



<b>Policy Number and Title:</b>	10.00 Ethics <del>Policy</del>
<b>Policy Section and Chapter:</b>	Human Resources – <u>Employee Relations</u>
<b><u>Policy Owner &amp; Contact:</u></b>	<u>Human Resources – (940) 349-8355</u>
<b>Policy <del>Type</del> <u>Directive:</u></b>	<del>Policy</del> <u>with Administrative Procedures</u>
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**POLICY PURPOSE STATEMENT**

~~Public service is a public trust of which all The City employees are stewards. It is essential that the public has confidence in those who act on their behalf in government. It is the City's policy is committed to promote, uphold, and demand upholding the highest ethical standards of ethical behavior from all employees. The purpose of this policy is to set ensure public trust. This policy establishes ethical expectations, promotes integrity, and provides guidelines, foster an environment of integrity and impartiality, and thereby enhance the City's ability to function effectively.~~

~~By promoting the City's values and prohibiting conduct incompatible with the best interest of the organization and public, risks are minimized, and public trust is strengthened. Each City employee must strive to adhere to the technical compliance and principles set forth in this policy. It is not the purpose of this policy to provide a mechanism to defame, harass, or abuse employees, or to exploit personal grudges.~~

~~This policy is not all inclusive. It is supplemental to all applicable prevent an actual or perceived conflict of interest and misuse of City resources. Misuse of City resources, whether intentional or due to gross negligence, is prohibited. Employees must comply with City policies, ordinances, and State/the Texas Public Information Act, the Texas Local Government Code, and other applicable State and Federal laws and regulations. Employees are expected to use reasonable judgement for decisions that are not outlined in this or other City policies. Other policies may be referenced for more detailed information.~~

**DEFINITIONS**

- ~~1. Abuse – The intentional misuse of a City office, employment, contract, or other position or authority by virtue of relationship with the City to:
 
  - obtain personal gain or favor from another City employee, vendor, or citizen;
  - unreasonably harm or burden a resident, vendor, business, or other City employee;
  - violate a City policy, procedure, rule, or regulation in a way that impairs the effective and efficient execution of City operations.
    - a. Examples include:
      - i. Receiving personal gain for awarding contracts to certain vendors
      - ii. Requesting staff to perform personal errands or work tasks for a~~

~~supervisor or manager~~

~~iii. Misusing one's authority or position for personal gain~~

~~iv. Acting in ways grossly inconsistent with the City's core values~~

~~2. Cash or Cash Equivalents — Cash or Cash Equivalents are defined as money or stored value~~

products such as gift cards and gift certificates.

3. ~~Favor~~—A Favor is defined as performing an action, taking an action, or refraining from an action in a manner advantageous to an employee, customer, business, or organization in a manner atypical of normal business practices or policies. Examples include, but are not limited to, waiving charges or fees, or providing non-public information that could be used for financial or political gain.
4. ~~Fraud~~—the intentional or knowing misappropriation of City assets by any act including, but not limited to, theft, corruption, conspiracy, embezzlement, deception, bribery, extortion, and intentional misrepresentation. Attempted fraud is treated as seriously as accomplished fraud. Further examples of fraudulent activity are outlined in the City's Fraud Response Policy (509.01)
5. ~~Game of Chance~~—A Game of Chance is defined as any game or contest in which the outcome depends on chance, regardless of whether there is a cost to participate (e.g., raffles, drawings, or sweepstakes).
6. ~~Gift~~—A Gift is defined as any tangible or intangible thing that can be reasonably inferred as benefitting the employee and/or influencing the employee's judgement or actions. This includes but is not limited to Cash or Cash Equivalents, merchandise, food baskets/trays, meals, transportation, lodging, entertainment, use of facilities or property, and discounts.
7. ~~Honorarium~~—An Honorarium is defined as payment of money or anything of value in return for an appearance, speech, or article.
8. ~~Perishable Items~~—Perishable Items are defined as fresh food (not pre-packaged for the intention of extended shelf life) having a shelf life of less than a few days. Plants are also considered Perishable Items.
9. ~~Nominal Value~~—The Nominal Value of an item is defined as having a value of less than \$25.00.
10. ~~Relative~~—For the purposes of this policy, Relative shall include, but not be limited to, the following familial relationships:

Relationships by Blood			YOU	Relationships by Marriage		
<ul style="list-style-type: none"> <li>• Great grandparents</li> <li>• Great grandchildren</li> <li>• Uncle</li> <li>• Aunt</li> <li>• Nephew</li> <li>• Niece</li> <li>• First Cousin</li> </ul>	<ul style="list-style-type: none"> <li>• Siblings (including ½ siblings)</li> <li>• Grandparents</li> <li>• Grandchildren</li> </ul>	<ul style="list-style-type: none"> <li>• Parents</li> <li>• Children (includes adoption)</li> </ul>		<ul style="list-style-type: none"> <li>• Spouse (legal or common-law)</li> <li>• Step-Parents</li> <li>• Step-Children</li> <li>• Parents-in-law</li> <li>• Son-in-law</li> <li>• Daughter-in-law</li> </ul>	<ul style="list-style-type: none"> <li>• Brother-in-law</li> <li>• Sister-in-law</li> <li>• Grandparents-in-law</li> <li>• Grandchildren-in-law</li> </ul>	<ul style="list-style-type: none"> <li>• Great grandparents-in-law</li> <li>• Great grandchildren-in-law</li> <li>• Uncle-in-law</li> <li>• Aunt-in-law</li> <li>• Nephew-in-law</li> <li>• Niece-in-law</li> <li>• First cousin-in-law</li> </ul>

~~11. Trophy A Trophy is defined as a tangible, durable reminder of a specific achievement, and serves as recognition or evidence of merit.~~

