

MEMPHIS



BOARD OF ETHICS

GOVERNING DOCUMENTS FOR THE CITY OF MEMPHIS

CODE OF ETHICS (ORDINANCE NO. 5206, ALONG WITH ANY AMENDMENTS)

MAYOR'S EXECUTIVE ORDER NO. 1-2016

ENTER





City of
Memphis

ETHICS TRAINING

FOR OFFICERS AND EMPLOYEES
OF THE CITY OF MEMPHIS

CONTINUE

LET'S SCOOT
THROUGH THE
CITY OF MEMPHIS
ETHICS



INTRODUCTION

Welcome to the City of Memphis Online Ethics Training Program. This program is intended to make you familiar with laws governing your conduct as a City Officer and City Employee. As you proceed with this training, you should bear in mind that ethical conduct involves more than merely following these laws. As a public servant, you should act fairly and honestly and should avoid creating even the appearance of impropriety. For further guidance, you should consult your agency's ethics advisor or legal counsel.



CONTINUE

QUIT

GENERAL INFORMATION

What are Ethics?

DEFINITIONS

A principle of right or good behavior or a system of moral principles or values; the rules or standards of conduct governing the members of a profession. - *Webster's II New College Dictionary*

- The principles of conduct governing an individual or a group.
- *Merriam – Webster Online*

PLEASE NOTE: *The Board of Ethics' Jurisdiction is limited to matters covered in the Code of Ethics for City Officials and the Mayor's Executive Order.*

QUIT

CONTINUE

GENERAL INFORMATION

Purpose and Function of the Code of Ethics

- Reflects organizational values
- Articulates principles and standards
- Advises members of accepted conduct – and conduct that is not acceptable (Note: Behavior may be branded unethical even though it is not unlawful.)
- Aspiration to members and, through enforcement measures, protects integrity of the organization
- Assists members in identifying ethical issues and provide framework for resolution





THE TRAINING WILL COVER THE FOLLOWING SUBJECT AREAS:

- APPLICABILITY
- DEFINITION OF "PERSONAL INTEREST"
- PERSONAL INTEREST AND DUTY TO DISCLOSE
- ACCEPTANCE OF GRATUITIES, ETC.
- USE OF INFORMATION
- USE OF CITY TIME, FACILITIES, ETC.
- USE OF POSITION OR AUTHORITY
- OUTSIDE EMPLOYMENT

**AFTERWARDS, THERE
IS A QUIZ TO TEST
YOUR KNOWLEDGE**

The training takes about 30 minutes
to complete.



QUIT



CONTINUE



SEC. 2-10-1 APPLICABILITY

This chapter is the code of ethics for personnel of the city.
It applies to all:

- full-time and part time
- elected or appointed officers and employees, whether compensated or not
- any separate board, commission, committee, authority, or corporation, or other instrumentality appointed or created by the city.

The term "city" includes these separate entities.

QUIT

CONTINUE

Lorraine
MOTEL



SEC. 2-10-2 DEFINITION OF PERSONAL INTEREST

A. For purposes of sections 2-10-3 and 2-10-4, “personal interest” means:

- 1) Any *financial, ownership or employment interest* in the subject of a vote by a board or commission of the city not otherwise regulated by state statutes on conflicts of interests; or



QUIT



CONTINUE



SEC. 2-10-2 DEFINITION OF PERSONAL INTEREST

- A. For purposes of sections 2-10-3 and 2-10-4, “personal interest” means:
- 2) Any *financial, ownership, or employment interest* in a matter to be regulated or supervised; or





SEC. 2-10-2 DEFINITION OF PERSONAL INTEREST

- A. For purposes of sections 2-10-3 and 2-10-4, “personal interest” means:
- 3) Any such *financial, ownership, or employment interest* of the officer’s or employee’s spouse, parent(s), stepparent(s), grandparent(s), sibling(s), child(ren), or stepchild(ren).



QUIT



CONTINUE



SEC. 2-10-2 DEFINITION OF PERSONAL INTEREST

- B. The words “employment interest” include a situation in which an officer, employee or a designated family member is negotiating possible employment with a person or organization that is the subject of the vote or that is to be regulated or supervised.
- C. In any situation in which a personal interest is also a conflict of interest under state law, the provisions of the state law take precedence over the provisions of this chapter.

