



CITY OF PHOENIX

# ETHICS HANDBOOK

EMPLOYEES & VOLUNTEERS



City of Phoenix

# CITY OF PHOENIX STATEMENT OF MISSION, VISION, AND VALUES

## MISSION

To improve the quality of life in Phoenix through efficient delivery of outstanding public services.

## VISION

We will make Phoenix a great place to live, work, and visit by fostering a dynamic and sustainable environment with exceptional public services.

## SHARED VALUES

We are committed to excellence through:

- ▶ **Exceptional Customer Service** — We exist to provide responsive and consistent customer service to the community and to City employees. We exhibit empathy by listening to each other and to the public in our efforts to deliver services that improve people's lives.
- ▶ **Integrity and Transparency** — We safeguard the public trust through honest business practices and open communication. Our credibility with the public depends on our strong ethical stewardship of all resources.
- ▶ **Respect for Diversity** — We recognize and respect the differences that make us unique. We embrace diversity in everything we do to create a healthy and productive community and workplace.
- ▶ **Personal Empowerment** — We trust our employees to always own the problem and solution in addressing business challenges. We value and invest in the growth and development of our employees.
- ▶ **Engaged Teamwork** — We engage employees and the public in productive and respectful dialogue. Our success hinges on dynamic and interdependent partnerships. We achieve our highest performance by working together.
- ▶ **Consistent Professionalism** — We work to the highest standards of proficiency and expertise. We are accountable to ourselves, to the City, and to the public.
- ▶ **Creativity and Innovation for Excellent Results** — We promote an environment of inventive thinking and imaginative solutions to community needs. We encourage a spirit of continuous improvement in all our activities to exceed community expectations.

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## HOW TO USE THIS HANDBOOK

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Each City of Phoenix employee must comply with City ethics policies and laws. Although this handbook is intended to be a comprehensive resource, existing laws and policies may change and new laws may be adopted that are not reflected in this handbook. This handbook serves as general guidance to help employees comply with ethics policies and laws. Employees are encouraged to seek additional guidance, if necessary, to ensure compliance with applicable ethics policies and laws in particular circumstances. For additional general information and guidance, employees should contact the following resources:

- Their supervisor;
- Their Department's Ethics Representative; or
- The Human Resources Connection Center at 602-495-5700 or [hrc@phoenix.gov](mailto:hrc@phoenix.gov).

In this handbook, the term "employee" refers to both employees and volunteers.

Unlike previous versions, this handbook no longer covers City elected officials or board members. These individuals now have dedicated handbooks, which can be found on the City's ethics website, [phoenix.gov/ethics](http://phoenix.gov/ethics).

## WHY ETHICS MATTER

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Public trust in the City is built on the conduct of elected officials, employees, board members, and volunteers. Only when residents have confidence that their City elected officials, employees, board members, and volunteers will act fairly and honestly can democratic government function properly. Therefore, it is imperative that everyone in public service perform their duties at the highest standards of personal integrity, fairness, and honesty, and never use their City position for improper personal gain.

## SOURCES AND ENFORCEMENT OF THE CITY OF PHOENIX'S ETHICS POLICIES AND LAWS

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Although the City's ethics policies and laws are derived from several sources, the following policies and laws set out most of the City's ethics standards:

- The City of Phoenix Ethics Policy, Phoenix City Code ("P.C.C.") Section ("§") 2-52(B);
- The City of Phoenix Gift Policy, P.C.C. § 2-52(C);
- Arizona Conflict of Interest Statutes, Arizona Revised Statutes ("A.R.S.") §§ 38-501 and following (adopted by Phoenix City Charter Chapter XI); and
- Administrative Regulation ("A.R.") 2.93, City Employee Gift Policy.

Violations of the City's ethics policies and laws may have serious consequences, including legal actions. Employee violations of these ethics policies and laws are also enforced by the City Manager's Office. A violation may result in disciplinary action up to and including dismissal.

### *"Ask Yourself"*

- Will the action you take cause the appearance of undue influence or a conflict of interest?
- Will you be proud to see this action reported in the news?
- Will you be able to explain this action to a customer or resident of Phoenix?
- Will this action make our City a better place?

# APPLICABLE CITY OF PHOENIX ETHICS LAWS AND POLICIES

## DEFINITIONS

*(P.C.C. §§ 2-52(A), 18-401; A.R. 2.93)*

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These definitions only apply to City laws and policies. Throughout this handbook, references are made to state and federal law; these laws may have different definitions than those below. Please refer to those sources for the applicable definitions.