~~12. Waste The intentional or unintentional, grossly inefficient, or uneconomical use of City assets or resources; or unnecessarily incurring costs to the City as a result of grossly inefficient practices, systems, or controls~~

~~a. Examples include:~~

- ~~i. Purchasing supplies, goods, or services at artificially inflated prices~~
- ~~ii. Making purchases without a valid business need or purchasing quantities of goods that the City is unlikely to fully utilize in a reasonable period of time~~
- ~~iii. Renewing a contract for goods or services that the City no longer uses~~

## **ADMINISTRATIVE PROCEDURES**

### **Conflicts POLICY**

#### **I. Conflict of Interest**

~~A conflict of interest is a situation in which occurs when an employee's personal and/or financial considerations actually have or may have the potential to influence or, familial, or social interest could compromise their professional judgment or actions. Conflicts of interest are challenging organizational concerns because they are subject to sensitivities based on perception. In order to manage the associated risks, real or perceived, it is the City's policy to address conflicts. Employees must disclose and recuse themselves from any matter that presents an actual conflict of interest through disclosure and recusal or perceived conflict where such may reflect negatively on the City. Employees must disclose said actual or perceived conflicts within five (5) business days of becoming aware of the conflict.~~

##### ~~A. General Rules~~

~~A. Employees shall be proactive and transparent with any **Examples of Conflicts of Interest may include, but are not limited to the following:**~~

- ~~1. Financial: Gifts or favors from vendors that could influence purchasing decisions~~
- ~~2. Personal/Familial Relationships: Favoring family members or friends in awarding or entering contracts, or in hiring, promotions, or other employment decisions~~
- ~~3. Outside Employment: Using City resources for personal gain~~
- ~~4. Romantic Relationships: Engaging in workplace relationships that create an actual bias or potential result in favoritism~~

##### **B. General Rules**

- ~~1. Intimate relationships between managers and their direct reports are prohibited and presumed to be a conflict of interest. Employees shall avoid actions or conduct that they know, or should know, is likely to impact the personal or financial interests of: for purposes of this Policy (10.02 Nepotism, 108.10 Harassment Prevention/Workplace Abuse).~~
  - ~~• the employee~~
  - ~~• the employee's spouse, child, parent, or member of the household~~
  - ~~• an outside client or secondary employer of the employee~~
  - ~~• a client or employer of the employee's spouse, child, parent, or member of the household~~

- ~~an entity for which the employee serves as an officer, director, or policy maker~~
- ~~a board or committee to which the employee is appointed; or a person or entity with whom the employee or their spouse solicited, received, or accepted an offer of employment or business opportunity within the past twelve (12) months.~~

2. ~~Personal relationships between a public official and any employee are presumed to be a conflict of interest.~~

**B.C. Disclosure and Recusal**

Employees ~~shall~~ must proactively ~~report an actual~~ disclose relationships or ~~a potential conflict~~ activities that may create conflicts of interest ~~by submitting~~, including those involving:

1. ~~Themselves or immediate family members (spouse, child, parent, or household members)~~
2. ~~Outside clients, secondary employers, or organizations~~
3. ~~Boards or committees to which they are appointed~~
4. ~~Entities with which they or their spouse sought employment in the past twelve (12) months~~

Employees must immediately submit a disclosure form to Human Resources (HR) for any ~~relationship that presents a potential~~ actual or perceived conflict of interest ~~as soon as they are aware of the conflict.~~

1. ~~When conducting a procurement solicitation, employees involved in the purchase~~ purchasing or procurement of goods or services ~~on behalf of the City who have an actual or perceived conflict of interest~~ must submit a disclosure form ~~prior to~~ before committing funds.
2. ~~For purchasing or procurement that does require a formal procurement solicitation, employees must submit a disclosure during the review process of the commitment of any funds to a vendor. Employees involved in submitted proposals or bids.~~

3. ~~a procurement solicitation must submit~~ The Human Resources Department, with guidance as needed from the required Legal and Purchasing Departments, will review disclosure forms before any solicitation material will be shared with them. The disclosure forms will be reviewed by Purchasing, Compliance, and Legal to within ten (10) business days and determine if a conflict exists.
4. ~~If a conflict is identified, the employee will be recused~~ must recuse themselves from any related decision-making, influence, commitment of funds, or solicitations that involve the vendor or individual(s) identified in the conflict. Failure to disclose an actual or potential conflict of interest may result in approvals, and financial transactions.
- 2.5. ~~Employees who fail to disclose a conflict and/or recuse themselves may be subject to corrective action, up to and including dismissal of employment~~ termination, and legal consequences as applicable under Texas law.

**C.D. Private Interests**

Employees shall ~~not~~ must not use their position with the City:

- ~~to receive special treatment for themselves or anyone else including the receipt of discounts from parties an employee might be interfacing with as to gain preferential treatment, personal benefits, or financial advantages unless the benefit is part of the employee's role with the City; or~~

~~a program lawfully available to unfairly impact the all City employees and residents.~~

- ~~1. Employees may not represent private interests of another.~~

~~Employees shall not represent a private interest before the City for compensation.~~ Council

~~2. Employees shall not present private interests to Council, boards, or committees that conflicts with duties, assignments, or projects for which they are involved and/or have decision-making authority.~~

~~Employees shall not assert or imply they have the ability to can influence City action on any basis other than the merits decisions for personal benefit~~

~~Decisions on behalf of the 3. City shall decisions must be made on the merits of the issue, not on any personal based on objective criteria, fairness, and lawful considerations, not personal relationships or favoritism~~

~~Employees shall not use any 4. City property, resources, or time for any of the prohibited purposes stated above. must not be used for personal gain~~