(Ord. No. 5206, Section 2, 7-1-2007)



SEC. 2-10-3 DISCLOSURE OF PERSONAL INTEREST BY OFFICER WITH VOTE

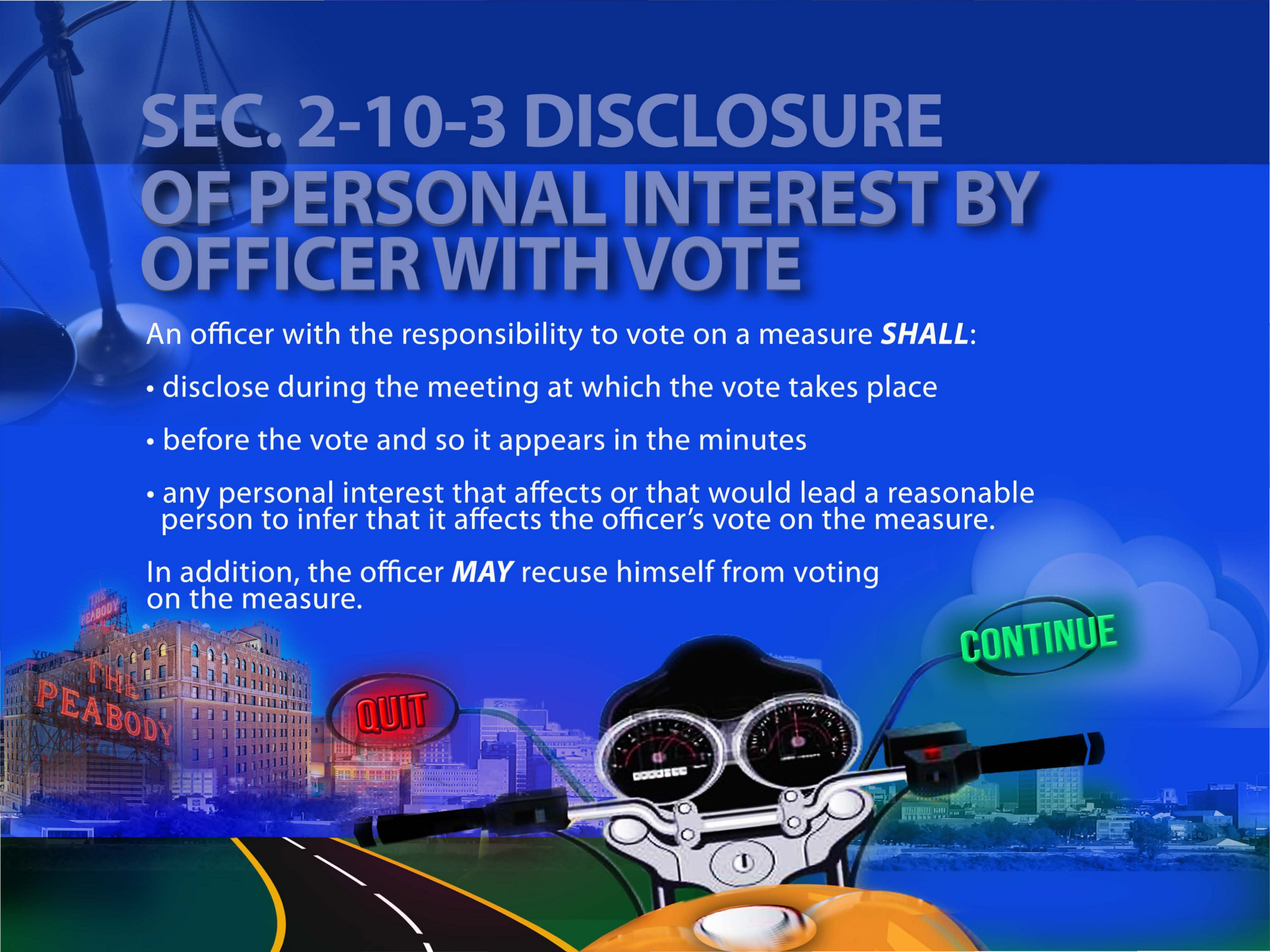
An officer with the responsibility to vote on a measure **SHALL**:

- disclose during the meeting at which the vote takes place
- before the vote and so it appears in the minutes
- any personal interest that affects or that would lead a reasonable person to infer that it affects the officer's vote on the measure.

In addition, the officer **MAY** recuse himself from voting on the measure.

QUIT

CONTINUE



SEC. 2-10-4 DISCLOSURE OF PERSONAL INTEREST IN NONVOTING MATTERS

An officer or employee who must exercise discretion relative to any matter, other than casting a vote, and who has a personal interest in the matter that affects or that would lead a reasonable person to infer that it affects the exercise of discretion **SHALL**:

- disclose, before the exercise of the discretion when possible
- the interest on a form provided by and filed with the recorder
- In addition, the officer or employee **MAY**, to the extent allowed by law, charter, ordinance, or policy, recuse himself from the exercise of discretion in the matter.

QUIT

CONTINUE



SEC. 2-10-5 ACCEPTANCE OF GRATUITIES, ETC.

An employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

(1) for the performance of an act, or refraining from the performance of an act, that he would be expected to perform or refrain from performing, in the regular course of his duties; or

CONTINUE

BROOKS
MEMPHIS BROOKS MUSEUM OF ART

SEC. 2-10-5 ACCEPTANCE OF GRATUITIES, ETC. (CONT.)

An employee may not accept, directly or indirectly, any money, gift, gratuity, or other consideration or favor of any kind from anyone other than the city:

(2) that might reasonably be interpreted as an attempt to influence his action, or reward him for past action, in executing business of the city.

CONTINUE

BROOKS
MEMPHIS BROOKS MUSEUM OF ART

SEC. 2-10-5 ACCEPTANCE OF GRATUITIES, ETC. (CONT.)

B. No council member shall solicit or accept, directly or indirectly on behalf of himself or any member of the employee's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value from any person or entity that:

1. Has or is seeking to obtain contractual or other business or financial relations with the city;

CONTINUE

QUIT

BROOKS
MEMPHIS BROOKS MUSEUM OF ART

SEC 2-10-5 ACCEPTANCE OF GRATUITIES, ETC. (CONT.)

B. No council member shall solicit or accept, directly or indirectly on behalf of himself or any member of the employee's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value from any person or entity that:

2. Conducts operations or activities that are regulated by the city; or

CONTINUE

QUIT

BROOKS
MEMPHIS BROOKS MUSEUM OF ART

SEC. 2-10-5 ACCEPTANCE OF GRATUITIES, ETC. (CONT.)

B. No council member shall solicit or accept, directly or indirectly on behalf of himself or any member of the employee's household, any gift, including but not limited to any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee or any other thing of monetary value from any person or entity that:

3. Has interests that may be substantially affected by the performance or nonperformance of the city council member's official duties.

CONTINUE

QUIT

BROOKS
MEMPHIS BROOKS MUSEUM OF ART

SEC. 2-10-5 ACCEPTANCE OF GRATUITIES, ETC. (CONT.)

Exceptions. The prohibition of accepting gifts does not apply to:

- (1). A gift given by a member of the employee's immediate family, or by an individual if the gift is given for a non-business purpose and is motivated by a close personal friendship.
- (2). Informational materials, such as books, periodicals, audio or video, or sample merchandise helpful as part of the council member's duties in determining the appropriateness of the product for use as a part of city business.

QUIT

CONTINUE

PINK PALACE
Museum

SEC 2-10-5 ACCEPTANCE OF GRATUITIES, ETC. (CONT.)

Exceptions. The prohibition of accepting gifts does not apply to:

(3). Unsolicited tokens or awards of appreciation, honorary degrees or bona fide awards in recognition of public service, provided that any such item can not be readily converted to cash.

4). Food, refreshments, foodstuffs, entertainment or beverages provided as a part of a meal or other event in which the council member is attending or is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization.

OUT

CONTINUE

PINK PALAC Museum

SEC 2-10-5 ACCEPTANCE OF GRATUITIES, ETC. (CONT.)

Exceptions. The prohibition of accepting gifts does not apply to:

5). Loans from established financial institutions made in the ordinary course of business on usual and customary terms.

6). Voluntary, legally disclosed political campaign contributions given, in accordance with applicable federal and state statutes to an individual covered by the provisions of this section who has announced his intention to seek elected office.

(Ord. No. 5206, Section 5, 7-1-2007; Ord No. 5344, 2-23-2010)

QUIT

CONTINUE

PINK PALAC Museum

SEC. 2-10-6 USE OF INFORMATION

(A) An officer or employee may not disclose any information obtained in his officer capacity or position of employment that is made confidential under state or federal law except as authorized by law.

(Ord. No. 5206, Section 6, 7-1-2007)

CONTINUE

QUIT





SEC. 2-10-6 USE OF INFORMATION (CONT.)

(B) An officer or employee may not use or disclose information obtained in his officer capacity or position of employment with the intent to result in financial gain for himself or any other person or entity.

(Ord. No. 5206, Section 6, 7-1-2007)



QUIT



CONTINUE

SEC 2-10-7 USE OF CITY TIME, FACILITIES, ETC.

(A) An officer or employee may not use or authorize the use of the time, facilities, equipment, or supplies of the City for private gain or advantage to himself.

(B) An officer or employee may not use or authorize the use of the time, facilities, equipment, or supplies of the City for private gain or advantage to any private person or entity, except as authorized by legitimate contract or lease that is determined by the governing body to be in the best interests of the City.





SEC. 2-10-8 USE OF POSITION OR AUTHORITY

(A) An officer or employee may not make or attempt to make private purchases, for cash or otherwise, in the name of the City.

(B) An officer or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by charter, general law, or ordinance or policy of the City.

