

TOWN OF SOUTHBOROUGH POLICIES AND PROCEDURES

Policy:	Code of Conduct Policy
Date Approved:	April 25, 2016
Board approval:	Board of Selectmen

1. Purpose and Scope

1.1 The purpose of this policy is to indicate conduct expected by employees and officials of the Town of Southborough when conducting business with other employees, customers, vendors, and visitors, who interact with the Town, either on a daily or more infrequent basis. This policy extends to private conduct, to the extent the law has additional requirements on public employees.

1.2 Nothing in this policy limits or replaces rules of conduct described in Massachusetts General Laws Chapter 268A, (Chapter 268A and Regulations are referred to in this policy as "State Public Employee Ethics Laws") regarding the conduct of a public employee, including Town employees as described in the law and regulations.

1.3 Nothing in this policy limits or replaces other Town policies that address employee conduct, such as the Town's Workplace Violence Prevention Policy, Policy Against Sexual and Discriminatory Harassment, and the Town's Alcohol & Drug Policy, and other policies applicable to employee conduct.

2. Applicability

2.1 This policy applies to all full and part-time compensated positions, excluding employees of the School Department. Employees whose positions are covered by collective bargaining agreement are subject only to those portions of the policy which are not separately regulated by a collective bargaining agreement. Persons employed under individual employment agreements shall follow all of the provisions of this policy.

2.2 This policy does not replace applicable law, including State Public Employee Ethics Laws, but instead applies in addition to applicable law. In the event this policy conflicts in any way with laws governing employee conduct, the law will apply over this policy, to the extent that it is stricter.

3. Policy

3.1 Employees and town officials must act with fundamental honesty and integrity in all Town dealings, comply with all by-laws/regulations that govern the Town, maintain an ethical and professional work environment and comply with all Town policies. Town employees and officials are required to consistently treat fellow employees, customers, vendors, and visitors with respect, dignity, honesty, fairness, and integrity.

3.2 As further described in State Public Employee Ethics Laws, and among other requirements set forth in the law, Employees and town officials may not, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive anything of value for themselves or for any other person or entity for or because of any official act performed or to be performed by the employee, to influence any official act performed or to be performed, to influence or attempt to influence any official act performed or to be performed, or to act in a manner which would cause a reasonable person to conclude that the employee could be influenced in such a manner.

3.3 Examples of conduct that is considered inappropriate and/or unprofessional under this policy may be physical and/or verbal and include, but are not limited to, the following:

- a) Asking or requiring another individual to act unethically or violate the Town's Professional Conduct Policy or the law;
- b) Disparaging or misrepresenting the Town or any Town employee or official;
- c) Engaging in gambling, such as sports' pools, card games, games of chance, and raffles while conducting Town business or representing the Town;
- d) Discriminating against others on the basis of race, sex, sexual orientation, age, handicap, religion or national origin in the course of your employment;
- e) Engaging in any behaviors that are harassing, including sexual harassment or offensive comments or jokes;
- f) Consuming and/or using alcohol, non-prescribed narcotics or controlled substances during work time, or reporting to work under the influence of alcohol, intoxication, non-prescribed narcotics or controlled substances in any form. You should inform the Assistant Town Administrator or your supervisor at the start of the workday if you are taking medication that might impair your work performance, in order that proper accommodations can be considered and made where reasonable.
- g) Unprofessional behaviors, commentary, written correspondence and/or gestures directed at another Town employee or official, supervisor, customer, visitor or resident that a reasonable person would find offensive, humiliating or intimidating or that adversely affect staff performance.

3.4 Employees and town officials shall obey the laws of the United States and the Commonwealth of Massachusetts. Any employee who is convicted of a crime relating to their employment or impacting their employment, or crimes which may disqualify them from holding necessary certifications or licenses, may be subject to disciplinary action, up to and including termination. Employees are, where applicable, subject to meeting CORI background screening requirements, subject to Town requirements and applicable law, including the law governing CORI.

3.5 Employees shall comply with all of the policies and operating procedures of the department in which they work and the Town of Southborough. Employees shall respond forthright to the work-related directives of their supervisor.

3.6 Employees and town officials are expected to conduct themselves in their official relations with the public and with their fellow employees in a manner which will enhance public respect for, and confidence in, the employee and the Town as a whole. Employees and town officials must not only perform their duties in a wholly impartial manner, but must avoid any conduct which gives a reasonable basis for the impression of acting otherwise. Specifically, all employees and town officials shall avoid any action which may result in or create a reasonable basis for the impression of:

- a) Using public office for private gain;
- b) Giving preferential treatment to any citizen;
- c) Making work-related decisions contrary to departmental town policy; and,
- d) Using one's official position to harass or intimidate any person or entity.
- e) No municipal employee shall, otherwise than as provided by law for the proper discharge of his/her official duties, directly or indirectly receive or request compensation from anyone other than the town or municipal agency in relation to any particular matter in which the same Town is a party or has a direct and substantial interest.
- f) No person shall knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly give, promise or offer such compensation.
- g) No municipal employee shall, otherwise than in the proper discharge of his/her official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the town, or as agent or attorney for anyone in connection with any particular matter in which the same town is a party or has a direct and substantial interest.
- h) Employees and town officials shall not solicit or accept, directly or indirectly, any gift or benefit, including any gratuity, favor, entertainment, loan, or any other item of value, from a person who or entity which the employee knows or has a reason to know:

- Has, or is seeking to obtain, contractual or other business or financial relations with his/her department or the Town;
- Conducts business or other activities which are regulated or monitored by the department or the Town, except as permitted by statute or regulation;
- Has interests that may be substantially affected by the employee's performance or non-performance of his/her duties or has the appearance of being substantially affected; or
- Seeks to influence the employee in performance of his official acts or any act within their official responsibility.