1. "City Business" (for purposes of this handbook and A.R. 2.93 only) means an activity on behalf of or at the request of the City of Phoenix or is an activity that directly benefits the City.
2. "Community Event" means an event, activity, or function located in Arizona and sponsored by the City, a non-profit organization, a professional association, a business association, a charitable organization, a cultural/arts organization, or a community organization.
3. "Compensation" means money, a tangible thing of value, or a financial benefit.
4. "Conflict of Interest" means an employee's use of their position for direct or indirect monetary gain or benefit.
5. "Employee" means a person who is not an elected official, board or commission member, or City of Phoenix Municipal Court Judge, and who is employed full-time or part-time by the City. For the sole purpose of this handbook, the term "employee" also includes City volunteers.
6. "Gift" means a tangible thing of value given to an employee in the course and scope of their duties other than or in addition to their regular compensation. Gift does not mean:
  - a. A political campaign contribution as permitted by law;
  - b. Compensation received by an employee from the person's relative or partner;
  - c. Compensation in the form of a personalized plaque or similar personalized award received by an employee for the person's service to the City of Phoenix consistent with the duties and responsibilities of the person's position or office;
  - d. Compensation in the form of admission, food, beverages, transportation, or accommodations received by an employee in their capacity as a City of Phoenix representative and related to City business;
  - e. Compensation associated with a relative's or partner's elective office; or
  - f. Compensation in the form of admission, food, or beverages received by an employee to attend a community event.

7. "Partner" means a person in a domestic partnership as defined in P.C.C. § 18-401.
8. "Relative" means the spouse, child, grandchild, parent, grandparent, brother or sister of the whole or half blood and their spouse, and the parent, brother, sister, or child of a spouse, as defined in P.C.C. § 2-52(A).
9. "Special occasion" means an engagement or wedding involving an employee, an employee's relative, partner, or relative of a partner; the birth or adoption of a child; or the death of a relative, partner, or relative of a partner.
10. "Undue influence" means when a person causes an employee to improperly change an act or decision. This is especially true when the improper change is not in the best interest of the City.
11. "Volunteer" means a person, or the person's relative or partner, other than a board member or Block Watch Captain, who provides their services to the City of Phoenix without any express or implied promise of compensation, and serves as a hearing officer, intern, extern, contractor, vendor, or otherwise serves in the administrative offices of an elected official, the City Manager, or a City of Phoenix Department or Function Head. In this A.R., the term "employee" also includes volunteers.

## CITY OF PHOENIX ETHICS POLICY

*(P.C.C. § 2-52(B))*

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The Ethics Policy states, "It is the policy of the City of Phoenix to uphold, promote and demand the highest standards of ethics from all of its elected officials, employees, board members, and volunteers. Accordingly, all City elected officials, employees, board members, and volunteers must maintain the utmost standards of personal integrity, truthfulness, honesty and fairness in carrying out their public duties, avoid any improprieties in their roles as public servants, and never use their City position or power for improper personal gain."

The proper operation of municipal government requires all City employees to be independent, impartial, and responsible only to the public. It is every employee's responsibility to uphold the United States and Arizona Constitutions. When acting in the course and scope of their employment, employees are bound to faithfully discharge the duties of their position regardless of personal considerations, recognizing that the public interest must be the primary concern of every employee. Employees must never compromise their honesty or integrity for personal gain and always be mindful of the civic trust they hold because of their position as a City employee.

