

SALT LAKE COUNTY HUMAN RESOURCES POLICY AND PROCEDURE

PROFESSIONAL ETHICS AND CONFLICT OF INTEREST

REFERENCE

Human Resources Policy & Procedure: Discipline
 General Definitions
 Utah Code Annotated, 67-16-1 et seq. and 17-16a-1 et seq.
 Utah Code Annotated, 63-30-1 et. seq.

PURPOSE

To set forth standards of conduct for all employees and volunteers appointed to boards, committees or commissions of the County in areas where there are actual or potential conflicts of interest between their public duties and their private interests and to encourage adherence to professional codes of ethics where they exist.

PROCEDURE

- 1.0 County employees and volunteers **shall not**:
 - 1.1 Accept employment or engage in any business or professional activity which may be reasonably expected to require or induce him or her to improperly disclose controlled, private or protected information gained through his or her affiliation with the County.
 - 1.2 Disclose or improperly use controlled, private or protected information acquired through his or her affiliation with the County for his or her or another's private gain or benefit.
 - 1.3 Use or attempt to use his or her position to secure special privileges or exemptions for self or others.
 - 1.4 Accept other employment which may be reasonably expected to impair his or her independence of judgment in the performance of public duties.
 - 1.5 Knowingly receive, accept, take, seek, or solicit, directly or indirectly, any gift or economic benefit tantamount to a gift such as a loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; and compensation received for private services rendered at a pay rate substantially exceeding the fair market value of the services, if:
 - 1.5.1 It may be reasonably expected to improperly influence an employee or volunteer to depart from the faithful and impartial discharge of the person's public duties;
 - 1.5.2 The employee or volunteer knows, or a reasonable person in that position should know under the circumstances, it is primarily for the purpose of rewarding him or her for official action already taken.
 - 1.5.3 The employee or volunteer is now, or in the near future may be involved in any governmental action directly affecting the donor or lender unless he or she has made the disclosures required by the "County Officers and Employees Disclosure Act", Title 17, Chapter 16a, U.C.A., 1953 as

amended; and/or the “Utah Public Officers’ and Employees’ Ethics Act,” Title 67, Chapter 16, U.C.A., 1953 as amended.

1.5.4 The foregoing provisions of paragraph 1.5.1, 1.5.2 and 1.5.3 do not apply to the following:

1.5.4.1 An occasional non-cash gift, having a fair market value of \$50 or less.

1.5.4.1.1 An “occasional” gift, described above shall mean a maximum of one such gift during one of the following quarters of a calendar year, to wit: January through March, April through June, July through September and October through December; constituting in such manner, a maximum of four such gifts per calendar year.

1.5.4.2 An award publicly presented in recognition of public service.

1.5.4.3 Any bonafide loan made in the ordinary course of business.

1.5.4.4 Political campaign contributions actually used in a political campaign.

1.6 Participate in an official capacity or receive compensation in respect to any transaction between the County and any business entity in which he or she, his or her spouse or minor children is also an officer, director, employee or owns a substantial interest as defined in 2.2.1 below, in the company without first filing a conflict of interest disclosure statement as outlined in paragraph 3 according to the requirements of Title 17, Chapter 16a; and Title 67, Chapter 16, U.C.A. 1953 as amended.

1.7 Have personal investments in any business entity which will create a substantial conflict between his or her private interests and public duties.

1.8 Receive or agree to receive compensation for assisting any person or business entity in any transaction involving the County unless a sworn written statement has been filed as outlined in paragraph 3 according to the requirements of Title 17, Chapter 16a; and Title 67, Chapter 16, U.C.A. 1953 as amended.

2.0 A County employee or volunteer must complete a disclosure statement as provided in 3.0 in circumstances set forth below:

2.1 Every County employee and volunteer who is an officer, director, agent, employee or the owner of a substantial interest in any business entity which is subject to the regulation of the County, including licensure, shall disclose in a sworn statement to the Legislative Body the position held and the precise nature and value of any interest upon first becoming an officer or employee and again during January of each year thereafter during which he or she continues to be an officer, director, agent, owner, volunteer or employee.

2.2 A County employee or volunteer must disclose, through a sworn statement given to the County legislative body, through the agency chain of command up to the head of his or her Department\Elected Office, and the District Attorney; and further disclose in an open meeting to the members of the body of which he or she is a member whenever the body is about to discuss or vote upon a matter regarding a person or business entity who or which may be benefitted by the vote or discussion of the employee or volunteer.