Exceptions- the restrictions set forth in Section 3 do not apply to the following gifts provided that such gift or benefit has not been solicited by the public employee, and is not for any of the purposes identified as prohibited above, and/or in the State Public Employee Ethics Laws:

- a) *De Minimis* Gifts. Anything with a value of less than \$25, other than cash. *De minimis* gifts include multiple gifts or benefits given or offered to a public employee within a calendar year by

one person or by an organized group of persons having a common interest in a particular matter or legislation before that public employee, if the aggregated value is less than \$25;

- b) *Inheritance.* Anything received by inheritance;
- c) *Gifts from Immediate Family and Relatives.* Anything received by a public employee from a member of the public employee's immediate family or from a great grandparent, great grandchild, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, step-parent, stepchild of the public employee or of the employee's spouse and given for reasons unrelated to the public employee's official position or duties;
- d) *Informational material.* Informational material relevant to a public employee's official functions and intended for use by the public employee in the exercise of official duties or solicited for the purpose of promulgating, administering and enforcing agency regulations, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, electronic, or visual format;
- e) *Professional Organization Membership Fees.* Reduced or waived membership or other fees offered by a professional organization if the only requirements for membership relate to professional qualifications;
- f) *General Discounts.* A rebate, discount or promotional item available to the general public or to a class consisting of all public employees from a city or town, county or state on the same terms as offered to the general public;
- g) *Display Items for Meritorious Public Service.* An item intended for display and given by a civic, charitable, professional, religious, or fraternal organization in recognition of meritorious public service that has no or minimal resale value. Such items shall include but not be limited to trophies, plaques, bowls, and certificates;

Honoraria. Honoraria not exceeding \$250.00 for participating in a legitimate speaking engagement provided that:

- Delivering the speech is not part of the public employee's official duties;
- Public resources are not used in the preparation of the speech;
- Public time is not taken for the preparation or delivery of the speech;
- Neither the sponsor of the address nor the source of the honorarium is a person or entity with whom the public employee has had or reasonably expects to have dealings in his official duties;
- The public employee makes a prior written disclosure.

4. Actual or Potential Conflicts of Interest, Violations of this Policy, or Violations of the

Law: Employees and town officials should immediately report and make inquiry about questionable items, gifts, benefits, or matters. Inquiries can be made with the Town or employees may go directly to the Town Administrator or to the Ethics Commission at 1-888-485-4766 (Attorney of the Day).

5. Procedures / Investigations

5.1 A violation of any aspect of this policy can damage the integrity and harm the reputation of the Town of Southborough and all employees and town officials, and may additionally place the employee in violation of Massachusetts law. The Town is fully committed to reviewing and/or investigating, as necessary, any and all reported incidents. Employees who become aware of inappropriate conduct should report it to their Department Head or Town Administrator.

5.2. When management becomes aware of an incident, they shall document the incident as soon as possible and forward said information to their supervisor.

5.3. A decision to deal administratively with the employee and/or to have the employee consult with EAP shall be made as promptly as possible by the Town Administrator or his/her designee, and management should continue an on-going review.

5.4 Employees may have separate reporting requirements under the Massachusetts Ethics Law, which are in addition to those described in this policy. Employees must be aware of these reporting requirements, and when and under what circumstances Massachusetts State Ethics law requires employees to make such Disclosures, including as directed by State law.

6. Applicable Statutes / Laws

A number of laws are implicated by this policy, which outline unacceptable or unethical conduct in the workplace. These include, but are not limited to, any number of criminal and civil laws prohibiting unethical conduct, such as Massachusetts General Laws Chapter 268A, and Massachusetts Regulations at 930 CMR 5.00 et. Seq. (Chapter 268A and Regulations are referred to in this policy as "State Public Employee Ethics Laws"), as well as any criminal or civil laws in the areas of anti-stalking laws, anti-bullying laws, OSHA, anti-discrimination, Civil Rights, etc.

ACKNOWLEDGEMENT

Note: Your signature below signifies that you have received this policy.

*This policy is applicable to all employees of the Town of Southborough.
For those employees covered by Collective Bargaining Agreements, the provisions of the CBA, which are subject to negotiation prevail over the language in this policy (i.e. discipline).
Any changes made to this policy that apply to sections that are subject to collective bargaining, will be sent to the appropriate union prior to implementation.*

Name _____

Title _____

Department _____

Date _____