

ETHICS IN A POST PANDEMIC ENVIRONMENT:

IS YOUR ORGANIZATION AND YOUR EMPLOYEES READY



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IN THIS SESSION



We are going to explore why Ethics is even more important today than ever before. The last few years have put the spotlight on ethics and people have begun to understand that ethics is a lot more than simply common sense and why you must embrace the behaviors your City expects. Hinting or hoping employees will get “the gist” of Ethics just doesn’t work in today’s times. Regardless of your job “ethics” concerns you! For every manager, supervisor and employee there are ethical challenges every day. Clear language and a way to get explanations on ethical questions on specific situations is essential.



DNA OF TODAY'S CITIES



Our Actions Are Guided By The Following Principles:

Respect

- We value all members of our diverse community and will treat everyone with the highest respect.

Integrity

- The highest standards of honesty and fairness are the foundations of all policies and decisions

Service

- We work together to satisfy the needs of our entire community in the most effective and efficient way possible.

Excellence

- We are committed to excellence through hard work, innovation, creativity, and continuous improvement.


We RISE and fall on the expectations and perceptions of our public.



WHAT CITIES EXPECT FROM EMPLOYEES

A CODE OF PROFESSIONAL CONDUCT

As a City employee, you are expected at all times to:

- Be courteous, professional and objective in dealing with citizens and fellow employees.
 - Project a professional image at all times regardless of your job or department. A professional image is appropriate for both white and blue collar employees.
 - Refrain from behavior which might be considered derogatory, offensive, harassing, improper or intimidating.
 - Respect the privacy of others and never reveal information which would be considered a violation of privacy or confidentiality.
 - Avoid gossip, rumor or innuendo and avoid unnecessary negative comments about others.
 - Treat all persons fairly regardless of such factors as race, religion, disability, age or national origin.
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WHAT CITIES EXPECT FROM EMPLOYEES

THE BASICS OF ETHICAL CONDUCT

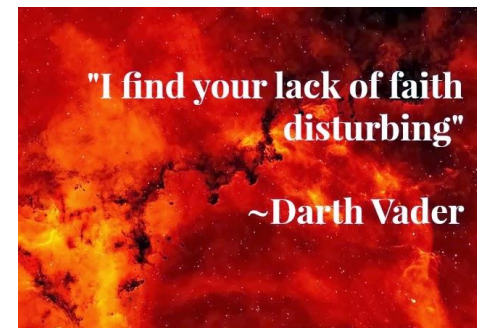
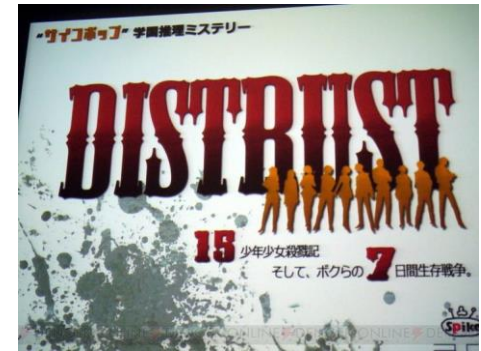
As a City employee, you are expected at all times to:

- Not engage in behavior which could be viewed as favoritism or special treatment and must avoid real or perceived conflicts of interest.
- Accept responsibility for your actions and always make decisions consistent with the welfare of the public.
- Refrain from taking unfair advantage of professional relationships and not exploit others for their personal, religious, political or business interests.



WHY THE LAST FOUR YEARS HAVE CRIPPLED ANY CITIZENS TRUST FACTOR WITH GOVERNMENT

- Administrative indiscretion.
- State and Federal Corruption.
- Nepotism, Favoritism, Discrimination.
- Administrative secrecy.
- Information leaks.
- Lies.
- Lack of Public Accountability.
- Press and Social Media Agendas.
- Political Venom