**H. Nepotism**

~~In order to prevent conflicts of interest, to avoid accusations and perceptions of biased conduct, and to maintain the confidentiality of restricted information, employment of certain related persons by the City, defined as a Relative by this policy, or within designated City departments, is not allowed. The provisions of this policy apply to persons from outside the City workforce who are applying for employment, or re-employment, with the City, as well as those employees applying for or transferring to other positions within the City.~~

~~No person shall be appointed to an office, or be employed by the City of Denton, who is a Relative of any member of the City Council or the City Manager as defined by this policy, and this shall apply to heads of departments in their respective departments.~~

~~In a department comprised of more than one operational division, an applicant who is a Relative of a~~

City employee employed in that operational division will not be eligible for employment within the

~~same division. An applicant for a job in a department consisting of one operational division who is a Relative to an employee of the department will not be eligible for employment in that department. At the discretion of the department head, and with the approval of the City Manager, or designee, stricter guidelines for business reasons may be instituted as long as the reasons are not illegal or discriminatory.~~

~~An applicant for a temporary or seasonal position within an operational division of the City may be eligible for the position, without regards to relation to other employees within that operational division, as long as the period of employment does not exceed 120 days within a twelve-month period.~~

~~An applicant for a job in an operational division that reports to or serves as staff liaison to a City board or commission is ineligible for employment in that division if the applicant is a Relative of any member of the board.~~

~~NOTE: Nepotism guidelines as defined in approved Meet and Confer agreements will supersede this policy.~~

- ~~A. "Operational divisions" within a department will be determined by that department's organizational chart and are not necessarily equivalent to a department's budgetary divisions.~~
- ~~B. An applicant shall be required to list on their application for employment all Relatives who are employed by the City, serving on the City Council, or serving on a board or commission. Failure of an applicant to list all applicable relatives employed by the City, or serving on a board or commission, shall result in the disqualification of the applicant for the position for which they have applied.~~
- ~~C. No current employee may be appointed or promoted to any supervisor's span of responsibility who is a Relative of that supervisor.~~
- ~~D. In the event of promotion or marriage between two City employees, the following shall apply:
  - ~~1. If the affected employees are employed in different departments, or different operational divisions of a department, those employees may remain with the City and their job positions will remain unaffected by the marriage or promotion.~~
  - ~~2. At the discretion of the department head, married employees may remain and work in the same division or department if one is not directly reporting to the other and neither is in the same chain of command. The affected employees may report to the same department head. If, however, the affected employees are unable to meet these criteria, then one must seek a transfer to another division of that department or another department. This decision shall be made and agreed upon by those employees involved. An employee seeking a transfer will be considered for any City position for which the employee is qualified but cannot remain in the existing division for more than six (6) months. Qualifications being equal, the transferring employee shall be given preferential treatment. If a suitable position cannot be found by the end of this period, one of the two must terminate, or be subject to reassignment, if another position is available. Reassignment is subject~~~~

~~to the discretion of the City Manager and based on the individual's skills and qualifications.~~

~~E. Relatives of City Council, Boards or Commissions~~

~~If an employee is already employed with the City and has been employed with the City at least six (6) months, then the employee is not required to transfer or resign upon the appointment of a relative to City Council, a board, or commission. However, an applicant of a relative of an existing City Council member, board member, or commission member is not eligible for employment in the operational division, which serves as the liaison to the City Council, board, or commission.~~

~~F. Relatives of City Manager or Department Head~~

~~If an employee is already employed with the City and has been employed with the City at least six (6) months, then the employee is not required to transfer or resign upon the hiring of the City Manager or department head who is a Relative of the employee. However, the employee may not report directly to their Relative.~~

~~G. If the City institutes a reorganization that changes operational divisional or departmental boundaries, and an employee would then be working within the same operational division as, or supervising, a member of their immediate family, one of the affected employees must transfer to another operational division. The six (6) month period to arrange a transfer may be extended in 30-day increments with the approval of the City Manager, the department director, and the supervisor. The extension shall not exceed 90 calendar days. If a transfer is not possible, one of the employees will be subject to mandatory reassignment. If this is not possible, one of the employees will be subject to dismissal. The determination of which employee shall be reassigned or terminated will be based upon the business interest of the operational division.~~

~~H. Temporary and seasonal employees of the City shall be partially exempt in that two (2) or more members of the same family who are Relatives may be employed within the same operational division as long as the following apply:~~

- ~~1. No more than one of the related employees may be a regular (non temporary and non seasonal) employee of the operational division;~~
- ~~2. Related employees will not occupy positions in the same line of authority in which employees can initiate, influence, or participate in, directly or indirectly, decisions involving a direct benefit. Examples of such decisions include, but are not limited to, hiring or rehiring, retention, transfer, promotion, wages, leave requests, or other working conditions;~~
- ~~3. Employees may not audit, evaluate, or review, in any manner, the related employee's work;~~
- ~~4. Employees will not be informed of or involved in corrective actions or performance management regarding the related employee's work, and~~

~~5. The relationship will not create an adverse impact on work on the department (e.g., reduction in work productivity, performance, disruption, etc.).~~

~~I. Any employee relationship, regardless of the position the affected parties are in, that creates a disruption or potential disruption in the work environment, creates an actual or perceived conflict of interest as determined by the employee's supervisor(s), Compliance, the Human Resources Department, or the City's Manager's Office, or is otherwise prohibited by applicable law is not permissible under this policy.~~

~~J. This policy applies to all current employees and candidates for employment.~~

### **III. — Gifts, Meals, and Events**

#### **A. — Gifts or Favors**

~~Employees shall neither solicit, nor accept, Gifts or Favors offered from an individual, business, or organization due to their position with the City (See Exceptions).~~

~~Cash or Cash Equivalents shall not be provided to employees at internal employee events or appreciation events sponsored or hosted by the City, nor shall the City provide Cash or Cash Equivalents as appreciation for achievement or recognition to the employee.~~