2.2.1 An entity which may be benefitted by a vote or action of the employee or volunteer shall be, but not necessarily limited to: a business entity in

which the employee or volunteer, or their spouse or minor children, owns a substantial interest, which is defined as a legal or equitable interest in at least ten percent (10%) of the outstanding capital stock of a corporation or at least a ten percent (10%) interest in any other type of business entity.

- 2.3 An employee or volunteer who agrees to receive compensation for assisting any person or business entity in any transaction involving the County must disclose the information identified in section 3.0, ten days prior to the date of any agreement between the employee or volunteer and the person or business entity being assisted or ten days prior to the receipt of compensation by the employee or volunteer.
 - 2.4 Every employee or volunteer who is an officer, director, agent or employee, or owner of a substantial interest in any business entity which does or anticipates doing business with the County shall publically disclose to the members of the body on which he or she is a member immediately, prior to any discussion by such body matters relating to such business entity, the nature of his or her interest in that business entity. The disclosure statement shall be entered in the minutes of the meeting.
 - 2.5 Any personal interest of or investment by any County employee or volunteer which creates a potential or actual conflict between the employee's or volunteer's personal interests and his or her public duties shall be disclosed in open meetings to the members of the body on which he or she is a member, immediately prior to discussion by such body of matters relating to such conflict of interest, the nature of the conflict. The disclosure statement shall be entered in the minutes of the meeting.
- 3.0 A disclosure statement, provided on the attached form is a written and sworn document filed with the County Legislative body, shall be considered to be a public document.
- 3.1 A conflict of interest shall be disclosed in a verbal statement in the meeting of the County office, board, or division where the transaction which creates the conflict of interest is considered or discussed. In addition to this statement, the person must also file a written statement pursuant to the requirements of this policy.
 - 3.2 The disclosure statement must be filed within ten calendar days prior to the date of any agreement to provide assistance or receive compensation.
 - 3.3 Each employee and volunteer is individually responsible to ensure that their disclosure statements are kept current as their circumstances change.
 - 3.4 Each employee and volunteer shall ensure that a copy of their disclosure statement prepared according to the attached form is given to the Administrator of the Division, Department or Elected Office for which they work, the Attorney's Office and the Legislative body.
- 4.0 Consultation, Speeches and Presentations
- 4.1 The County may grant the requests of schools, universities, civic organizations, governmental entities, or private businesses to have employees or volunteers give speeches or other presentations, teach or provide consultation services. Such services by employees may be authorized according to one of the following arrangements:
 - 4.1.1 The employee may provide the services during hours otherwise compensated as an assignment directed by their Administrator and will continue to receive a salary while doing so. Any payment for the temporary services shall be made to the County.

4.1.2 The employee may take vacation leave or leave without pay, as appropriate, to perform the temporary services and be compensated by the requesting entity.

5.0 Professional Code of Ethics

- 5.1 County employees and volunteers who work in occupations having professional codes of ethics or standards of professional responsibility shall adhere to those requirements in the performance of their County duties. Failure to abide by professional codes of ethics may adversely affect the employees' ability to perform their duties and may, in appropriate cases, result in disciplinary action or termination of County employment.
- 5.2 Failure by a County employee or volunteer to meet the requirements of his or her professional\occupational licensing authority, resulting in loss of his or her license to practice in such profession\occupation and concomitant inability to continue to work in his or her County job may be a basis for immediate termination of his or her employment by the County.
- 5.3 County employees and volunteers shall have an ongoing obligation to report to his or her supervisor any actions taken by his or her licensing authority which affects his or her right to continue to practice in that profession; and further report to the supervisor, the facts giving rise to such action. Failure to report as required herein may be a basis for immediate termination of his or her employment with the County.

6.0 Indemnification

- 6.1 Employees and volunteers will be indemnified and held harmless as provided in the Governmental Immunity Act (UCA 63-30-1 et. Seq.).

7.0 County Responsibilities

- 7.1 If an employee violates this policy, disciplinary action will be taken by the Administrator. Such action may result in disciplinary action as provided in Human Resources Policy and Procedure: "Discipline" and may lead to termination of County employment or criminal prosecution.
- 7.2 It shall be the responsibility of the Human Resources Division, and agency, in consultation with the District Attorney's Office, to appropriately advise employees and volunteers of the requirements and prohibitions of this policy.
- 7.3 Divisions, Departments, and Elected Offices are not prohibited from instituting their own internal policies regarding outside employment provided such policies are more restrictive than this policy and within the bounds of the law. A Division, Department or Elected Office policy may not be the basis of disciplinary action unless the policy has been approved by the Legislative body.

APPROVED AND PASSED THIS 15th DAY OF JULY, 2008.