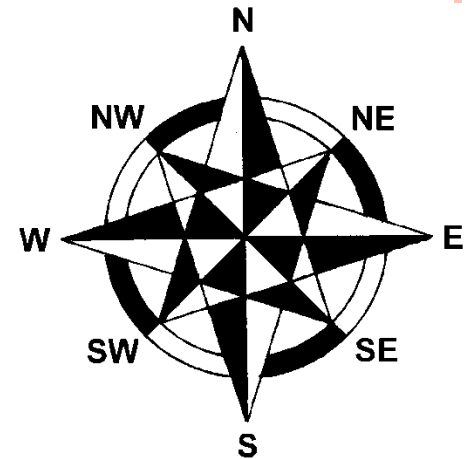


TWO ETHICAL COMPASSES-ONE IMPACTS THE OTHER



These Ingredients Impact Our Employee Thinking

- How is the top of the organization acting?
- Are our facilities open?
- At full service levels?
- What changes have citizens seen that are permanent and not appreciated?
- Have we gained in the eyes of our citizens or lost in these last two years?
- Is there blatant favoritism being shown in the community?
- Have we had scandals during the pandemic?
- What does our overall Pandemic report card look like?



WHY IS THIS COMPASS WATCHED BY EMPLOYEES?



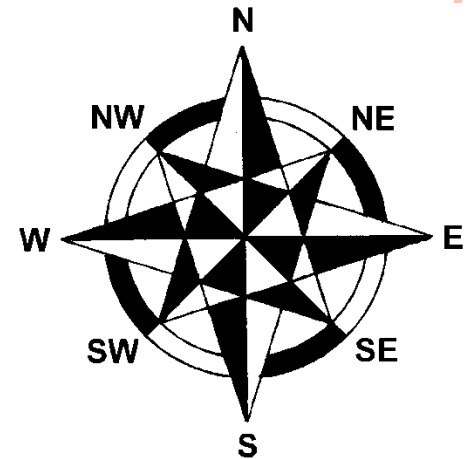
These Ingredients Impact Our Employee Thinking

- How is the top of the organization acting?
- Are our facilities open?
- At full service levels?

Have you let employees stay home or abuse your rules during the pandemic?

Have these issues gone public?

Does the public feel they were denied services during the pandemic and government conveniently used Covid as an excuse?

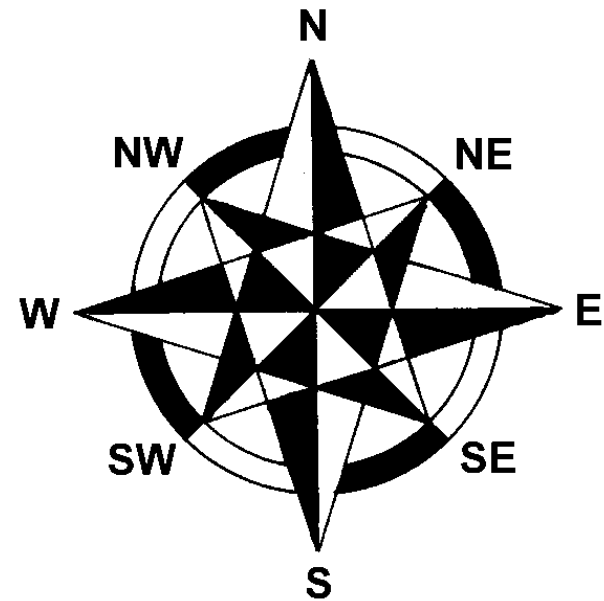


OUR ETHICAL COMPASS-ARE WE DOING THE RIGHT THING ON A REGULAR BASIS?



Phrase Keys To Make Us Think

- When in uniform
- When on city time
- When on city property
- Using or borrowing city property
- For personal gain or advantage
- Showing favoritism
- Giving unfair advantage
- Violating department, city rules, code, charter



OUR ETHICAL COMPASS



Our City Ethical Compass Includes:

- Integrity - Demonstrating the highest moral and ethical conduct with a sense of fairness.
- Respect - Treating every individual with dignity.
- Leadership – Individuals setting and promoting standards of excellence.
- Cooperation – Working together for the benefit of the whole, regardless of differences.

