



City of Cincinnati

Office of the City Manager

Date: March 9, 2016

Revised:

Approved: Hg Beck

Subject: Conflicts of Interest and Contracting Ethics

Pursuant to the City Manager's authority as chief executive officer of the City of Cincinnati ("City"), the procedures listed below shall regulate how all City employees interact with any entity that has or is seeking to have a contractual, business, or financial relationship with the City.

PURPOSE

Public employment is a public trust and any effort to realize personal gain through official conduct is a violation of that trust. The purpose of this policy is to:

- Safeguard the interest of the public by establishing standards of employee conduct relating to actual and apparent conflicts of interest;
- Prevent City employees from using their employment positions for private gain;
- Protect City employees from inadvertently placing themselves in a conflict of interest position; and
- Protect the reputation of the City.

POLICY

City employees must conduct business of the City impartially and in a manner above reproach, with preferential treatment for none. Any attempt by a City employee to realize personal gain through employment with the City by conduct inconsistent with proper discharge of the employee's duties is a breach of the City's ethical standards. City employees must strictly avoid any conflict of interest or the appearance of a conflict of interest.

City employees must promptly disclose to their supervisor any circumstances that could result in any actual or potential conflict of interest so that the matter may be fully assessed.

Nothing in this policy shall contradict the requirements and obligations placed upon public employees by the laws of the State of Ohio, located at Ohio Revised Code Sections 102.03, 102.04, 2921.42 and 2921.43.

RESPONSIBILITIES

Departments

Department directors or their designees shall make this policy available to their employees and ensure that employees are made fully aware of this policy. Department directors shall discuss the entire policy with their employees and highlight any of the rules that have particular relevance to the nature of their employees' work.

Employees serving in a supervisory or management function are required to advise senior management of any breach of this policy. Upon becoming aware of an actual or potential conflict of interest, the manager shall determine that either no conflict exists or take reasonable steps to ensure that the matter is addressed by consulting with the Human Resources Department. Failure to take immediate action in addressing conflicts of interest is analogous to condoning the conflict of interest itself and may result in a breach of this policy.

Managers and the Human Resources Department shall work together in an appropriate course of action and to ensure that the conflict of interest or potential conflict of interest situation they are resolving is documented, starting from discovery, review, and evaluation through to resolution. The Law Department should be contacted upon the occurrence of any substantive concerns regarding a potential ethics violation.

It is the responsibility of the Department to ensure that each conflict of interest situation is investigated in a fair and consistent manner.

Employees

Employees are responsible for reading, understanding, and complying with this policy. Employees shall immediately and fully disclose in writing or verbally to their manager any conflicts of interest or potential conflicts of interest. In addition to self-reporting, City employees are required to advise management of any potential breach of this policy by others.

CONSEQUENCES FOR VIOLATION

Violations of this policy may result in disciplinary action. The City will determine the appropriate consequence(s) for breach of this policy, which may include, but are not limited to, the following:

- Instructing the employee to divest himself or herself of the outside interest;
- Instructing the employee to cease the action resulting in the breach of this policy;
- Subjecting the employee to disciplinary action up to and including termination of employment; or
- Referring the issue to the appropriate authorities for civil enforcement or criminal prosecution.

RECOGNIZING CONFLICTS OF INTEREST

Employees must conduct themselves at all times in accordance with the highest ethical standards and in a manner that will withstand the closest scrutiny. As each situation depends on its particular facts, the following is not an exhaustive list of potential conflict of interest situations, but rather provides examples of obvious conflicts of interest, and serves to supplement the obligations placed upon public employees by Ohio Revised Code Sections 102.03, 102.04, 2921.42 and 2921.43:

i. Meals, Refreshments, Entertainment, or Gifts

City employees may not solicit meals, refreshments, entertainment, or gifts from any entity that has or is seeking to have a contractual, business, or financial relationship with the City.

In limited circumstances, it may be appropriate for a City employee to accept customary business hospitality, such as meals, refreshment, entertainment or gifts, with the full knowledge of his or her manager/supervisors, provided that:

- It is nothing “of value” (as defined under Ohio ethics laws, R.C. 102.03(D)), or lavish, extravagant, or expensive under the circumstances;
- it is for participating in a public function (e.g., professional seminar, conference, award banquet, etc.) where all attendees are afforded the same customary hospitality, provided that the City did not initiate the public function; and
- It is sporadic and infrequent in nature.

It is the personal duty and responsibility of each employee of the City to ensure that the acceptance of such meals, refreshments, entertainment or gifts is proper and could not reasonably be construed in any way as an attempt by the offering party to secure favorable treatment.