# CITY OF PHOENIX GIFT POLICY

*(P.C.C. § 2-52(C); A.R. 2.93)*

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1. A gift of any value received or accepted by an employee is prohibited if the gift creates the appearance of undue influence or if the gift creates a conflict of interest.
2. A gift with a known or reasonably estimated fair market value of \$50 or less received or accepted by an employee is permissible if the gift is not otherwise prohibited by law and does not create the appearance of undue influence or a conflict of interest. A permissible gift with a known or reasonably estimated fair market value of \$50 or less does not need to be disclosed on a disclosure form, but must still be discussed with the employee's supervisor.
3. A gift with a known or reasonably estimated fair market value greater than \$50 received or accepted by an employee is permissible if the gift is not otherwise prohibited by law and does not create the appearance of undue influence or a conflict of interest. A permissible gift with a known or reasonably estimated fair market value more than \$50 must be disclosed.
4. A gift with an unknown value received or accepted by an employee must be disclosed as "unknown" if a reasonable estimate of the gift's fair market value is greater than \$50.
5. **Special Occasion Waiver:** An employee is not required to obtain a waiver to accept normal and customary gifts such as flowers, food, or donations to charitable organizations made by others to recognize the special occasions listed in Definitions. 9. However, for other gifts that may violate A.R. 2.93, the City's gift policy, or the City's ethics policy, an employee may request a waiver from the City Manager's Office or designee to accept a gift for the special occasions listed in Definitions. 9. An employee who receives a waiver is not required to disclose the gift, but must file the waiver form with the City Clerk within five days of approval. An employee who seeks a special occasion waiver should contact their Department's Ethics Representative for assistance.

Additionally, Arizona law prohibits City employees from receiving any compensation other than their normal salary for any service rendered with the City. See A.R.S. § 38-505(A) .

For additional guidance on the City's Gift Policy, please refer to A.R. 2.93.

# EXAMPLES OF GIFTS THAT MAY CREATE THE APPEARANCE OF UNDUE INFLUENCE OR CONFLICT OF INTEREST

(A.R. 2.93)

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Because of the size and complexity of the City, it is impossible to list every circumstance that may create the appearance of undue influence. There is no way to develop a comprehensive, detailed set of rules to cover every situation. Several factors apply to determine if a gift creates the appearance of undue influence:

- The source of the gift;
- The setting in which the gift is received; and
- The motive for the gift.

For example, a gift from a source such as a vendor that does business, has contracts with, or is regulated by the City is of greater concern than a gift from an entity with little to no relationship with the City.

The setting in which a gift is received may also affect the appearance of undue influence. For example, an employee's participation in a one-on-one lunch with a City vendor at no cost is perceived differently than the employee's participation in lunch at no cost as part of a conference presented by the vendor in a large setting.

Finally, the motive for a gift is an important consideration. Motive can be determined by circumstances such as custom or prior established personal relationships. For example, a gift received at an occasion, such as a wedding involving a friend, when such gifts are customary, is less likely to create the appearance of undue influence.

For additional guidance on the City's Gift Policy, please refer to A.R. 2.93.

The following examples are some common situations that may create the appearance of undue influence or a conflict of interest.

## **In general, do not accept these:**

### **1. Gifts from Contractors, Consultants, or Vendors.**

Gifts of alcohol, money (in any form), gift certificates, or gift cards must not be accepted or used by employees under any circumstances.

### **2. Tips from Members of the Public.**

An employee may not accept or keep tips from members of the public.

### **3. Tickets or Admission to Entertainment, Sports/Athletic, or Cultural Events.**

Employees may not accept tickets and then make a charitable donation for the value of the tickets. Additionally, employees may not accept the tickets and offer to reimburse the donor for the tickets.

Employees may attend entertainment, sports/athletic, or cultural events as a representative of the City if their attendance is within the course and scope of their job duties and their attendance has been approved by the City Manager or designee.

Employees may accept or keep tickets to entertainment, sports/athletic, or cultural events when the tickets have no monetary value or were made available to a large group of City employees.

### **4. Tickets, Discounts, or Gift Cards for Travel.**

Employees must not accept any kind of ticket, gift card, or discount from a “common carrier” that may be used for travel or to purchase travel at a discount. Examples of “common carriers” include but are not limited to railroads, airlines, and taxi companies, including Uber and Lyft. See A.R.S. § 38-445.

### **5. Business Meals and Expenses.**

Under most circumstances, when acting in the course and scope of their duties, employees may not accept “one-on-one” meals from a person outside the City, regardless of the cost of the meal.

Employees may not accept a meal or refreshments from a vendor, or attend events as a guest of a vendor, who contracts with the City or is looking to contract with the City if the employee is involved in the procurement process for the contract or vendor or administers or manages the contract, vendor, good, or service.

**The following examples require careful consideration. Check with your supervisor or Department Ethics Liaison before accepting these:**

### **6. Donations for Charitable Causes.**

Employees may accept items donated for a City-sponsored charitable purpose (e.g., Community Service Fund Drive) on behalf of their department unless it creates the appearance of undue influence.

Employees may not accept items donated for charitable purposes that are not City-sponsored or affiliated when acting in their role as a City employee.