QUIT

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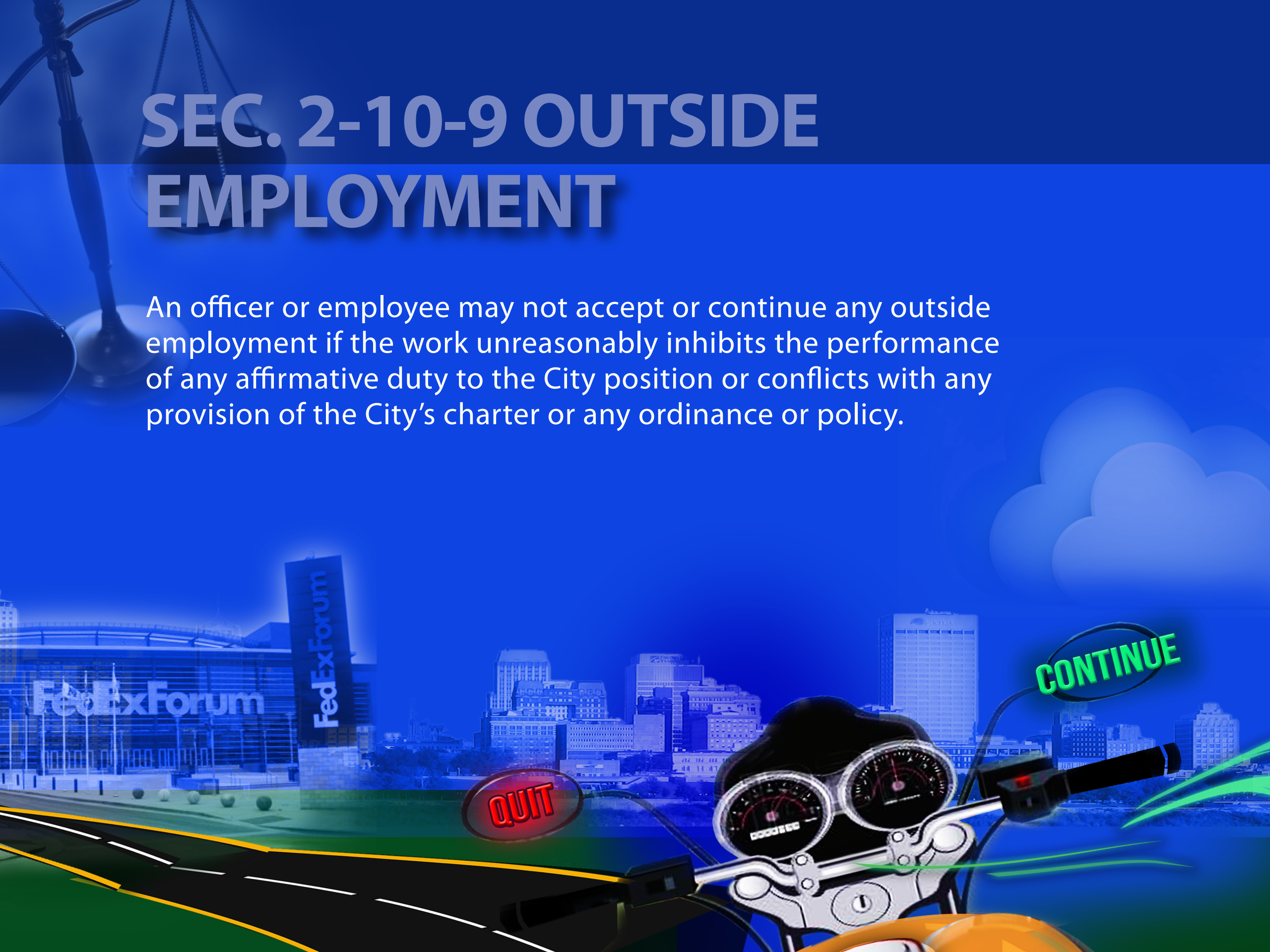
JUDGE D'ARMY BAILEY COURTHOUSE
140 ADAMS

SEC. 2-10-9 OUTSIDE EMPLOYMENT

An officer or employee may not accept or continue any outside employment if the work unreasonably inhibits the performance of any affirmative duty to the City position or conflicts with any provision of the City's charter or any ordinance or policy.