~~There are a few exceptions to the gift prohibition. Employees should use their best judgement of what meets this criterion and ask for clarification from their supervisor, Compliance, or Human Resources, when needed.~~

~~Exceptions include:~~

- ~~• Items offered or received at an internal employee event sponsored or hosted by the City (e.g., Benefits and Wellness Fair);~~
- ~~• Items included in event registration and available to all attendees (e.g., conference "swag bags");~~
- ~~• Marketing items of nominal value that are widely distributed via mail or at events (e.g., pens, notepads, or keychains);~~
- ~~• Perishable Items of Nominal Value given by member(s) of the public or a civic organization expressing general appreciation to a department, office, or work group;~~
- ~~• Items of Nominal Value received by an employee as part of an appreciation event sponsored or hosted by the City, a civic organization, or non-profit (excluding items received from vendors or parties who have or could potentially have business with the City, where acceptance of the item might be interpreted as creating a conflict of interest for the employee);~~
- ~~• Items of Nominal Value received for achievement or recognition in conformance with this Section;~~

- ~~Items received from personal friends, relatives, or business associates with whom they have a relationship independent of their position with the City as long as the item is not offered in exchange for an action or decision; or~~
- ~~Discounts that are available to all City employees; see the City's solicitation policy (114.01).~~

~~If a gift does not meet one or more of these exceptions and is accepted by an employee (or the employee is unable to respectfully decline the gift), the gift must be disclosed and donated in accordance with Section IV.D—Disclosure.~~

~~Gifts or Favors shall neither be solicited nor accepted as part of a *quid pro quo* arrangement in which the gift is granted to the employee or expected by the employee in return for the performance of an official act. Bribery is prohibited, with no exceptions, as stated in the Texas Penal Code 36.10.~~

#### ~~B. Meals~~

~~Employees shall neither solicit nor accept meals offered from an individual, business, or organization due to their position with the City (See Exceptions). Employees shall further manage the appearance or risk of impropriety by avoiding meals and/or social functions with individuals, businesses, or organizations that can be reasonably inferred as personally benefitting the employee and/or influencing the employee's professional judgment or actions. Limited exceptions include:~~

- ~~The meal is provided as part of an approved event, is included in the event's itinerary and registration, and is available to all attendees;~~
- ~~The meal is essential to business needs or cannot be avoided in the process of performing essential duties (each party or their organization must pay for their own meals and disclose);~~
- ~~The meal discount is part of a campaign or corporate policy for City employees;~~
- ~~The meal is included as part of a community event where attendance by the employee is required as part of their essential duties; or~~
- ~~The meal is discounted or gifted by personal friends, relatives, or business associates with whom they have a relationship independent of their position with the City as long as the item is not offered in exchange for an action or decision.~~

#### ~~C. Events~~

~~Attendance of events must be deemed essential for training or business needs and approved by the employee's chain of command. Events include, but are not limited to, conferences, off-site meetings, and trade shows. Travel and expenses should also be approved and follow the City's policies for reimbursement of expenses (See Travel Expenses policy 408.01 and Reimbursement of Professional Development Activities policy 408.03), where applicable.~~

~~Discounted or complimentary registration, transportation, meals, or lodging for events are prohibited with the exception of:~~

- ~~Transportation and lodging discounts that are extended to all government employees or attendees of the event (e.g., government hotel rate or buy 2 get 1 free conference registration);~~
- ~~Meals that meet the exceptions outlined in the meals section of this policy (Section IV-B);~~
- ~~Scholarships earned from organizations that are not vendors or that do not have the potential to benefit contractually or financially from the City or its employees; or~~
- ~~Admission, transportation, meals, entertainment, or lodging accepted as a guest for a widely attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, offered by the sponsor of the event, and unsolicited by the employee provided the employee participates in the event as a speaker or panel participant by presenting information related to their duties as a City employee.~~

~~If an event does not meet the exceptions provided above for Gifts, meals, or events, and an employee feels attendance is necessary for their essential job duties, they can seek prior approval to attend the event from the City Manager or their designee. In granting specific exceptions, the City Manager or their designee shall consider if the gratuitous nature of the gift, meal, or event is likely to unduly influence the employee or interfere with the objective performance of the employee's official duties. If in the sole discretion of the City Manager or their designee it is determined that acceptance of a particular gift, meal, or event attendance is reasonably likely to cause the employee to demonstrate biased behavior or preferential treatment, the request for an exception shall be denied.~~

#### ~~1. Honorariums~~

~~State law prohibits a *public servant* from soliciting or accepting an honorarium if the subject matter is directly related to the person's official duties or if it occurs because of the public servant's position with the City. This applies even if the employee provides the speech or services on their own personal time and there is no expenditure of public resources. The audience or organization for which the speech or services are being provided is not a factor or exception. Discounted or complimentary transportation, meals, or lodging are acceptable in these circumstances.~~

#### ~~2. Games of Chance~~

~~An employee who is representing the City at an event or who is attending the event at the City's expense, shall not participate in Games of Chance or accept a prize or award from a game of chance associated with that event. An exclusion is internal, City-sponsored events (e.g., Benefits and Wellness Fair).~~

#### ~~3. Achievement or Recognition~~

~~Employees may accept items of nominal value such as plaques, certificates, Trophies, and flowers that are awarded for recognition of meritorious service or professional achievement and intended solely for presentation. Trophies provided due to employee performance in a pre-approved competitive event may be accepted. Employees may~~

~~accept certification, honorary membership, or a fellowship awarded on the same terms and based on the same criteria applied to other candidates or applicants. Acceptance of Cash or Cash Equivalents, or any other prizes that do not meet these terms are prohibited.~~