- ◆ Each employee has a responsibility to the organization and her or her colleagues to demonstrate the highest standards of personal integrity, honesty, and fortitude in all public activities. It is in this way that we can inspire public confidence and trust in City government. With this in mind we must:
 - ◆ Comply with all applicable laws, ordinances and regulations, and resolutions in carrying out our job responsibilities:
 - ◆ Eliminate any and all circumstances which could result in personal gain from the performance of official duties;
 - ◆ Avoid all interests or activities, which are in conflict with the conduct of official duties, including political activity within the City;
 - ◆ Do not accept any gifts of value that conflict with Ethics Guidelines.

GUARDING THE PUBLIC TRUST- AVOIDING A MISUSE OF YOUR POSITION

These rules are in accordance with Chapter 112, Part III of the Florida Statutes, entitled "Code of Ethics for Public Officers and Employees."

1. No City employees shall use or attempt to use their position to secure special privileges or exemptions for themselves or others, except as may be provided by policy and/or law.
2. No City employees shall accept employment or engage in any business or professional activity which they might reasonably expect would require or induce them to disclose confidential information acquired by them by reason of their official position.
3. No City employees shall disclose confidential information gained by reason of their official position, nor shall they otherwise use such information for their personal gain or benefit.
4. If an employee of the City is an officer, director, agent, or member of, or owns controlling interest in any corporation, firm, partnership, or other business entity which is subject to the regulation of, or which has substantial business commitments with the City or other political subdivision of the state, he or she must disclose this fact and this fact should be placed in her or her personnel file.



GUARDING THE PUBLIC TRUST-AVOIDING A MISUSE OF YOUR POSITION

5. No City employees shall transact any business in their official capacity with any business entity of which they are officer, director, agent, or member, or in which they own a controlling interest.

6. No City employees shall have personal investments in any enterprise which will create substantial conflict between their private interests and the public interest.

When employees of the City have any doubt as to the application of these rules as it relates to them, they should discuss this concern with the City Manager or her/her designee.

Any employee who violates these basic rules will be subject to disciplinary action.



LET'S VIEW A FEW CASES



As a city employee, there may be times when you have tough decisions to make. You should always act with honor and integrity. Rationalizing your behavior doesn't make it right.

In a little while, you will help Kay, our hypothetical city employee, make good and ethical decisions. But first let's look at what Kay will have to know.



AS A CITY EMPLOYEE KAY WILL HAVE TO KNOW INFORMATION ABOUT HOW HER BEHAVIOR WILL BE VIEWED?

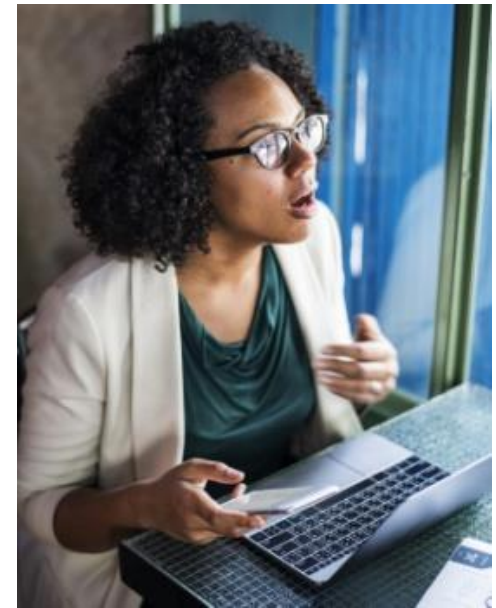
What does the State of Florida, my organization, or my professional organization say about specific behavior?

What does the state statute say? A City Charter, Code of Ethics or Code of Conduct? Is my city in a county that has a County Ethics Commission what does it have to say about my expected behavior?

If I have an ethical question who can I ask?

If I fail to anticipate ethical issues can I get into serious trouble or lose credibility? Can my actions be unethical and illegal?

Will I be able to live with the potential long-term effects of my behavior and/or decisions?



AS A CITY EMPLOYEE WHAT WILL KAY NEED TO UNDERSTAND?