For more information, consult the Ohio Ethics Commission Factsheet No. 7, located at <http://www.ethics.ohio.gov/education/factsheets/InfoSheet7-Gifts.pdf>.

ii. Accepting or Soliciting Rewards, Benefits, Compensation

A City employee shall not accept or solicit compensation, a reward, advantage, or benefit of any kind from or to any entity that has or is seeking to have a contractual, business, or financial relationship with the City, either on his or her own behalf or through a relative or other person, for his or her own benefit.

For more information, consult the Ohio Ethics Commission Bulletin on Gifts and Entertainment, located at http://www.ethics.ohio.gov/education/factsheets/Bulletin_gifts_and_entertainment.pdf.

iii. Outside Interest

During working hours, employees are expected to devote their full time and attention to the business affairs of the City. City employees shall not engage in any outside employment (including acting as a consultant for a third party that has a contractual, business, or financial relationship with the City), business, or undertaking that:

- causes the employee to gain benefits as a result of his or her position as an employee of the City;
- conflicts with his or her duties as an employee of the City;
- influences or affects the carrying out of his or her duties as a City employee; or
- involves the use of City property. An employee’s use of City property for personal convenience or profit not associated with the official City duties may be a potential conflict of interest unless the property is generally available for use by the general public, or the property is made available under City policy or terms of employment.

A City employee shall not represent, contract with, or lobby on behalf of any private interest in dealing with the City. A City employee must get outside employment approved, and the City may prohibit an employee’s outside employment that creates a conflict of interest.

For more information, consult the Ohio Ethics Commission Factsheet No. 4, located at <http://www.ethics.ohio.gov/education/factsheets/InfoSheet4-JobSeeking.pdf>.

iv. Financial Interest

Any City employee who has any financial interest in a City contract, sale, or other business transaction, or has relatives, friends, or business associates with such interest, is required to declare the relationship in

writing to his or her manager, and shall recuse himself or herself from the conflicting role if advised to do so. Further, any City employee with such an interest shall not represent or advise the City in such transactions.

v. Preferential Treatment

A City employee shall not give or appear to give preferential treatment to any relatives, friends, or business associates or to anyone else that would advance the personal interests of the employee.

For more information, consult the Ohio Ethics Commission Factsheet No. 1, located at <http://www.ethics.ohio.gov/education/factsheets/InfoSheet1-Nepotism.pdf>.

vi. Confidential Information

A City employee shall not use any confidential or privileged information of the City to advance his or her personal interest or the interests of others. Access to confidential information should be on a “need to know” basis (i.e., confidential information is shared only with those whose job duties require that they need to know the information).

vii. Post-Employment Conflict of Interest

A City employee shall not act, after he or she leaves the employment of the City, in such a manner as to take improper advantage of his or her previous position with the City. Actions negatively impacting the City as a result of information gained during an employee’s former employment with the City and improperly used by the former employee may be pursued to the full extent of the law. Each situation will be reviewed separately.

For more information, consult the Ohio Ethics Commission Factsheet No. 5, located at <http://www.ethics.ohio.gov/education/factsheets/InfoSheet5-RevDoor.pdf>.

viii. Purchasing Conflict of Interest

A City employee who has a direct or indirect financial interest with any entity that has or is seeking to have a contractual, business, or financial relationship with the City by doing business with the City, other than an insignificant investment in a publicly-held company, is considered to be in a conflict of interest and shall declare the conflict of interest to his or her manager.

A City employee may not be involved in the placement of City business with a company owned or controlled by an employee or relative; the employee’s manager must make arrangements to clearly exclude the employee from participating or influencing the applicable purchasing decisions.

A City employee may not make a personal bid on the purchase of City property or goods, whether obsolete or in good working condition, except when the property or goods are also offered to the general public or in those situations as delineated Chapter 321, Section 141 of the Cincinnati Municipal Code.

A City employee shall not accept discounts/rebates on personal purchases from suppliers having an existing business relationship with the City, unless it is the general practice of those suppliers to offer the same discounts/rebates to employer groups including, but not limited to, the City.

DISCLOSURE, REVIEW AND EVALUATION

Upon disclosure of a conflict of interest by an employee, the City will take appropriate steps to protect against any actual or potential conflict of interest. Such steps may include any or all of the following:

- requiring the employee to refrain from involvement in any decisions made by the City regarding its dealing with the person, business or enterprise giving rise to the conflict;
- requiring the employee to refrain from any involvement in any dealings on behalf of the City with such person, business or enterprise; or
- requiring the employee to dispose of his/her interest in such business or enterprise if he/she wishes to remain in the City's employ.

Any City employee who knowingly makes false or frivolous allegations about another City employee as it relates to this policy may be subject to disciplinary action including termination of his or her employment with the City. Nothing in this policy restricts a City employee's rights under the Ohio Whistleblower Protection Act, codified at Ohio Revised Code Section 4113.52.