

City of Yuma, Arizona
ADMINISTRATIVE REGULATION

Issued by: **Greg Wilkinson**
Authority: City Administrator

SUBJECT:
EMPLOYEE CONDUCT

Issued: May 9, 2016

- 1.0** **PURPOSE:** This Administrative Regulation is issued to set forth the standard of conduct which the City of Yuma requires from its employees.
- 2.0** **APPLICABILITY:** This Administrative Regulation is applicable to all employees.
- 3.0** **CORE VALUES:** City employees are required to follow the core values of the City of Yuma. Employees will utilize these values to govern the way they make their decisions and carry out their actions as employees of the City. These core values include:
- 3.1** **Integrity:**
Honor, honesty, pride, and professionalism should guide each City employee to exemplify the highest ethical and moral standards and conduct; to never lie, cheat, or steal; to abide by an uncompromising code of integrity; to respect human dignity and respect others. Employees are expected to demonstrate the qualities of maturity, dedication, trust, and dependability to act responsibly; to be accountable for their actions; to fulfill their obligations; and to hold others accountable for their actions.
- 3.2** **Commitment:**
Commitment is the spirit of determination and dedication, City employees should strive to give the best all the time. It inspires the unrelenting determination to achieve a standard of excellence in every endeavor. City employees commit to the success of the City by working hard and diligently staying focused on these values.
- 4.0** **GUIDING PRINCIPLES:** In addition to our Core Values, employees can utilize the following Guiding Principles to assist them in their daily work and decision process:
- 4.1** **Accessibility:**
The City of Yuma is dedicated to making City employees available to City customers. The goal is to make it convenient for the customer to access staff or programs when the need arises. In doing so, the quest for efficiency should not set up barriers to our programs and services.

4.2 Respect for Diversity:

All City employees' actions will cultivate a public awareness of appreciation for diversity within our community. Employees will promote acceptance and positive attitudes towards diversity, building on our commonalities and differences and promote equal opportunity and diversity in leadership.

4.3 Innovation:

City employees will be forward thinking in order to identify trends, anticipate problems, and develop innovative and cost-effective solutions. Employees should strive to be creative in providing value-added and cost-effective services to the citizens of the community. Innovation and forward thinking should be the guide to be more proactive, rather than reactive to the needs of the organization and the community.

4.4 Excellent Customer Service:

City employees recognize that the City (collectively and individually) exists only for our customers and will be sensitive and responsive to the community's needs and treat all customers, both external and internal, with courtesy and respect at all times.

4.5 High Performance:

All City employees' work performance will instill pride and professionalism in the workplace and the community. Employees will create a work environment which stimulates innovation and continuous improvement, and encourages and rewards employee growth and development.

4.6 Openness and Teamwork:

All City employees will encourage an atmosphere of open communication, listening and trust within the organization and in the community.

5.0 RESPONSIBILITIES AND CONDUCT IN GENERAL: This policy is not intended to substitute for common sense and sound judgment, which is expected of all employees. Each situation must be evaluated for application to the provisions of this policy. It is impossible to cite all of the various situations that may arise or that could be perceived and conclusions made as to appropriateness to those situations. Department Directors of the various departments and divisions are authorized to establish rules and policies, which may be more restrictive than this administrative regulation in keeping with individual positions, duties, responsibilities and needs of the department.

5.1 Employee shall observe all Federal and State laws, City ordinances, rules, regulations, and policies.

5.2 Employees shall not harass or discriminate against any person because of race, color, religion, disability, sex, age, national origin, sexual orientation, gender identity, genetics, or military status.

5.3 Employees will not use City property for personal reasons or for any non-City purpose without prior authorization from the Department Director.

5.4 Employees shall not use their official positions for personal benefit or gain. Public

influence or the use of sensitive or confidential information may never be used by any employee for his/her personal advantage, or for the advantage of any relative or personal friend.

5.5 Employees may not use their official position to interfere with or to influence the hiring process for the benefit of a relative or personal friend.