#### ~~D. Disclosure~~

~~Proactive steps should be taken to inform individuals, businesses, and organizations of the City's policies regarding gifts, meals, and events. Any unsolicited gifts received by an employee, department, office, or work group that does not meet the exception criteria, are property of the City. Every effort should be made to decline and/or return the gift to the sender or to donate the gift to an approved organization. The sender should be contacted to express appreciation and explain the City's gift policy. In addition to these gifts, any unsolicited meals that cannot be declined or that do not meet the listed exceptions, shall be disclosed. Employees shall disclose all such gifts and meals as soon as possible, but no longer than three (3) business days, from receipt. Disclosure should be provided prior to transporting gifts for donation.~~

5. Employees may not advocate for policies or decisions as private citizens if their advocacy directly impacts their department or could be perceived as an attempt to exert undue influence

## II. Boards, Commissions, and Association Memberships

Employees must obtain written approval before serving ~~as members of~~ boards, commissions, or associations (excluding Police and Fire labor associations and official City boards that require appointment by City Council) that ~~have business with the~~ receive City ~~through contract funding, contracts, or financial support will require disclosure and approval to avoid appearance of favoritism, impropriety, and/or conflicts of interest. Prior to regulatory oversight.~~

Employees serving on a board, commission, or association, an employee must request prior approval through their department head. Disagreements with denials should external boards must recuse themselves from any City-related discussions or decisions, and recusals must be addressed through the City Manager's Office, documented in meeting minutes.

An employee who is serving on a board at the time of hire ~~and who intends~~ must obtain approval within 30 calendar days of hire to continue serving ~~must also obtain approval. Before approving a request, department heads will consider the employee's position and role in funding and policy decisions as a board, commission, or association member on that could create a conflict or appearance of a conflict of interest for either the employee or the City. Employees must recuse themselves from discussing or making decisions regarding any City business with the board, commission or association while serving on the board, commission, or association. The employee must also take steps to ensure the meeting's minutes adequately document the recusal board. Failure to do so may result in corrective action, up to and including termination.~~

## III. Confidential Information

Confidential information includes all information held by the City that is not available to the public under the Texas Public Information Act.

~~An employee shall~~ Employees must not use their position to obtain ~~official~~ information about any person or entity for any purpose other than the performance of their essential duties. An employee must not intentionally, knowingly, or recklessly disclose or give access to any confidential information. Confidential information includes

non-public records, attorney-client privileged communications, personnel records, personally identifying information, personal financial information, proprietary data, and records protected under the Texas Public Information Act. Exceptions include:

~~An employee shall not intentionally, knowingly, or recklessly disclose any confidential information gained by their position concerning the property, operations, policies, employees, or affairs of the City. This rule does not prohibit:~~

~~E. Any disclosure that is no longer confidential by law, which would include providing information pursuant to a lawfully issued subpoena; or~~

- ~~1. The confidential reporting of~~Release of information as required by law (e.g., subpoenas)
- ~~2. Reporting illegal or unethical conduct to designated authorities designated by law.~~

#### **IV. — Secondary Employment**

~~The City shall be the primary employer for all employees for which benefits are being supplied (excludes temporary and seasonal employees). An employee may be employed in any capacity in any other business, trade, occupation, or profession while employed by the City, so long as it is determined that such employment does not tend to bring the City into disrepute, reflect discredit upon the employee, impair independence of judgment, create a conflict (or appearance of a conflict of interest), or conflict with their employment or performance as a City employee. It is the intention of this policy to protect the employee and the City from unintended consequences from secondary employment.~~

~~The City recognizes the prerogative of its employees to pursue other employment to occupy their off-duty hours. However, this must be balanced with the City's need for total productivity during working hours and with loyalty from its employees.~~

~~No City time, resources, personnel, facilities, or equipment may be used in conjunction with secondary employment, unless authorized in advance by the City Manager or designee.~~

~~Secondary employment shall not impair the employee's availability upon emergency recall by the City.~~

~~Secondary employment will not be considered an excuse for poor job performance, absenteeism, tardiness, or refusal to work overtime. Should the secondary employment cause or contribute to any of these situations, it must be discontinued, or the employee will be subject to disciplinary action, up to and including termination from City employment.~~

~~Membership in the military reserves is not considered secondary employment under this policy. For more information regarding employees in the military reserves, please see the City's Military Service Leave policy (111.04).~~

~~As the primary employer, the employee must recognize the City's need for flexibility and changing schedules based upon the demand for services or departmental needs.~~

##### **A. External Secondary Employment**

- ~~1. Prior to engaging in secondary employment, whether as an employee at another organization, independent contractor, or self-employed, an employee must request prior approval through their immediate supervisor and department head. An employee who is working another job at the time of hire, and who intends to continue the other employment, must also obtain approval as outlined in this section.~~

~~2. All requests for secondary employment must be submitted on a "Secondary Employment Approval Request" form.~~

- ~~3. Before approving a request for secondary employment, supervisors and department heads must ensure the secondary employment does not violate City or departmental rules, policies, or procedures or create a conflict (or appearance of a conflict of interest) for either the employee or the City.~~
- ~~4. If a request for secondary employment is approved, the request must be forwarded to the Human Resources Department for inclusion in the employee's personnel file.~~
- ~~5. Approval may be denied or withdrawn at any time by the department head, upon consultation with the Human Resources Director, or designee, when such employment violates City or departmental rules, policies, or procedures or creates a conflict (or appearance of a conflict of interest) for the City. The reason for denial or withdrawal must be documented in writing to the employee. Disagreements with denials or withdrawals should be addressed through the City Manager's Office.~~
- ~~6. Generally, approvals or denials/withdrawals should be communicated to the employee in writing within 72 hours (excluding weekends) of receiving the Secondary Employment Approval Request form. Delays to this timeline should be communicated to the employee.~~
- ~~7. An approval form is required for every job outside of the City, regardless of location, nature of work, or likelihood of a conflict to exist or occur.~~
- ~~8. A review and approval of the secondary employment is required annually, and a new approval form will be required as a result of the annual review. A new approval form will also be required for changes to employers, positions, or work hours for secondary employment.~~
- ~~9. Approval does not constitute the establishment of a joint employment relationship between the City and any external employer.~~
- ~~10. If the employee accepts secondary employment without approval, the employee may be subject to disciplinary action, up to and including dismissal from the City.~~
- ~~11. If an employee is injured while self-employed, working as an independent contractor, or working for another organization, they will not be covered by the City's workers' compensation program.~~
- ~~12. If an employee is injured in the course and scope of employment with the City, and is missing time from work, the employee must seek written approval from the Deputy Director of Risk and Compliance or Human Resources Director (or their designees) before continuing to work their secondary job (See Workers' Compensation/Salary Continuation Program policy 409.01).~~

