and Harassment Policy, Section 1.01 of the City Policy Manual.

**VIOLATIONS OF THE CODE OF ETHICS**

In addition to any other penalty as provided by law, employees who violate the Code of Ethics will be subject to disciplinary action, up to and including termination. The violation of this Code of Ethics by a City official, elected or appointed, constitutes official misconduct.

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Approved

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Date