5.6 It is the responsibility of each employee of the City to follow safe working practices. As a condition of employment, every employee is required to follow all safety rules and practices and to report promptly any unsafe condition or injury that occurs on the job. Employees shall use their best efforts to guard his/her own individual safety, that of fellow employees and the public. The City Administrator may establish further policies on safety through Safety Regulations.

6.0 CONFLICT OF INTEREST:

6.1 All employees are subject to conflict of interest provisions of A.R.S. § 38-501 et. seq. Employees at all levels shall be free from any interest, influence, or relationship that conflicts with the best interests of the City.

6.2 Each individual situation that may involve a conflict of interest must be examined on its own individual merits. Employees must disclose to their Department Director, in writing, any activities or outside business that may constitute a conflict of interest. This disclosure will be evaluated and a determination made as to whether a conflict exists. The Department Director will respond to the employee in writing after such determination has been made.

7.0 PROHIBITED GIFTS, GRATUITIES, OR FAVORS:

7.1 Under no circumstances shall any employee accept or solicit, directly or indirectly anything of economic value such as cash, gifts, gratuity or favor, entertainment, loan, or any other thing of monetary value from a person who has, or is seeking to obtain, contractual or other business or financial relations with the City of Yuma; conducts operations or activities that are regulated by the City of Yuma; has interests that may be substantially affected by the performance or nonperformance of the employee's official duty; or when the receipt by an employee of an item of monetary value is given by an individual in the hope or expectation of receiving more favorable treatment than that accorded a member of the general public.

7.2 The acceptance of tips by employees of the City in the course of performing their normal duties is prohibited, except as provided for in 8.4 below.

8.0 POLICY EXCEPTIONS FOR GIFTS, GRATUITIES, OR FAVORS:

8.1 Items such as food and refreshments of less than twenty-five dollars (\$25.00) may be accepted on infrequent occasions in the ordinary course of City business, such as a meeting, conference or other occasions where the employee is properly in attendance.

- 8.2 Items which exceed twenty-five dollars (\$25.00) in value which are received by employees on behalf of the City of Yuma or for an activity which is in any way related to the City of Yuma, may only be accepted if received from a person whose cultural heritage is known to foster such an exchange and where non-acceptance would be construed to be an insult or would be an act of discourtesy to the giver; or the gift is of obvious cultural or artistic value. Acceptance of these gifts is to be made on behalf of the City of Yuma and becomes City property. Acceptance of these gifts is to be reported to the City's Administrator or designee.
- 8.3 Items such as promotional materials, i.e., pens, pencils, calendars, cups, caps, T-shirts or other items of little or nominal intrinsic value may be accepted on an infrequent basis.
- 8.4 Tips are permitted only for those part-time employees in the position classifications of Bartender or wait staff at Desert Hills Golf Course Restaurant, Yuma Art Center, or the Yuma Civic Center.
- 8.5 Cash or items given to employees by the City of Yuma as part of City- sponsored award or recognition programs are permissible.
- 8.6 Group discounts available to all City of Yuma employees by businesses where the business is offering the same group discount to other employers and governmental agencies may be accepted.
- 9.0 **CHARITABLE FUND-RAISING ACTIVITIES:** Employees are encouraged to be active members of the community and various community organizations so long as such activities/conduct does not constitute a conflict of interest with City employment. Employees who are engaged in solicitation or fund raising activities related to membership in civic organizations or churches shall ensure that no statements or references to their City positions or employment can be construed as a means to influence or coerce any individual to contribute to any organization, group, or religious activity.
- 10.0 **POLITICAL ACTIVITY:**
- 10.1 **Prohibited Activities:** Employees may not:
- (a) Seek or accept nominations, election, or appointment to a City elected office without first resigning from City employment.
 - (b) Campaign for or against any candidate to City elected offices; including the distribution of badges, pamphlets, leaflets, circulars, posters, or handbills.
 - (c) Make monetary contribution to any candidate for nomination or election to a City office.
 - (d) Solicit monetary or other political contributions from others for any candidate campaigning for nomination or election to a City office.
 - (e) Carry petitions or seek signatures for any individual seeking a City elective office.