QUIT

CONTINUE



SEC. 2-10-10

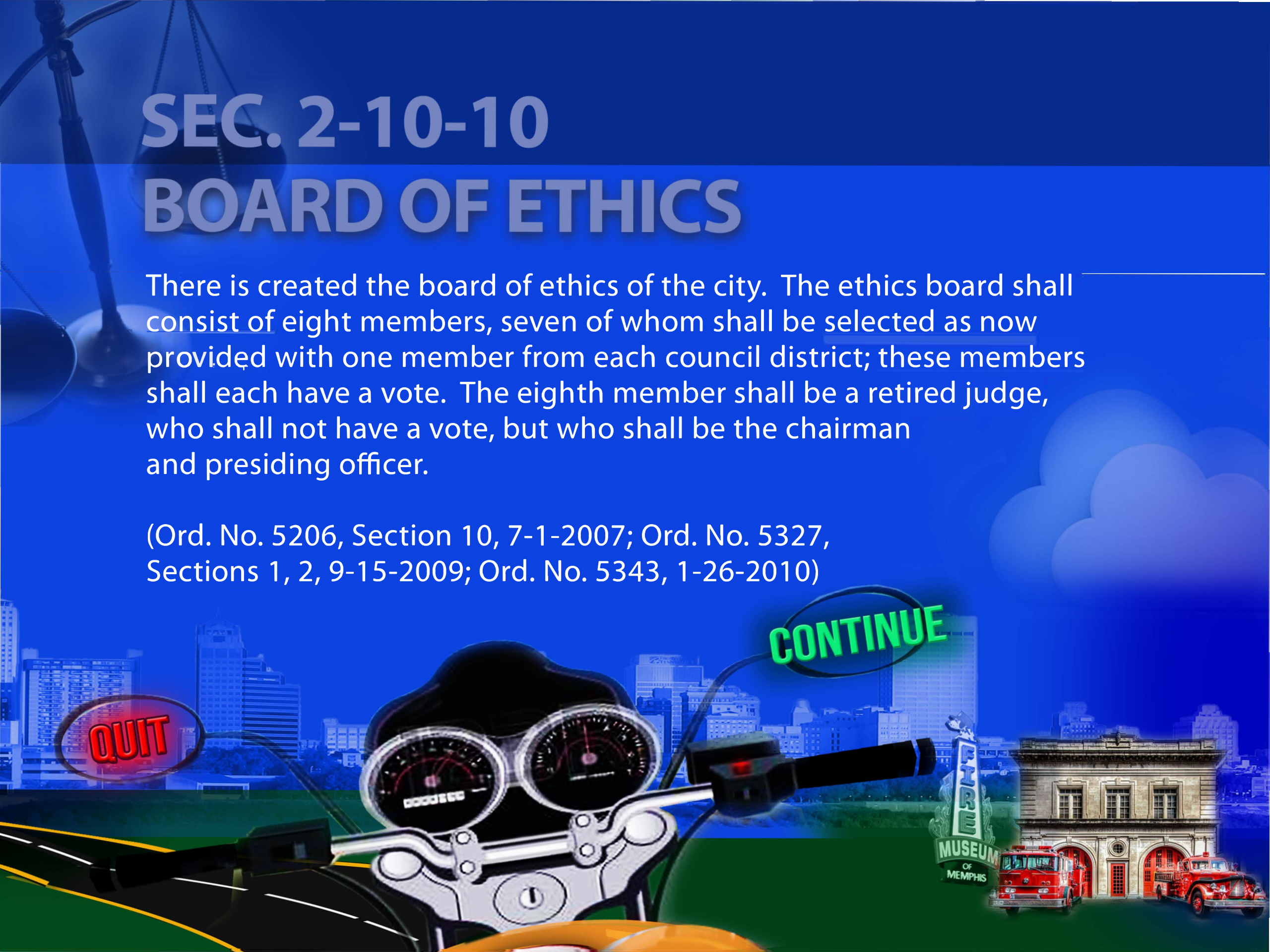
BOARD OF ETHICS

There is created the board of ethics of the city. The ethics board shall consist of eight members, seven of whom shall be selected as now provided with one member from each council district; these members shall each have a vote. The eighth member shall be a retired judge, who shall not have a vote, but who shall be the chairman and presiding officer.

(Ord. No. 5206, Section 10, 7-1-2007; Ord. No. 5327, Sections 1, 2, 9-15-2009; Ord. No. 5343, 1-26-2010)

CONTINUE

QUIT



SEC. 2-10-10

BOARD OF ETHICS (CONT.)

Upon request by a city officer or employee, the board of ethics may issue formal ethics opinions that shall bind the board of ethics and the person requesting the opinion, and shall constitute a body of principles upon which officers, employees, and others may rely for guidance in specific situations.