Acceptance of Gifts

Fraud

Drug-free workplace

Political involvement

Union and Negotiations involvement or meddling

Confidentiality

Preferential treatment in hiring

Internet Usage

Gift Acceptance

Cell Phone Usage

Dual Employment

Solicitation for Charities, School Sponsored events

Falsification of Worker's Compensation Claims

Leave Usage

Free & Reduced Price meals(Employees in City uniforms)



THE BASIC ETHICS QUESTIONS FOR THE PUBLIC SECTOR



The greatest obstacle to ethical behavior is rationalization.

People sometimes "cut ethical corners."

QUESTIONS KAY WILL HAVE TO ASK HERSELF:

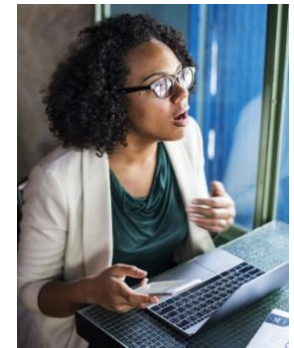
Is their action legal?

Is this a City/State policy or law governing my decision?

Would I feel comfortable telling my family, friends, or loved ones what I intend to do?

Ethics is not negotiable; you are either ethical or not. You cannot cheat a little.

Sometimes a neutral situation in which you are deeply involved changes and takes on unethical dimensions. New evidence comes to light.



BEFORE WE HELP KAY LET'S LOOK AT OUR ETHICAL COMPASS?

The phone rings at 6:00 PM at home and someone on the line asks for Roy, your husband. You ask who it is and they tell you the name of the organization and they want to speak to Roy. Roy is standing next to you. They won't tell you any of this information. Roy doesn't like to be bothered at dinner. He motions to you by shaking her head indicating he does not want to talk to whoever is on the line. You tell the caller that Roy is not there.



**Did you tell a lie?
Is a lie unethical?**

How many of you would feel OK in doing this?

Why do you think this is OK?



HOW IS YOU ETHICAL SHIP SAILING?

On a day to day basis can you steer clear of the following?

- Lies
- Taking Credit for Others Hard Work
- Verbal Harassment/Abuse
- Violence
- Non-Office Related Work-(on City Time)
- Extended Breaks
- Theft/Embezzlement
- Corrupt Practices
- Sexual Harassment
- Violation of City Rules
- Lack of Cooperation
- Rumor Mongering



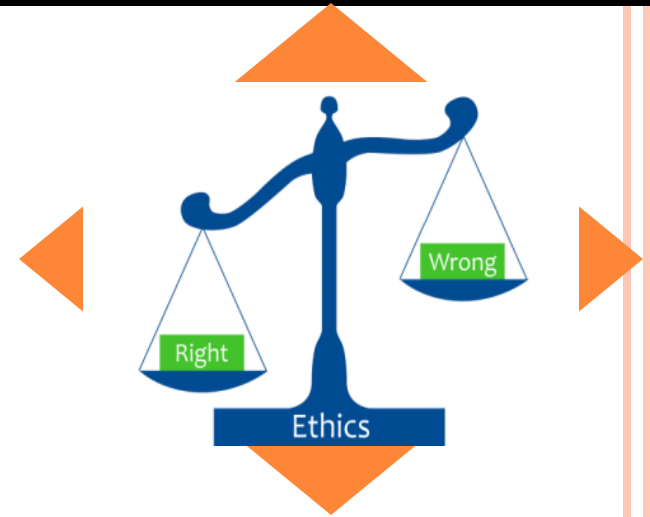
YOUR PERSONAL ETHICS SURVEY

You have been asked to take a load of building material to the city dump. You discover that some of the trash is still usable. You take the usable items home. Have you faced an ethical decision in doing so?