- (f) Carry petitions or seek signatures for any City initiative or recall or referendum petition during working hours or at any City work facility.
- (g) Use City resources to influence the outcome of an election. (A.R.S. § 9-500.14)

10.2 Non-Prohibited Activities: This policy does not prevent any employee (outside of their City working hours) from:

- (a) Becoming or continuing to be a member of a political club or organization.
- (b) Attending a political meeting.
- (c) Seeking or being elected or appointed to public office other than City public office.
- (d) Taking an active role in elective campaigns, other than City of Yuma elections.
- (e) Signing petitions, voting for the candidate(s) of their choice and expressing political opinions.

11.0 NON-DENIAL OF CIVIL LIBERTIES: Nothing contained in this Administrative Regulation shall be construed as denying any employees their civil or political liberties as guaranteed by the United States and Arizona constitutions.

12.0 OUTSIDE EMPLOYMENT POLICY:

12.1 Employees are expected to devote their best efforts to the conduct of City business. Where outside employment is found to interfere with the employee's duties with the City, or has the potential for creating a conflict of interest or reflecting adversely upon the City of Yuma, the employee will be given the opportunity to choose between terminating either the outside employment or employment with the City of Yuma.

12.2 The City reserves the right to deny or restrict outside employment if the outside employment is inconsistent, incompatible, or is in conflict with City employment duties and responsibilities, working hours, assignments or emergency assignment or if an assessment is made by the Department Director in conjunction with Human Resources of the potential for conflicts of interest, potential for liability to the City for any act of an employee, and potential for adverse reflection or discredit to the City.

12.3 Written permission for outside employment must be received in advance from the Department Director prior to the start of outside employment. Only if the duties of the outside employment or the outside employer changes will a new form be required.

12.4 No information that has not been disclosed to the general public, and which is obtained in the course of City employment, shall be used which could result in personal gain or profit to an employee.

12.5 For safety purposes, employees should have a minimum 6 hour gap between the end of

their outside employment and the beginning of the shift for City employment to ensure a rest period can be obtained. Each situation requires the Department Director to decide if the outside employment is affecting City employment or if special circumstances are to be allowed by the Department Director.

- 12.6 No activities related to outside employment may be conducted on City work time, and no City facilities, equipment, software, software licenses, written or electronic data, labor or supplies are to be used to conduct outside business. This includes the use of City issued cell phones and/or pagers for the activity of outside employment. An exception may be made, in the case of uniformed police or fire personnel under contract for City-required public safety as approved by the City of Yuma Police or Fire Department or when any City department is under an active contract with other governmental agencies or outside agencies.
- 12.7 An employee may not receive Major Illness Leave for time off from City employment as a result of a job injury or illness incurred while employed by someone other than the City of Yuma.
- 12.8 General Leave, holiday, or comp time may be used to cover approved time off for documented medical reasons.
- 12.9 The outside employer must agree to provide proof of Worker's Compensation insurance coverage to the employee. Employees who are self-employed must attest to compliance with existing State law on worker's compensation.

13.0 **DISCRIMINATION AND HARASSMENT PROHIBITED:**

- 13.1 All forms of discrimination and harassment are prohibited. The City of Yuma expects all employees to accomplish their work in an environment free from discrimination or harassment based on race, color, religion, disability, sex, age, national origin, sexual orientation, gender identity, genetics, or military status.
- 13.2 Employees are encouraged to report any incidents or to ask any questions concerning discrimination or harassment. Any question an employee has concerning the meaning, content or conduct prohibited by this policy should be directed to their Supervisor, Department Director or the Human Resource Director.
- 13.3 The City of Yuma does not condone harassment and is committed to investigate each complaint promptly and thoroughly. Confidentiality will be maintained throughout the investigatory process to the extent practicable, appropriate under the circumstances, and as permitted or required by the law.