~~B. Internal Secondary Employment~~

- ~~1. A regular full-time employee may have a part-time job in another department if approved by the supervisor and department head of their full-time job and the relevant~~

guidelines outlined in Section A above are followed. The full time job is considered the primary employer. To ensure provisions of the Fair Labor Standards Act, the Human Resources

~~Director, or designee, must also approve a full-time employee working a part-time position with the City.~~

- ~~2. Employees may also work more than one part-time job with the City as long as the relevant guidelines outlined in Section A above are followed. The job the part-time employee is hired in first is considered the primary employer. The primary employer will be responsible for maintaining all records for the regular part-time employee, including:
  - ~~a. Status sheets—pay records~~
  - ~~b. Allocation and transfer of charges~~~~

~~The secondary employer must coordinate the rate of pay, hours of work, and any other relevant information with the primary employer.~~

~~NOTE: The Police and Fire Departments have established written rules, regulations, and criteria which may be more specific than this policy. In such cases, those rules and regulations will supersede this policy.~~

#### IV. Use of City Resources

~~An employee shall~~ Employees must not use, request, or permit the use of ~~misuse~~ City facilities, personnel, equipment, ~~supplies~~ personnel, or time for private purposes ~~while on City duty~~ (including political ~~purposes~~ activities), except:

- ~~• Pursuant to duly adopted~~ when explicitly permitted under City policies; or

~~To when the extent and according to the terms that those resources are~~ resource is lawfully available to the public under the same terms.

~~See~~

~~For details, reference the following City policies for specific information on these resources:~~

- ~~• Email Use policy 506.05~~
- ~~• Comprehensive Driving and City Vehicle Use policy 409.05~~
- ~~• Investigation and Inspection of City Facilities/Equipment policy 108.13~~
- ~~• Use of Social Media policy 505.03~~

#### V. Use of Social Media

~~The City recognizes that social media has become a critical source of communication. Many, including City employees, utilize social media to voice their opinions on matters of both private and public concern. This policy is not intended to prevent employees from making non-confidential communications that are of a general, legitimate concern. However, employees are strongly encouraged to exercise due diligence and caution when utilizing social media to post communication, including but not limited to pictures, documents, or materials, for the public's view. Internet postings can be detrimental to the City. Employees should be mindful that social media and internet postings, even when done off duty, may cause unintended reactions from the public or consequences to the City and its officials and employees.~~

| ~~Guidelines for social media use:~~

- ~~Employees shall effectively communicate that their postings are their own personal opinions and do not represent the entity in which they are employed (i.e., the City);~~
- ~~Employees shall not post any information that is considered confidential, sensitive, or copyrighted to which they have access due to their position with the City;~~
- ~~Employees must be truthful, courteous, and respectful toward other City employees, customers, citizens, and City Officials (e.g., City Council, Mayor); and~~
- ~~Employees shall not harass others based on protected characteristics (e.g., race, sex, religion, sexual orientation, gender identity, national origin, disability status, etc.). See the City's Harassment Prevention/Workplace Abuse policy 108.10 for additional guidelines regarding discrimination and harassment.~~

Employees who distribute or post communication by way of social media, or other means, which has the effect of any of the following may be subject to disciplinary action:

- ~~destroying the efficiency of City employees in performing their duties;~~
- ~~impairing harmony;~~
- ~~interfering with or disrupting City operations or functions;~~
- ~~undermining authority;~~
- ~~prevents successful service with employees' superiors or close working relationships which are essential to fulfill public responsibilities; or~~
- ~~the ability for employees to perform their duties effectively.~~

See the City's Disciplinary Action policy 109.01 regarding unbecoming conduct.

~~Any employee who believes that their First Amendment Right has been infringed upon may request an administrative review under the Disciplinary Actions policy 109.01, Section VI.~~

~~Any employee who believes their social media account was compromised, resulting in a communication that would violate these policy guidelines shall immediately report the incident to Human Resources, Compliance, or the City Manager's Office.~~

~~For guidelines on social media use on behalf of the City or for City business, see the City's Social Media policy 505.03.~~

[Policy 108.13 – Investigation and Inspection of City Facilities/Equipment](#)

[Policy 409.05 – Comprehensive Driving and City Vehicle Use](#)

[Policy 505.03 – Social Media and Digital Platforms](#)

[Policy 506.01 – Acceptable Use of Technology Resources Standard Policy](#)

[Policy 506.05 – Email Use by Employees](#)

## V. Political Activity

~~City employees are not restricted from using their right to vote in a City election. The City's Absence for Voting policy 111.03 outlines leave time for the purpose of voting.~~

~~Employee involvement Employees may participate in political campaigns does have limitations, as follows activities while off duty, but must not:~~