- A. No - It was trash anyway.**
- B. Yes - Should have asked my supervisor and checked city policy.**
- C. No - It's not an ethical decision. It's a law.**
- D. No - Disposal of the property is my decision.**



NOW LETS HELP KAY DEAL WITH SOME ETHICAL ISSUES



#1: ACCEPTANCE OF GIFTS

Kay works in Risk Management and is representing the city in negotiating with an adjuster from an insurance company named Susan. This is a big opportunity to show her boss how capable she is in trying to resolve disputes on open claims. Today Susan stops by to discuss the cases. She arrives at 3:40 PM and will be staying through the next day to discuss the cases. Susan invites Kay to dinner. Kay's dinner cost \$28. Susan hands her personal credit card to the waitress, and tells Kay that dinner is on her.

Q. Is it okay for Susan to pay, since it was not during work hours or on her company credit card? Is it okay for Kay to accept?



#1: ACCEPTANCE OF GIFTS

No. It is not okay to let her pay.

A city employee **may not** accept a gift, gratuity, or entertainment from **a person having an interest** in a matter, or proceeding pending before the City. Kay and Susan have direct involvement in the resolving of these cases.

Insurance carrier employees (such as adjusters) are included as people from whom you may not accept gifts. What other people would fall into the same category?



#1: ACCEPTANCE OF GIFTS



How Susan would pay for dinner, or that it was after working hours does not matter. It would still be a gift.

If Kay wants to avoid the appearance of impropriety (wrong-doing), he would **not** allow her to pay for her dinner. He should instead pay the waitress directly for her portion of the bill. Some of you would may feel Kay should have never gone to dinner with Susan in the first place.-**Let's Discuss**

Gifts that are allowed by our policy. Those that are not given for any purpose of trading influence, small enough in value, and of a inconsequential nature.



#2: CONFIDENTIALITY



Imagine if Kay worked in Purchasing. Kay's uncle manages an electronics company in another neighboring city. Her uncle knows that one of the bigger contracts to replace all of the TV's in the city fire stations is about to come due. To give him a competitive edge Kay's uncle needs to know how much these other companies have bid before he puts her bid in. Kay is holding the materials in the Purchasing Office before the bid opening and can peek into two of the envelopes. Kay's uncle asks her to take a peek. Kay's uncle says he knows the City has financial problems and he just wants to save them money. Who is this going to hurt?



#2: CONFIDENTIALITY



No. Kay may not give her uncle this information.

Bid information is not available to the general public until the bids are officially opened.

You may **never** disclose confidential information gained through employment with the city to an unauthorized party prior to the information being available to the general public.



#2: CONFIDENTIALITY



Giving out confidential information that you have access to because of your job at the city, or using this information to further your personal interests, would be unethical and unlawful.

When you have a question concerning whether certain information can be given to the public or certain files can be reviewed ask before acting.



#3: IT'S ALMOST THE TRUTH



Kay's neighbor Phil works for the city as a rookie police officer. Last night he left her gun and work materials in her police cruiser that he parked in front of her house. Her car was broken in and her gun and possessions were stolen. Kay was awakened by the sound of breaking glass. Phil did not want to tell her sergeant that he left everything in the cruiser so instead told her he had brought it inside her house when he arrived off of her shift. Waking early the next morning he brought her gun and materials down to the car and then went back to eat breakfast. When he came outside to go to work he noticed the car had been robbed. Phil thinks this version won't make him look that bad.

Q. Is Phil's behavior a problem?



#4: OUTSIDE EMPLOYMENT

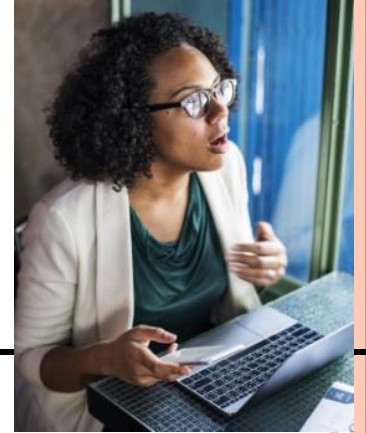


Kay was hoping to make a little extra money for the holidays. She is working at a paint manufacturing company part-time in the city. She figures she will work this a few months. She never informed Personnel/Human Resources or had this employment approved by her department director.