(Ord. No. 5206, Section 10, 7-1-2007; Ord. No. 5327, Sections 1, 2, 9-15-2009; Ord. No. 5343, 1-26-2010)

QUIT

CONTINUE

FIRE
MUSEUM
OF
MEMPHIS



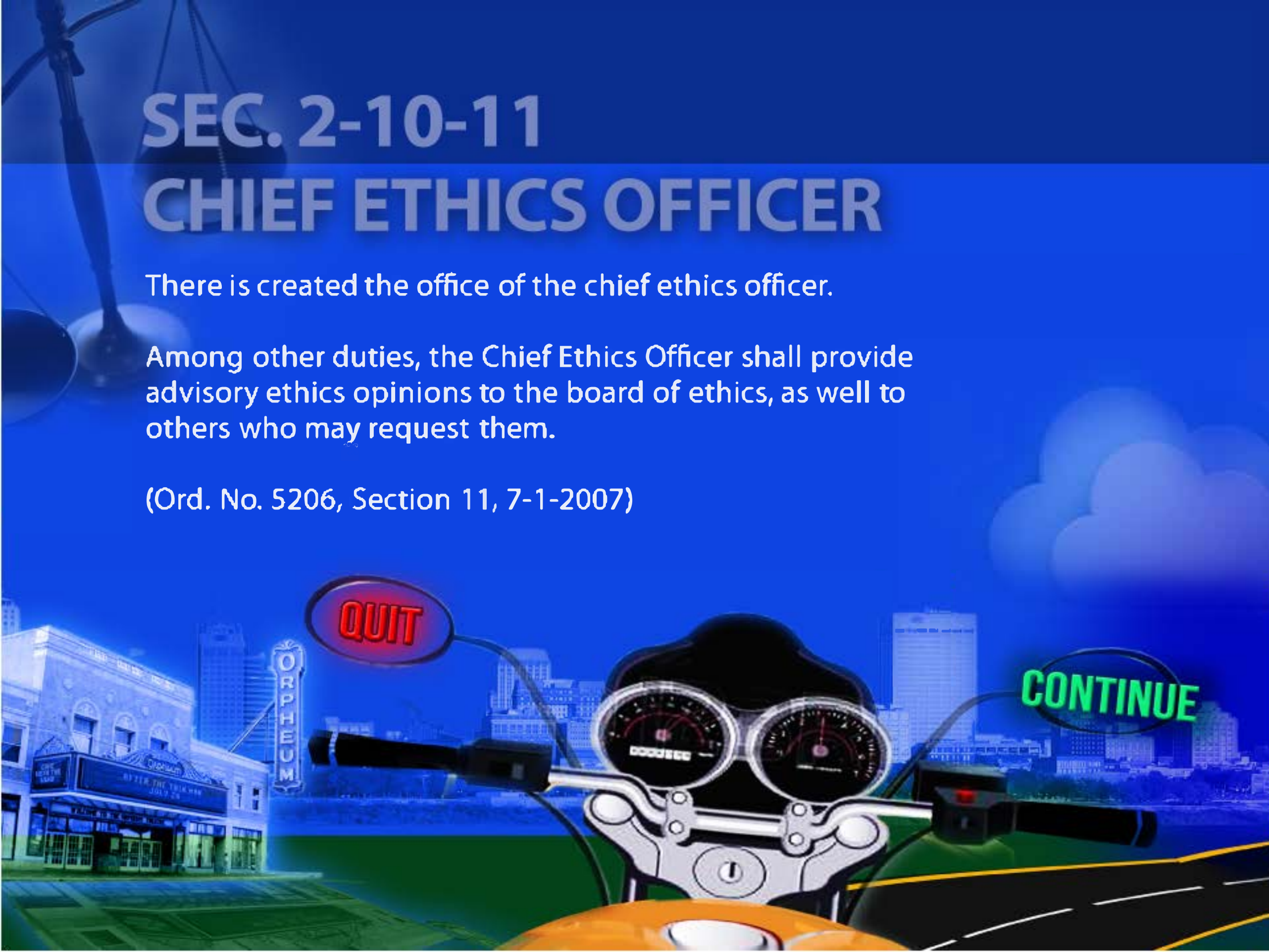
SEC. 2-10-11

CHIEF ETHICS OFFICER

There is created the office of the chief ethics officer.

Among other duties, the Chief Ethics Officer shall provide advisory ethics opinions to the board of ethics, as well to others who may request them.

(Ord. No. 5206, Section 11, 7-1-2007)



SEC. 2-10-13 PENALTIES FOR VIOLATION OF CODE OF ETHICS

Upon a finding of a violation of any provision of this code of ethics, the board of ethics is empowered to take any action up to referring the matter to the district attorney general or the United States Attorney.

The board of ethics is also empowered to refer the matter to the city attorney or district attorney general with a request that an appropriate civil action for restitution, ouster, or other relief be instituted.

(Ord. No. 5206, Section 13, 7-1-2007)

QUIT

CONTINUE

LIBERTY BOWL

COMPLAINT PROCEDURES

Any citizen of the city, including but not limited to the chief ethics officer or any member of the board of ethics, may submit a complaint in writing and under oath, alleging that one or more officers or employees have violated or may have violated any provision of this chapter within one month of the alleged violation.