1. ~~Per the City's Solicitation policy 114.01, no employee may~~ Engage in political activity while on duty or while wearing a City uniform;
2. ~~Per the City's Email-Use policy 506.05, the City email system may not be used to solicit , resources, or property for political causes; purposes~~
  - ~~Employees shall not display campaign materials on any~~ Use City property, including but not limited ~~resources, time, or their official capacity to vehicles and uniforms;~~
  - ~~Employees shall not lobby on behalf of, endorse, or promote political candidates or causes, unless authorized by the City without prior written approval from the~~

3. ~~City Manager, or their~~ designee;
  - ~~Employees shall refrain from using their influence in any way, for or against, any candidate for any elective office while engaged in the performance of their duties on the job;~~
4. ~~Employees shall not~~ Accept gifts or favors for political activity relating to an item on a ballot they participated in, provided advice relating to, or exercised authority on, while in the scope of their City employment; ~~and related to their City duties~~
  - ~~Employees shall not engage in any conduct in relation to a political campaign that would have the effect of destroying the efficiency of City employees, interfering with, or disrupting City operations or functions, impairing harmony, or which prevents successful service with employees' superiors.~~

Publicly endorsing a candidate, placing a yard sign on private property, wearing or distributing campaign material, making financial contributions, or campaigning for a candidate, are permissible under City policy so long as those activities are conducted in the employee's private capacity and take place while the employee is off-duty and does not include the use of any City equipment or resources.

#### VI. Actions of Others

~~An employee shall~~ Employees must not intentionally or knowingly assist or induce, or attempt to assist or induce, any person others to violate any provision in this Ethics policy.  
~~An employee shall not violate the~~ or circumvent its provisions of this Ethics policy through the acts of another.

#### VII. Reporting Unethical Conduct

~~If an employee witnesses or has knowledge that inappropriate, unlawful, or unethical conduct has occurred, they have a duty to report the actions or behavior through the appropriate channels. Employees are required to report behavior in violation of this Policy to Human Resources or through the anonymous reporting system. Anonymous reports will be investigated to the extent possible, but employees are encouraged to provide their identity for follow-up. Retaliation against individuals who report concerns in good faith is strictly prohibited. Any act of retaliation may result in disciplinary action up to and including termination, as well as potential legal consequences.~~

Reports of unethical conduct for non-civil service employees will be reviewed and processed by Human Resources ~~and. If the City Manager's Office. Retaliation for report involves the reporting~~ Director of inappropriate, unlawful, Human Resources or unethical conduct is prohibited ~~per~~ Human Resources Department employee, the City's Retaliation Act Administrative Directive 108.06 authority will escalate to the Deputy City Manager or their Designee. In partnership with Human Resources, reports of unethical conduct for civil service ~~Police and Fire~~ employees will be reviewed and processed in accordance with Chapter 143 of the Texas Local Government Code and, where applicable, local rules, meet and confer ~~agreements~~ agreements, and departmental standard operating procedures.

Examples of ~~behaviors include, but are not limited to~~ reportable conduct:

1. Theft or misuse of City resources;
2. Abuse of position; or authority
3. Misuse of confidential information;
- ~~Personal use of City owned resources;~~

- Bribery;
- 4. Fraud, Waste, ~~and~~ Abuse
- 5. Falsification of documents;
- 6. Conflicts of interest; ~~or~~
- 7. Violations of ~~City~~ procurement ~~policy~~ policies

## VIII. Training

~~Employees shall All City of Denton employees must complete annual ethics training regarding this policy.~~

## IX. Exceptions Generally

~~If an exception is not specifically provided for in this policy, an employee may seek an exception from Compliance or the City Manager's Office. In granting specific exceptions, Compliance or the City Manager's Office shall consider the nature of the act or relationship in light of the purposes and objectives of this policy. Compliance or the City Manager's Office shall weigh whether public knowledge of the granting of the exception would erode public trust in the employee, specifically, and the City, generally. Of crucial concern shall be whether granting the exception is allowed by law and likely to unduly influence the employee or interfere with the objective performance of the employee's official duties. If in the sole discretion of Compliance or the City Manager's Office it is determined that granting the exception is not allowed by law or is reasonably likely to cause the employee to demonstrate biased behavior or preferential treatment, or further the interests of the employee, personally, without a corresponding benefit to the City as an organization, the request for an exception should be denied. Granted exceptions must be reported to City Council through written report.~~

Employees may request policy exceptions through Human Resources or the City Manager's Office. Exceptions must comply with the law and not compromise public trust. Exceptions are granted on a case-by-case basis and may be reviewed periodically to ensure continued compliance.

Requests for exceptions are subject to the Texas Public Information Act, and all approved exceptions must be reported to the City Council.

## ROLES AND RESPONSIBILITIES

### I. City Manager's Office

- a. Reviews and approves exceptions to the Policy, ensuring they comply with all legal requirements and do not undermine public trust.
- b. Receives escalated reports of unethical conduct when the concern involves HR leadership.
- c. Ensures City-wide adherence to ethical standards and appropriate enforcement of this Policy.

### II. Department Leadership

- a. Promotes ethical conduct within their departments and ensures employees understand and adhere to this Policy.
- b. Ensures employees complete timely disclosures of conflicts of interest and follow appropriate recusal processes.
- c. Reinforces expectations regarding misuse of City resources, confidentiality, and political activity restrictions.
- d. Reports alleged unethical conduct to HR and participates in investigative processes as required.
- e. Ensures employees can attend annual ethics training.

### III. Employees

- a. Acts ethically and complies with all requirements of this Policy, as well as relevant State and Federal laws.
- b. Discloses actual or perceived conflicts of interest within five (5) business days of becoming aware of the conflict and recuses themselves when instructed.
- c. Uses City resources, time, and equipment only for official City business.
- d. Safeguards confidential information and accesses it only when necessary for official duties.
- e. Avoids actions that provide preferential treatment, misuse of City property, or personal gain.
- f. Refrains from political activity while on duty or using City resources.
- g. Reports suspected unethical conduct promptly and in good faith.
- h. Participates in annual ethics training.
- i. Obtains written approval prior to serving on boards, commissions, or associations.
- j. Recuses themselves from discussions or decisions involving the City when serving on boards, commissions, or associations; ensures recusals are documented in official meeting minutes.
- k. Submits request within 30 days of hire if currently serving on a board, commission, or association.