Q. Can Kay be disciplined for not getting secondary employment approved when this was written on her application, city handbook, and in the City Rules. What kinds of secondary jobs would have a conflict of interest with an employee's primary city job? Let's discuss!



#5: DRUG-FREE WORKPLACE

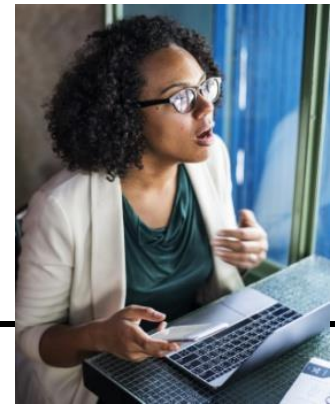


One afternoon, Kay's boss asked her for a report her section had been working on. The report was needed immediately for a meeting going on in City Hall. Kay had to drive the department car to City Hall to deliver the report. On her way to the annex Kay gets into a car accident and breaks her arm. Kay was made to take a drug test pursuant to the city accident policy. Kay tested positive for marijuana.

Q. Can Kay be legally tested for drugs? What could happen to Kay? Why is this also an Ethical issue?



#6: INTERNET USE



Recently Kay's name keeps popping up on the internet usage report run by IT. It appears that Kay is on the internet close to three hours a day on sites that are home shopping and jewelry sites. Her supervisor is speaking to Kay today.

Q. Kay assures the IT manager that she was not on any porn sites. Is Kay still in trouble? Why? What are other issues with Internet sites?



#7: POLITICAL ACTIVITIES



Kay has always been politically active, and several of her close co-workers strongly support certain political candidates. One of the candidates is a state legislator while the other is a council member candidate for the city.

Q. May Kay and her co-workers campaign during the workday to support their candidates? Can Kay be forbidden from campaigning for certain elections.



#7: POLITICAL ACTIVITIES



This is a tricky question.

City employees have civil rights to participate in politics like other citizens with some preclusions. It is pretty universal that employees are forbidden from participating in election campaigns while on duty.

Certain city charters have very specific language on the limitations of employee involvement in council elections. **What is allowed/not allowed in your city?** Activities on duty that are routinely forbidden are:

- Collecting contributions
- Selling tickets to political fund raisers
- Distributing campaign material
- Making campaign phone calls
- Campaigning while on the job
- Wearing campaign buttons on city uniforms



#8: HIRING



In this case Kay has been promoted to the Asst. Risk Manager position and Carlos the Recreation Director approaches her with a proposition. Carlos' sister needs a job and there is a good entry level opening in the Risk Management Department. If Kay hires her Carlos will hire Kay's 16 year old son as a counselor for the summer. Carlos assures Kay there is no conflict of interest since neither of them are directly hiring their own relative.

Q. Discuss this! Where is there an ethical concern? What other hiring ethical issues can you encounter?



WHERE DO OUR ETHICS CONCEIVE COME FROM?

conduct as accepted
cal-ly adv. — eth/i
eth-ics (eth'iks) n. 2
The study and philo-
on the determination
of right conduct with
of life, etc. 3. A tr
E-thi-0-ni

(1) "Might Makes Right"

this is the most ancient of all "rules of life," is often called "jungle ethics," the ethics of "necessity" or "survival of the fittest."

(2) Fairness

Aristotle was the first to define Justice, but the concepts can be traced back to Hammurabi's Code of "an eye for an eye..."

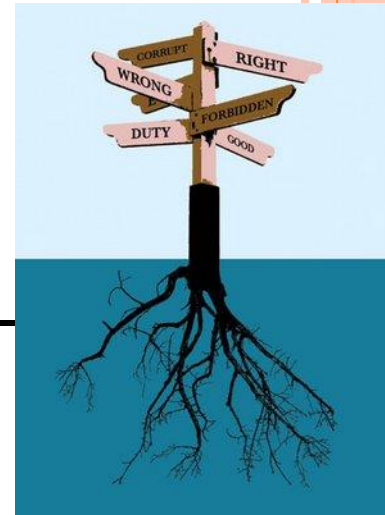
(3) The "Golden Rule" (Rule of "Reciprocity")

"Do unto others as you wish them to do unto you."