### **7. Gifts from Contractors, Consultants, or Vendors.**

An employee who receives a gift from a contractor, consultant, or vendor that is not otherwise impermissible should share or distribute the gift amongst their division or department. Examples of such gifts include cookies, fruit bouquets, and candy.

## **8. Refreshments.**

Employees may accept food and refreshments at meetings, events, and conferences where the food is generally available to all attendees.

Employees should avoid accepting offers of food or refreshments that create the appearance of undue influence or create a conflict of interest. For example, employees should not accept a meal from a current vendor or a vendor who is in the bidding process for a contract.

## **9. Community Events and Incidental Items.**

Employees may attend and consume refreshments offered at community events as a guest of a third party if the employees' participation relates to their job duties. Employees may accept incidental items, such as refreshments, coffee mugs, t-shirts, or pens, only if such items are offered to all attendees. If the value of incidental items collectively exceeds \$50, the items must be disclosed.

## **10. City-Sponsored Events.**

Employees may occasionally be asked to attend City-sponsored events, such as the Dr. Martin Luther King Jr. Day Breakfast and the Mayor's State of the City Speech as a guest of a third party. An employee's attendance at City-sponsored events under these circumstances is subject to the approval of the City Manager or designee.

## **11. Employee Participation in Conferences, Events, or Activities.**

Travel, conferences, or training for employees that is funded by a third-party at no cost or at reduced cost to the City requires approval by a Department Head, Function Head, or the City Manager or designee.

Employees may participate in all events, including meals, hosted by the conference organizers as part of the scheduled activities and paid admission if all attendees have a similar opportunity to participate in the event and it does not create a conflict of interest.

Except for conference registration and travel-related costs, an employee may not accept payment in any form or honoraria when they speak or give a presentation as a City representative. Incidental items, such as coffee mugs, shirts, or pens given to the employee for their participation are acceptable if accepting the items does not create a conflict of interest. Reporting and disclosure rules apply.

For additional guidance on Business, Conference, and Training Travel and Related Expenses, please refer to A.R. 3.41.

## 12. Raffles.

### **Free/Complimentary Raffle.**

With supervisory approval, employees may accept complimentary prizes or raffle drawings issued at City-approved conferences, events, or activities, if the opportunity to win the prize or drawing is offered to all attendees. Reporting and disclosure rules apply.

### **Pay to Enter Raffle.**

Employees may participate in raffles that require participants to personally purchase a ticket at conferences, events, or activities if the opportunity to participate in the raffle is offered to all attendees. Because employees personally pay to enter these raffles, the prizes are not considered gifts; therefore, reporting and disclosure rules do not apply.

## "Ask Yourself"

While attending a conference on City business, a vendor offers to buy you lunch. Can you accept the free lunch? No.

*-Refer to Page 12, #11*

A City vendor offers you tickets to a sporting or cultural event. Can you keep them? No.

*-Refer to Page 11, #3*

You receive a gift card to thank you for speaking about City government at a nonprofit organization. Can you keep it? No.

*-Refer to Page 10, #1 and Page 12, #11*

# UNDUE INFLUENCE OR CONFLICTS OF INTEREST

## CONFLICTS OF INTEREST

*(Phoenix City Charter Chapter XI; A.R.S. §§ 38-501 and following)*

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Employees must be constantly on guard against conflicts of interest. In short, employees should not be involved in any decision or contract that may result in a direct or indirect monetary benefit to an employee or an employee's relative or partner.

Employees may encounter numerous situations in the course and scope of their employment that might result in a conflict of interest. Of course, each situation is different and each situation will be decided upon the unique circumstances involved. If an employee is not sure what to do in a specific situation, they should consult with their supervisor, their Department's Ethics Representative, or the Human Resources Connection Center.

The following examples are some common situations that may violate Arizona's Conflict of Interest statutes or City policies:

1. Hiring or being directly involved in hiring a relative, partner, or someone with whom you are in a romantic or intimate relationship.
2. Supervising a relative, partner, or someone with whom you are in a romantic or intimate relationship.
3. Disclosing information on a recruitment process that is not generally available to the public, such as interview questions, number of applicants, or information on applicants.
4. Accepting gifts or meals from a City vendor or potential vendor.
5. Participating in a procurement process for a vendor that is a relative, partner, or someone with whom you are in a romantic or intimate relationship or employs a relative, partner, or someone with whom you are in a romantic or intimate relationship.
6. Receiving a job offer from, or discussing potential employment with, a City vendor or potential vendor whose contract the employee oversees, supervises, or is responsible to administer.
7. Personally receiving a direct or indirect monetary benefit from a decision or action being made by the City, the City Council, or a City Board in which the employee is substantially involved.
8. Having outside employment with a vendor that contracts with the City or a potential vendor without prior City approval.

