

CITY OF FRISCO PERSONNEL POLICIES
SECTION: GENERAL STANDARDS OF CONDUCT

Subject: EMPLOYEE CODE OF CONDUCT

Effective Date: 12/06/2011

Approved By: Ordinance 19-03-15

Revision Date: 03/05/2019

I. PURPOSE

This policy establishes standards of conduct for City of Frisco employees and the process for reporting unethical behavior. The City of Frisco expects its employees to adhere to high standards of ethical conduct so that the public will have confidence that persons in positions of responsibility and service to the City are acting for the benefit of the public. All employees at all levels of the organization should maintain the highest concern for personal integrity and honesty in carrying out their job duties to uphold public trust, complying with both the letter and spirit of this Code of Conduct, and striving to avoid situations which create impropriety or the appearance of impropriety.

Oversight and enforcement of this policy is the responsibility of the Assistant City Manager, Director of Human Resources, and Director of Administrative Services.

II. APPLICABILITY

This policy is applicable to all employees of the City of Frisco, including full-time, part-time, trainee, seasonal, temporary, contract employees, and volunteers, regardless of the time employed. This policy is not applicable to an independent contractor.

Nothing in this policy shall prohibit a City Department from implementing its own code of conduct in addition to this policy, provided that it is not in conflict with this or other City policies. If a City department implements its own code of conduct, employees within that department are expected to comply with this Policy and the Department's code of conduct.

The gender of the wording throughout this policy shall always be interpreted to mean either sex. All singular words shall include the plural, and all plural words shall include the singular.

III. DEFINITIONS

Immediate Family includes, but is not limited to, the first, second and third degree of consanguinity (blood), adoption, and the first and second degree of affinity (marriage). Common Law marriages as recognized by the State of Texas will also be included for purposes of this policy.

Consanguinity (Blood Relationships) and Adoptive Relationships

First Degree	Second Degree	Third Degree
Mother	Grandparent	Great Grandparent
Father	Grandson	Great Grandson
Daughter	Granddaughter	Great Granddaughter
Son	Uncle	Great Niece
Brother	Aunt	Great Nephew
Sister	First Cousin	Second Cousin
	Niece	
	Nephew	

Affinity (Marriage Relationship)

First Degree	Second Degree
Wife	Brother-in-Law
Husband	Sister-in-Law
Son-in-Law	Spouse's
Daughter-in-Law	Grandparent
Mother-in-Law	Grandchild
Father-in-Law	Step-Grandparent
Stepmother	Stepsister
Stepfather	Stepbrother
Stepson	Cousin-in-Law
Stepdaughter	

IV. DISCIPLINE

The City will take appropriate action against any employee, agent, contractor or consultant whose actions are found to violate these policies or any other policies of the City. Disciplinary actions may include immediate termination of employment or business relationship at the City's sole discretion. Where the City has suffered a loss, it may pursue its remedies against the individuals or entities responsible. Where laws have been violated, the City will cooperate fully with the appropriate authorities.

Employees of the City of Frisco are at-will employees and are subject to termination at any time, with or without cause. All employees must abide by certain rules of conduct, based on honesty, common sense and integrity. Unacceptable conduct may subject the offender to disciplinary action, up to and including discharge, in the City's sole discretion. The following are examples of some, but not all, conduct which may be considered a violation under this Policy:

1. Obtaining employment on the basis of false or misleading information, including providing false information on an application for employment.
2. Falsifying City records.
3. Stealing, removing or defacing City property or a co-worker's property.

4. Violation of purchasing policies.
5. Disclosure of confidential information without authorization.
6. Completing another employee's time records, unless instructed by the Director.
7. Dishonesty.
8. Fighting, threatening or disrupting the work of others.
9. Insubordination or disobedience in response to a lawful management directive.
10. Use of foul or inappropriate language.
11. Loitering during work time, or leaving a work area without the permission of management.
12. Misusing City time and/or materials.
13. Inappropriate solicitation of another employee during working time or distribution of advertising materials, except for charitable fund raisers.
14. Violation of any City and/or Departmental policy.