14.0 **PROHIBITION OF WORKPLACE VIOLENCE:**

The City of Yuma is committed to providing a safe environment for its employees and those who conduct business with the City. Workplace violence, intimidation, threats, or harassment on City property, in City facilities or while on City business will not be tolerated or ignored. Any unlawful violent actions or threats committed by employees or

members of the public while on City property or while using City facilities will be prosecuted as appropriate. The City will use any and all legal, administrative and disciplinary procedures to secure the workplace from violence and to protect employees and members of the public.

15.0 WORKPLACE VIOLENCE DEFINED: Any of the following actions shall be deemed to be workplace violence.

15.1 Any assault, which is defined as follows:

- (a) Intentionally, knowingly or recklessly causing any physical injury to another person; or
- (b) Intentionally placing another person in reasonable apprehension of imminent physical injury; or
- (c) Knowingly touching another person with the intent to injure, insult or provoke such person

15.2 Any criminal damage, which is defined as:

- (a) Intentionally or recklessly defacing or damaging property of another person; or
- (b) Intentionally or recklessly tampering with property of another person so as to substantially impair its function or value

15.3 Any action a reasonable person would perceive as obsessively directed at any other person and likely to result in harm or threats of harm to people or property, e.g., intensely focused on a grudge, grievance or romantic interest.

15.4 Any action which intimidates, harasses or in any way endangers the safety of an individual, or property.

15.5 Any action a reasonable person would perceive as menacing or threatening, or as carrying potential harm to an individual.

15.6 Possession of a weapon in violation of Section 16 below.

16.0 PROHIBITION OF POSSESSION AND USE OF DANGEROUS WEAPONS:

16.1 In the interest of maintaining a workplace that is safe and free of violence, possession or use of a dangerous weapon is prohibited on City property except as allowed by City, State, or Federal law. If a weapon is stored in a privately owned motor vehicle on City property, it must be located in a locked compartment and not visible from the outside of the vehicle. Dangerous weapons may be allowed in privately owned vehicles when used for City business as allowed by City, State, or Federal law. No dangerous weapons will be allowed in a City owned vehicle other than those engaged in military or law enforcement activities or as allowed by City, State, or Federal law.

16.2 A dangerous weapon is defined as any instrument capable of producing bodily harm, in a manner, under circumstances and at a time and place that manifests intent to harm or intimidate another person or that warrants alarm for the safety of another person.

17.0 MEDICAL/PSYCHOLOGICAL EVALUATIONS:

17.1 The City reserves the right to request a competent medical and/or psychological evaluation for any employee who displays behavior, or who engages in conversational topics which, in the judgment of management, suggest impending harm to property or to others. As employee safety is of paramount importance to the City, an employee who refuses such medical and/or psychological evaluation may be dismissed from employment.

17.2 The employee will be placed on Administrative Leave pending management review of written medical and/or psychological findings, as prepared by a physician/therapist, or psychologist of the City's selection. The City will review the medical and/or psychological evaluation, electing an employment continuation option as appropriate to specific circumstances.

18.0 SEARCHES ON CITY PROPERTY:

18.1 Employers' security problems encompass not only potential violence in the workplace, but also theft and abuse of drugs and alcohol. A search is justified when there are reasonable grounds for suspecting that the search will turn up evidence that the employee is engaged in work-related misconduct or that the search is necessary for a non-investigative, work-related purpose such as to retrieve a needed file. The City expressly reserves the right to:

- (a) Own and supply locks on City property;
- (b) Retain a key or combination for each locker, desk, or City-owned vehicle.
- (c) Enter all City lockers, desks, computers, and City vehicles at any time with or without employee consent or knowledge. Examine all data contained on City owned cell phones, pagers, and/or other electronic devices.

19.0 DISCIPLINARY ACTION: Any employee deemed responsible for conduct which is prohibited by this policy is subject to disciplinary action appropriate to the specific incident, up to and including dismissal from employment. This Administrative Regulation is not all-inclusive and the City reserves the right to discipline up to and including dismissal for inappropriate conduct.

20.0 CITY'S RIGHT TO WAIVE OR AMEND: When it is deemed in the best interest of the City to do so, the City Administrator, or designee, may waive or amend any portion of this Regulation, not in conflict with the Personnel Rules, City Charter, or City Ordinance.