The Formal Complaint Form and Request for Ethics Opinion are found on the City of Memphis, Board of Ethics web page.

(Ord. No. 5206, Section 10, 7-1-2007; Ord. No. 5327, Section 1, 2, 9-15-2009; Ord. No 5343, 1-26-2010)

LIBERTY BOWL

QUIT

CONTINUE

For additional information or help on the topic of ethics, please contact the City of Memphis
Cheif Ethics Officer at (901)415-2788.

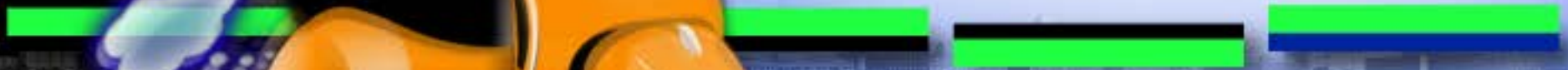
QUESTIONS



CONTINUE

QUIT

TEST



You are enrolled in night school in an attempt to earn your college degree. Your classes begin at 6:30 in the evening. Because the campus is near your office, you stay after 5:00 p.m. to study and write any necessary papers.

Q May you use your work computer and printer to do research and print papers?

- A.** No, you may not use City resources.
- B.** You may use the computer for research, but you may not use the printer.
- C.** You may use the computer to do research and print papers.



TEST

ANSWER 1

The answer is A.

A:

The Code of Ethics provides that an officer or employee may not use or authorize the use of equipment or supplies of the City for private gain or advantage to himself.



You work for the City, but you also have a t-shirt business on the side. In addition to printing and selling sports and custom t-shirts, you also sell funny t-shirts with images that look like City officials.



Since you work for the City, may you have a business that sells fun City-related items?

- A.** Yes. You checked with your supervisor before starting your business. Your supervisor and the city attorney determined that there was not a problem as long as you did not utilize City resources in conducting your business.
- B.** No, you may not have a company that sells City related items when you work for the City.
- C.** Yes, as long as you do not tell anyone.



TEST

ANSWER 2

The answer is A.

A:

Pursuant to the Code of Ethics, an officer or employee may have outside employment as long as it does not unreasonably inhibit the performance of any affirmative duty of the City position. There is no indication that the t-shirt business will interfere with or inhibit the employee's performance.



John is the Director of General Services for the City. John is extremely busy on official City business and has asked his administrative assistant to pick up his prescription at the pharmacy.

Q:

Is this appropriate?

- A.** Yes
- B.** No



The answer is B.

A:

Asking the assistant to run a personal errand may be an abuse of his position or authority. Section 8 of the Code of Ethics provides in part that “an officer or employee may not use or attempt to use his position to secure any privilege or exemption for himself or others that is not authorized by the charter, general law, or ordinance or policy of the city.”

(Ord. No. 4709, Section 1, 10-12-1999; Ord. No. 5206, Section 8, 7-1-2007)



You work in Procurement/Purchasing and regularly assist with the preparation of bid documents for dissemination to the public. You notice an upcoming bid for playground equipment at a local park. You have a former classmate who installs quality playground equipment. You contact your classmate to give him a heads up as you believe his company can provide superior equipment and services. You have no financial interest in his company and will not receive any financial windfall if he is awarded the contract. You do not have decision making authority regarding who will be awarded the contract. In addition to this, it will be a sealed bid process.



Have you done anything unethical by giving your friend a “heads up”?

- A.** No. You have not done anything unethical because you will not personally benefit if your friend is awarded the contract.
- B.** No, because it is a sealed bid process and you are not involved in the letting of the contract.
- C.** Yes, your actions would be considered unethical.



The answer is C.

A:

Section 6 of the Code of Ethics provides that "... an officer or employee may not use or disclose information obtained in his capacity or position with the intent to result in financial gain for himself or any other person or entity."



Your daughter's school is having a rally to educate teens and prevent teen pregnancy. The school knows that you work in City government and have worked closely with the administration in researching the effects of teen pregnancy and the importance of prevention. The results of the study have not been made open to the public. Normally, in your official duties you do not include speaking to groups on the City's behalf.



Your daughter's school has asked you to speak concerning this issue. May you?

- A.** No. The use of your job title and the fact that you work for the City prohibit this.
- B.** Yes. You may speak at the rally by offering your personal opinion as a parent, but you may not accept the invitation to speak as an employee of the City, or reveal the results of the City's research that is not yet public.



TEST

ANSWER 5

The answer is B.

A:

An employee may not use information which he or she has access by virtue of his/her employment and that has not been made public.



The City pays for Mary, a City employee, to attend a class to learn a new software program. A t-shirt with the software company's logo was included in the materials Mary received.