Aristotle

WHERE DO OUR ETHICS CONCEPTS COME FROM?



(4) The "Lesser Evil" Standard

Formalized as a legitimate moral rule by the theologian Augustine (c.400), this standard, often called "lifeboat ethics"

(5) "Love Thy Neighbor"

Love, one of the most powerful human emotions, has often been drawn upon as an ethical standard.

(6) Hedonism ("Pursuit of Pleasure")

Throughout history, there have been many philosophers advocating that the main purpose of human life was physical (sense) pleasure. "Eat, drink and be merry - for tomorrow we must die."



WHERE DO OUR ETHICS CONCEPTS COME FROM?



(7) The "Golden Mean"

Aristotle employed a rational approach for avoiding extremes.

(8) "Natural Law"

An action consistent with natural law was ethical, while actions "contra naturam" ("against nature") were unethical

(9) "Intuition" and "Conscience"

"Let your conscience be your guide." Each individual, within her deepest self, "intuits" what is right or wrong.



WHERE DO OUR ETHICS CONCEPTS COME FROM?



(10) The "No Harm" Test

All medical doctors learn early and know well the ancient physicians' solemn and publicly sworn oath to "first do no harm"

(11) "Everybody's Doing It"

"If the majority is doing it, it must be ethical." it becomes clear that the legal and ethical are not always equivalent, nor are the illegal and unethical.

(12) The "Work Ethic"

Most people *must* work hard throughout much of their lives as a necessary means to an end



WHERE DO OUR ETHICS CONCEPTS COME FROM?

(13) The "Long-Range Utility" Standard

Pragmatism's "long-range utility" test judges the ethical value of any human action by its known or probable ultimate consequences, not its immediate attractiveness.



(14) Kant's "General Law"

What if everybody did this?

(15) The Disclosure Test

Would my wife, friends, or children be proud of me if they found out what I had done on the 6 o'clock news?



ETHICAL DECISIONS -- REMINDER!



- As a city employee, you are responsible for acting in an ethical manner at all times.
- Ethics is knowing right from wrong, and choosing to do what is right.
- Your city rules, employee handbook should provide an Employee Ethics and Standards of Conduct policy.



WHO MAKES THE ETHICS CALL?



- You need to know who in your organization can give him some ethical assistance?
- Department Director, Asst. City Manager, Committee, Task Force, Board-What kind of assistance is available. Encourage people to ask and not fear retaliation.
- You can run an ethics dialogue in a city newsletter, posting board, or other communications tool you are using.



WHERE ARE OUR ETHICS LAWS IN FLORIDA?



The Code of Ethics for Public Officers and Employees

- The Code of Ethics for Public Officers and Employees, adopted by the Legislature as [Part III of Chapter 112, Florida Statutes](#), contains standards of ethics conduct and disclosures applicable to public officers, employees, candidates, lobbyists, and others in Florida State and local government, with the exception of Judges. (The ethical standards for Judges of Florida's judicial branch are contained in the Code of Judicial Conduct, adopted by the [Florida Supreme Court](#).)

The "Sunshine Amendment"

- The "Sunshine Amendment," adopted by Florida voters through a constitutional initiative in 1976 as [Article II, Section 8, Florida Constitution](#), contains standards of ethical conduct and disclosures applicable to public officers and employees; it also requires the Legislature to adopt the code of ethics described above.

Standards of Conduct for the Public Service Commission and the Public Service Commission Nominating Council

- [Sections 350.031 - 350.05 & 350.0605, Florida Statutes](#), contain standards of conduct that apply particularly to members and employees of the Public Service Commission and to members of the Public Service Commission Nominating Council.



WHERE ARE OUR ETHICS POLICIES IN FLORIDA?