**IV. Human Resources**

- a. Reviews all submitted conflict-of-interest disclosure forms and determines whether an actual or perceived conflict exists within ten (10) business days.
- b. Coordinates with the Legal and Purchasing Departments when guidance is required.
- c. Maintains documentation of disclosures, recusals, and approved exceptions.
- d. Processes and investigates reports of unethical conduct for non-civil service employees or escalates to the Deputy City Manager when the concern involves HR leadership.
- e. Partners with Civil Service Departments to review and process reports involving civil service employees in accordance with Chapter 143 and applicable local rules.
- f. Provides annual ethics training to all employees and maintains training records.
- g. Assists in administering the anonymous reporting system and ensures protection from retaliation for good-faith reporters.

**V. Legal Department**

- a. Provides legal advice regarding conflicts of interest, confidentiality, and compliance with the Texas Public Information Act and applicable State and Federal laws.
- b. Supports reviews of disclosure forms and requests for exceptions when legal interpretation is required.

**VI. Purchasing Department**

- a. Provides guidance regarding procurement-related conflicts of interest.
- b. Collaborates with HR and Legal to review disclosures submitted during procurement solicitations or proposal reviews.
- c. Ensures procurement processes remain transparent, compliant with laws, and free from conflicts of interest.

**DEFINITIONS**

- **Abuse** – The misuse of City position or authority for personal gain or to harm others.  
Examples include:
  - Awarding contracts based on favoritism
  - Using subordinates for personal tasks
- **Favor** – A special advantage, privilege, or right granted or conceded; an action or omission that provides a benefit to an individual or entity in a way that deviates from generally accepted standard practices or policies; or an act or omission providing a benefit that results in a real or perceived conflict of interest. Examples include waiving fees, providing non-public information, or expediting service for personal or political gain.
- **Fraud** – The intentional misappropriation of City assets, including bribery, extortion, deception, or theft (See Fraud Response Policy #509.01)

- Gift – Any item or benefit, tangible or intangible, that could reasonably be perceived as providing a personal advantage or influencing an employee’s actions or decisions. This includes, but is not limited to, cash, cash equivalents, merchandise, food, meals, transportation, lodging, entertainment, use of facilities, or discounts not available to the general public.
- Waste – Inefficient use of City resources that results in unnecessary costs. Examples include:
  - Overpaying for supplies or services
  - Purchasing unneeded items or excessive quantities
  - Renewing contracts for goods or services that the City no longer uses

#### REFERENCES

- City Policy 108.06 – Retaliation Act
- City Policy 108.10 – Harassment Prevention/Workplace Abuse
- City Policy 108.13 – Investigation and Inspection of City Facilities/Equipment
- City Policy 109.01 – Corrective Action
- City Policy 111.03 – Absence for Voting
  - ~~City Policy 111.04 – Military Service Leave~~
- City Policy 114.01 – Solicitation
- City Policy 408.01 – Travel Expenses
- City Policy 408.03 – Reimbursement for Professional Development Activities
- City Policy 409.01 – Workers’ Compensation/Salary Continuation Program
- City Policy 409.05 – Comprehensive Driving and City Vehicle Use
- City Policy 505.03 – Social Media and Digital Platforms
- City Policy 506.05 – Email Use by Employees
- City Policy 509.01 – Fraud Response

**REVISION HISTORY**

<b>Revision #</b>	<b>Effective Date</b>	<b>Owner</b>	<b>Summary of Changes</b>
<del>1.0</del>	4/17/18	C. Ogden	<ul style="list-style-type: none"> <li>Initial Policy</li> </ul>
<del>2.0</del>	2/11/20	C. Ogden	<ul style="list-style-type: none"> <li>General policy updates</li> </ul>
<del>3.0</del>	11/16/21	C. Moar	<ul style="list-style-type: none"> <li>General formatting changes</li> <li>Addition of “potential conflicts of interest” into disclosure and recusal requirements and notice that failure to disclose actual conflicts of interest may result in disciplinary action.</li> <li>Prohibition on providing Cash or Cash Equivalents in certain situations.</li> <li>Clarifications on Gifts, Meals and Events definitions and exceptions.</li> <li>Requirement for approval forms to be completed annually for external secondary employment.</li> <li>Prohibition on retaliation for reporting unethical conduct and inclusion of Fraud in example of unethical behaviors.</li> </ul>
4.0	1/18/23	C. Moar (Ethics & Compliance)	<ul style="list-style-type: none"> <li>Addition of Fraud, Waste, and Abuse definitions</li> <li>Addition of first cousins and first cousins-in-law to Nepotism requirements</li> <li>Addition of definition of “Relative” and removal of references to “third degree of affinity or consanguinity” when referring to Nepotism requirements</li> <li>Clarification that secondary employment section doesn’t apply to military reservists</li> </ul>
<u>5/19/2026</u>		<u>Human Resources- Employee Relations</u>	<ul style="list-style-type: none"> <li><u>Content within the policy has been cleaned up to establish ethical expectations, promotes integrity, and provides guidelines to prevent an actual or perceived conflict of interest and misuse.</u></li> <li><u>Content unrelated to these core ethic philosophies originally held in Policy No. 10.00 Ethics are now delineated by the creation of Policy No. 10.01 Gift, Meals, and Event Attendance, Policy No. 10.02 Nepotism, Policy No. 10.03 Secondary Employment.</u></li> </ul>

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