V. CONFLICT OF INTEREST

It is City of Frisco's policy that all employees avoid any conflict between their personal interests and those of the City to ensure that the City's honesty and integrity, and therefore its reputation, are not compromised. The fundamental principle guiding this policy is that no employee should have, or appear to have, personal interests or relationships that actually or potentially conflict with the best interests of the City.

Situations that would constitute a conflict in most cases include, but are not limited to:

1. Holding an interest in, and/or accepting free or discounted goods from, any organization or individual that does, or is seeking to do, business with the City, by any employee who is in a position to directly or indirectly influence either the City's decision to do business with, or negotiate the terms upon which business would be done with, such organization or individual.
2. Engaging in, soliciting, negotiating for, or promising to accept, private employment with, and/or rendering services for, private interests and/or businesses, and/or conducting a private business, when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties. Teaching, lecturing, writing, and/or consulting are typical activities that may not involve a conflict of interest, and/or impair the proper discharge of their official duties. Prior authorization from the department director is required in all cases of outside employment including, but not limited to, teaching, lecturing, writing, and/or consulting.
3. Endorsing commercial products or services by agreeing to allow the use of their photograph, endorsement, or quotation identifying them as an employee of the City, or in any manner associated with the City, in paid or other commercial advertisements, whether or not for compensation.

Employees' observations, opinions, and analyses identifying them as an employee of the City, or in any manner associated with the City, of commercial products used or tested by them or their departments are appropriate and useful to the profession when included as part of

professional articles and reports, with approval of the employees' supervisor.

4. Profiting personally, e.g., through commissions, loans, expense reimbursements, payments, and/or other personal or professional financial gain, from any organization or individual seeking to do business with the City.

A conflict of interest would also exist when a member of an employee's immediate family is involved in situations such as those above. It is the employee's responsibility to report to the employee's supervisor who shall report to the City Manager any actual or potential conflict that may exist between him (and his immediate family) and the City.

VI. GIFTS

An employee shall not solicit, accept or agree to accept any gift or benefit that reasonably tends, or the employee knows is intended, to influence or reward him in the discharge of his official duties or grant in the discharge of his duties any improper favor, service and/or thing of value.

This policy is not intended to prohibit the acceptance of modest courtesies of nominal and/or minor value (not-to-exceed \$50) , which are unsolicited and openly given and accepted as customary business amenities/tokens of appreciation, and/or which are intended to promote Frisco businesses or City-sponsored events.

Situations that would NOT constitute a conflict in most cases include, but are not limited to:

1. Occasional meals related to the City's business.
2. A gift relating to a special occasion, such as a wedding, anniversary, graduation, birth, illness, death, or holiday, provided that the value of the Gift is fairly commensurate with the occasion and the relationship between the donor and recipient;
3. Payment by third parties for travel related expenses of City employees previously authorized by the City Manager's Office;
4. A public award or reward for meritorious service or professional achievement, provided that the award or reward is reasonable in light of the occasion;
5. A loan from a lending institution made in its regular course of business on the same terms generally available to the public;
6. A scholarship or fellowship awarded on the same terms and based on the same criteria that are applied to other applicants;
7. Admission to an event in which the City employee is participating in connection with Official duties;
8. Attending social functions, ground breakings, or civic events pertinent to the public relations

and operations of the City;

9. Giving or receiving Gifts to/from his family and relatives;
10. Giving or receiving gifts at religious functions;
11. Giving or receiving gifts at City parties;
12. Giving or receiving gifts at functions where only City Officials and their employees are invited or in attendance;
13. Giving or receiving gifts or receiving a bonus from the City;
14. Admission or tickets to a venue owned in whole or in part by the City, including parking, food or drink, donated to the City by the sponsor of the event and approved by the City Manager as a benefit to City employees, provided that the tickets are made available to employees on an equitable basis;
15. Reasonable expenses paid by non-profit organizations, the Frisco Community Development Corporation or Frisco Economic Development Corporation for attendance of at a fund raising event or other meeting;
16. Reasonable expenses paid by other governments or governmental entities for attendance at a convention, fact finding mission or trip or other meeting;
17. Giving or receiving a Gift whose value does not exceed fifty dollars (\$50.00);
18. Merchant discounts donated to employees with the approval of the City Manager in promotion of a Frisco business or supplier.