County Ethics Commissions

- **Palm Beach County**
- **Miami-Dade County**
- **Jacksonville Ethics Commission**

City Ethics Policies

Almost all cities have some form of ethics policy and often an ethics committee to decide ethical issues

Individual Florida Associations and National Associations-Some examples are:

Florida Bar

Finance Associations-FGFOA

Florida Association of Code Enforcement

ICMA

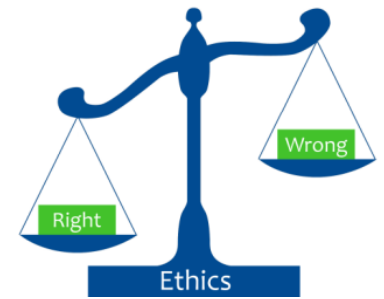


WHAT WILL YOU COMMONLY SEE ADDRESSED THROUGHOUT YOUR CITY AND DEPARTMENT RULES?

- Policy Statement
- Standards
- Expectations
- Definitions
- Conflict of Interest
- Disclosure of Information
- Solicitation by outside vendors and existing employees
- Personal and individual business activities on city time
- Acceptance of Gifts
- Bribery
- Additional Concerns-regulatory personnel
- Additional Concerns-procurement-finance personnel
- Political Activity-Employee Involvement
- Hiring of Relatives-Conflicts in Hiring
- Ethical Concerns With City Property-borrowing-disposal-inappropriate use-abuse-badges, other city identification-vehicles
- IT Concerns
- Communication concerns-cell phone usage
- Tie in to City Code of Conduct



ETHICS LAWS ARE ALWAYS CHANGING IN FLORIDA?

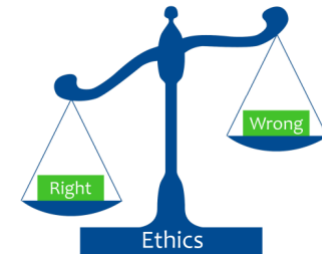


Florida's Code of Ethics for Public Officers and Employees, Part III of Chapter 112, Florida Statutes. Changes to the law in 2013 include:

- Clarifying the circumstances in which a public elected official or candidate can also work for government
- Broadening the two-year prohibition on lobbying after serving as an elected official.
- Requiring four hours of annual ethics training for the Governor, Lieutenant Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, state attorneys, public defenders, sheriffs, tax collectors, property appraisers, supervisors of elections, clerks of the circuit court, county commissioners, district school board members, and superintendents of schools.
- Setting up provisions for qualified blind trusts.
- Clarifying the voting conflicts provisions for elected officials.
- Allowing public officers to correct their financial disclosure statements and barring action on an “immaterial, inconsequential, or “de minimis” error or omission” by the Commission on Ethics.



ETHICS LAWS ARE ALWAYS CHANGING IN FLORIDA?



Florida's Code of Ethics for Public Officers and Employees, Part III of Chapter 112, Florida Statutes. Changes to the law in 2013 include:

- Requiring that the Commission on Ethics submit a proposal on electronic financial disclosure reports, and providing that all disclosure reports filed since 2012 be placed online in a searchable database.
- Allowing for ethics fines to be taken out of a public official's salary, and authorizing the Commission on Ethics to hire a collection agency.
- Amending the definitions relating to voting conflicts and the process for dealing with voting conflict situations.
- Adding officeholders to the list of those who must publicly disclose their finances, including community redevelopment agency board members and local finance directors.
- Barring political committees from giving gifts to procurement employees or their families.



LATEST ETHICAL LEGISLATION FOR FLORIDA

- Penalties for public officials and employees who abuse their positions and was passed after the Florida Commission on Ethics approved a rule that defined “disproportionate benefit.” Part of the constitutional amendment said a “public officer or public employee shall not abuse her or her public position in order to obtain a disproportionate benefit for himself or herself; her or her spouse, children, or employer; or for any business with which he or she contracts; in which he or she is an officer, a partner, a director, or a proprietor; or in which he or she owns an interest.”



ETHICS IS A FOUNDATION FOR CITIZEN TRUST- IT IS WHAT EVERYTHING ELSE IS BUILT ON