Q: **May Mary keep the t-shirt?**

- A.** Mary may not keep the t-shirt because the City paid for the course and the t-shirt belongs to the City.
- B.** Mary may keep the t-shirt.
- C.** Mary may not accept the t-shirt because it promotes a particular business.



TEST

ANSWER 6

The answer is B.

A:

It does not appear that Mary was provided this t-shirt as an attempt to influence her action or reward her for past action in executing business of the City. Instead, the t-shirt was provided along with all other informational materials to all persons who attended the course.



You are marrying the love of your life. Of course, you intend to invite everyone to your wedding ceremony including friends from various firms who do business with the City.

Q: **Can you accept gifts from them?**

- A.** Yes, but only if the gift is less than \$50.
- B.** Yes, because the gift is for a non-business purpose and is motivated by close personal friendship.
- C.** No, because these particular friends do business with the City.



TEST

ANSWER 7

The answer is B.

A:

It is generally OK to accept customary gifts for social occasions, such as weddings, from individuals who are old friends who are also doing business the City. However, the gift must be reasonable, and the main reason for the gift must be your friendship with the person. Remember, however, there are no new best friends!



Susan is a City employee.

Q:

May she send an email to her co-workers using her work computer, urging them to vote for her husband who is a candidate for a local office?

- A.** Yes
- B.** No
- C.** It depends on whether Susan uses her personal email or work email to send the message.



TEST

ANSWER 8

The answer is B.

A:

The Code of Ethics prohibits an employee from utilizing City equipment for private use or gain or advantage to himself/herself.



You work on a team reviewing bids for contracts for the City's landscaping of public areas. One of the companies is owned by an old college classmate. Her company needs the work. She has offered to redo your fence and landscape and maintain your yard for 5 years.

Q:

What should you do?

- A.** Go with her company. You don't have time for your yard and no one knows her as an acquaintance of yours.
- B.** Tell her no.
- C.** Tell her because she is an old acquaintance you will go with her company, but you cannot accept the landscaping.



The answer is B.

A:

You are prohibited from accepting yard work in exchange for your awarding the contract to your friend. She is attempting to influence your decision.

See, Section 5 of the Code of Ethics.



Employees from the City's Information Technology Department have been asked to attend an annual technology conference in New York. Unfortunately, IT does not have a travel budget. The association sponsoring the conference offers to pay for 2 City employees to attend and speak at the conference. The association will pay for transportation, food and lodging.

Q: **May the employees accept?**

- A.** Yes, the employees may accept the payment of transportation, food and lodging from the association.
- B.** No, the employees may not accept the payment of transportation, food and lodging from the association.



The answer is A.

A:

A City employee may accept a gift (transportation and lodging expenses) to speak at a conference, provided that, the entity which provides the gift, does not have or is not seeking a business relationship with the City (specifically the department of the City in which the employee is employed); does not have an interest which would be affected by the employee's performance of his duties; and does not submit to an activity which the employee's department oversees.



Your spouse has recently been laid off of work. You are now the sole provider for your family. Although you love working for the City, you decide to find additional employment to make ends meet. You applied for and have been offered a job at a local grocery store.

Q: **May you accept the position?**

- A.** No. You may not accept the position if you want to keep your City job.
- B.** Yes. You may accept the position as long as it does not unreasonably inhibit the performance of your City job.



TEST

ANSWER 11

The answer is B.

A:

You may accept outside employment as long as it does not unreasonably inhibit the performance of your duties with the City.



Q: Who can file an Ethics Complaint?

- A.** Only a member of the City Council
- B.** Only the Chief Ethics Officer or a Member of the Board of Ethics
- C.** Any citizen of the City of Memphis



TEST

ANSWER 12

The answer is C.

A:

Any citizen of the City of Memphis may file a complaint against any Officer or Employee of the City of Memphis.



Q:

A complaint against an official or employee must:

- A.** be in writing
- B.** be signed and notarized
- C.** include the name and address of complainant
- D.** All of the above



TEST

ANSWER 13

The answer is D.

A:

A complaint must be in writing, signed and notarized, and include the name and address of the complainant.



Q:

Is it okay for a City vendor to give campaign donations to a City employee who is running for a local office?

- A.** Yes
- B.** No



The answer is A.

A:

An employee may accept voluntary, legally disclosed political campaign contributions given in accordance with applicable federal and state statutes to an individual covered by the provisions of this section who has announced his intention to seek elected office.



Q:

Can an anonymous complaint be filed with the Board of Ethics?

A. Yes

B. No



TEST

ANSWER 15

The answer is B.

A:

A complaint must include the name, address and the signature of the person bringing the complaint.





CONGRATULATIONS

YOU HAVE SUCCESSFULLY COMPLETED
THE TOUR OF MEMPHIS BOARD OF ETHICS QUIZ



CITY OF MEMPHIS
BOARD OF ETHICS
2017