Notwithstanding any gift to an employee listed above, a City Official shall comply with the requirements of Chapter 176, Local Government Code. Further, a conflict exists if a situation identified above limits employees' ability to perform the essential functions of their position.

VII. POLITICAL ACTIVITY

Except as otherwise may be permitted by law, employees will refrain from using their position or influence to support or oppose any candidate for public office. Employees shall not directly or indirectly coerce, attempt to coerce, command or advise another employee to pay, lend, or contribute anything of value to a party, committee, organization, or person for political purpose. No employee may seek or hold an appointive or elective City of Frisco office. No employee may seek or hold an office of public trust, or partisan office in any jurisdiction, where such service would constitute a conflict of interest with City employment, with or without remuneration. If an employee decides to seek or assume such office then that person shall resign from City service or will be dismissed for failure to do so. Such situations will be evaluated on a case-by-case basis.

As stated in the City Charter, no person who holds any compensated non-elective City position shall make, solicit or receive any contribution for any candidate for public office in the City, or take part in the management, affairs or political campaign of such candidate. Such person may exercise his or her rights as a citizen to express his or her opinion and cast his or her vote.

Employees shall not be permitted to take an active part in any political campaign of another for an elective position of the City if they are in uniform or on City time.

VIII. FEES AND HONORARIUMS

No employee may accept a fee or honorarium for an article, for an appearance or speech, or for participation at an event, in his official capacity. With prior approval of his supervisor, he may receive payment or reimbursement for necessary expenses related to any such activity.

IX. OUTSIDE EMPLOYMENT

An employee shall not:

1. Solicit, accept or engage in concurrent outside employment that could reasonably be expected to impair independence of judgment in, or faithful performance of, his official duties, and/or which substantially interferes with his ability to perform his job with the City.
2. Personally provide services for compensation, directly or indirectly, to a person or organization that is requesting an approval, investigation or determination from the department of which the employee is a member. An exception exists, with prior supervisory approval for work performed outside employment.

An employee shall immediately disclose any outside employment to his supervisor, who will review the matter with the department director and/or the City Manager (in accordance with Section V. Conflict of Interest) to obtain written supervisory approval, to assure that there is no violation of City or departmental policy. Failure to disclose outside employment and/or obtain written supervisory approval may result in discharge from employment with the City.

X. PURCHASING CODE OF CONDUCT

It is the intent of the City for all employees, officers, or agents to conduct all activities associated with procurements on behalf of the City in compliance with the highest ethical standards, including the avoidance of any real or perceived conflict of interest. It is also the intent of the City to impose appropriate sanctions or disciplinary actions, including but not limited to termination and/or prosecution, for any employees or officers who violate any of these requirements.

The following common standards of ethics shall govern the conduct of City employees involved in the purchasing function:

1. It is a breach of ethics to attempt to realize personal gain through public employment with the City by any conduct inconsistent with the proper discharge of the employee's duties.
2. It is a breach of ethics to attempt to influence any public employee to breach the standards of ethical conduct set forth in this code.
3. It is a breach of ethics for any employee of the City to participate directly or indirectly in a procurement when the employee knows that:
 - The employee or any member of the employee's immediate family has a financial interest pertaining to the procurement;
 - A business or organization in which the employee, or any member of the employee's immediate family, has a financial interest pertaining to the procurement; or
 - Any other person, business or organization with whom the employee or any member of the employee's immediate family is negotiating or has an arrangement concerning prospective employment is involved in the procurement.
4. **Gratuities:** It is a breach of ethics to offer, give or agree to give any employee or former employee of the City, or for any employee or former employee of the City to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing, or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy, or other particular matter pertaining to any program requirement or a contract or subcontract, or to any solicitation or proposal therefore pending before this government. Acceptance of gratuities may be construed as a criminal offense.

In addition, Texas law makes a gift (an item valued at \$50 or more, cash of any amount, or a negotiable instrument of any value) to a public employee a Class A misdemeanor if the employee is someone who exercises some influence in the purchasing process of the governmental body. (Texas Penal Code, 36.09[d] and [h]).
5. **Kickbacks:** It is a breach of ethics for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor for any contract of the City, or any person associated therewith, as an inducement for the award of a subcontract or order.
6. It is a breach of ethics for any employee or former employee of the City knowingly to use confidential information for actual or anticipated personal gain, or for the actual or anticipated gain of any person.

Local Government Code, Chapter 176 provides information regarding conflict of interest statements to be filed by vendors and certain City employees.

Federal Requirements

In addition to the state requirements pertaining to standards of conduct and avoiding conflict of interest, in accordance with 2 C.F.R. § 200.18(c)(1), the City's standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award, and administration of federal contracts include the following federal standards.

No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

The officers, employees, and agents of the City may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, unless the gift is an unsolicited item of nominal value.

XI. REPORTING UNETHICAL BEHAVIOR

The actions of one employee impact the credibility of all other employees either in a positive or negative manner. Employees should always strive to conduct themselves in a positive manner. If employees become aware of known or suspected wrongdoing on the part of another employee they should report that action or activity to their supervisor/manager or the Human Resources Department immediately.

If an employee is uncomfortable reporting such behavior to their supervisor/manager or to Human Resources, the employee can report any violation of the City's Core Values and/or policies by contacting the City of Frisco's Ethics Hotline. The City of Frisco Ethics Hotline is a secure and confidential way to report any unethical behavior by any City of Frisco employee while remaining anonymous. All reports on the Ethics Hotline are forwarded to Human Resources and the Assistant City Manager. Reports on the Ethics Hotline of a financial matter are also forwarded to the Director of Finance. Reports are investigated and findings or outcomes are documented in the Ethics Hotline report so the complainant can access the outcome if they desire. Disciplinary action is taken if the investigation warrants. Quarterly reports from the Ethics Hotline are provided to the City Manager's Office.

This tool can be used to report any of the following or any other situation that might threaten the City's reputation such as:

- On-the-job drug and alcohol abuse
- Theft or property damage
- Poor workmanship or inappropriate "shortcuts"
- Health, safety and environmental issues

- Violations of City policies or procedures
- Any other violations of applicable laws and regulations
- Fraud
- Misuse of public funds

Employees can contact the City of Frisco Ethics Hotline by accessing the following website:
friscotexas.ethicspoint.com

Or by calling the toll free number:
844-297-6339

The City of Frisco Ethics Hotline is available 24 hours a day 7 days a week.

The City's Ethics Hotline is not a substitute for communication between an employee and their supervisor and does not replace or is not considered an alternative to contacting the Human Resources Department.

XII. FREEDOM FROM REPRISAL:

An employee that files a complaint in good faith regarding fraud, waste, or abuse shall be assured of freedom from restraint, interference, or reprisal from his or her supervisors or other employees.

XIII. ADMINISTRATIVE PROVISIONS

A. DISTRIBUTION AND TRAINING. Each City employee shall receive a copy of this Code of Conduct upon hire and may be further instructed as to its requirements during new employee orientation and during other employee training sessions as they are held from time-to-time or a minimum of once every two (2) years.

Mayor and Council members are provided with the opportunity for ethics training at the beginning of their term and the Ethics policy will be reviewed annual in January.

B. DISCLAIMER. The City of Frisco reserves the right to modify, alter, delete, suspend or discontinue all or any part of this policy at any time, with or without prior notice to employees. Nothing in this policy constitutes a contract of employment, implied or express, and nothing in this policy alters the at-will employment status of employees.

C. COMPLIANCE AND AUDITING. Financial services conducts annual audits and other risk evaluations to monitor compliance and assist in the reduction of identified problem areas.