9. Having outside employment with a firm or company that is adverse to the City or the City's interests without prior City approval.

The following examples are some common situations where no conflict of interest exists:

1. Working with a relative, partner, or someone with whom you are in a romantic or intimate relationship where neither employee can influence anything related to the other's employment.
2. Participating in an interview process where the interviewer knows one or more of the interviewees, but no personal relationship exists and the interviewer can remain unbiased.
3. Declaring a conflict of interest and requesting to be recused from participating in a process.
4. Informing your supervisor that a City vendor or potential vendor whose contract the employee supervises or administers has offered a job or promise of a job.
5. Having outside employment that is approved by the City before the job has been accepted and where no conflict of interest with the City exists.
6. Benefiting, as a regular citizen, from an action or decision made by the City, the City Council, or a City Board, where all similarly situated members of the public have received the same benefit(s).

## CONTRACTS WITH THE CITY

*(A.R.S. §§ 36-1406; 36-1477; 38-503)*

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Arizona law prohibits any employee who has "a substantial interest in any contract, sale, purchase or service to such public agency" from participating in any way with the transaction. See A.R.S. § 38-503(A). Two other statutes prohibit municipal and public officers from being personally involved in housing or redevelopment projects. See A.R.S. §§ 36-1406 and 36-1477.

As with other conflicts of interest, any employee in such a situation must (a) make known the substantial interest involved to their supervisor, their Department's Ethics Representative, or the Human Resources Connection Center and (b) refrain from participating in the transaction or the making of such contract or sale.

Arizona law also requires that anyone who wishes to provide certain goods and services to the City must participate in competitive bidding. See A.R.S. § 38-503(C). Other prohibitions may apply if federal funds are involved.

# EMPLOYMENT

(A.R.S. §§ 38-481 & 38-504; A.R. 2.62; A.R. 2.91)

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## **1. Outside Employment.**

Outside employment by City employees is permissible if it does not adversely impact the employee's work for the City; if it does not create a conflict of interest or the appearance of undue influence; and if it is approved in advance by the City. Please refer to A.R. 2.62, Work Notices for Outside Employment, for additional information.

## **2. Volunteering.**

Any continuous volunteer work or rendering service for an entity other than the City, even for no compensation, is subject to the same analysis and restrictions as outside employment. Please refer to A.R. 2.62, Work Notices for Outside Employment, for additional information.

## **3. Representing Private Interests before City Agencies.**

City employees may appear before City Departments or Boards on behalf of constituents if they are not representing any private person, group, or interest for compensation that is contingent on such activity and if there is not a conflict of interest that would otherwise prevent them from doing so. City employees may not represent another person for compensation before a public agency concerning any matter with which that employee was directly concerned and personally participated in by a substantial and material exercise of administrative discretion for 12 months following their employment or service with the City. See A.R.S. § 38-504(A).

## **4. Employment of Relatives.**

Employees are prohibited from being involved in the appointment, hiring, or supervision of a relative, someone with whom they are in a romantic or intimate relationship, or current or former partner. See A.R.S. § 38-481. State law defines "relative" to include the children, grandchildren, great grandchildren, parents, grandparents, great grandparents, brothers, sisters, nieces, nephews, aunts, or uncles of the employee, their spouse, or their partner.

## **5. Discussion of Future Employment.**

Employees should be aware that they may receive offers of future employment in exchange for favors and/or information because of their position with the City. Employees cannot accept these offers.

If an employee is offered future employment with a person, firm, or any other entity that is presently dealing with the City concerning matters within their current official duties, the employee should disclose such possible future employment to their supervisor.

## DISCLOSURE OF CONFIDENTIAL INFORMATION

*(A.R.S. § 38-504)*

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Arizona law provides that during a person's employment or service with the City, and for two years thereafter, no employee may disclose or use confidential information without appropriate authorization. See A.R.S. § 38-504(B).

Employees that are aware of confidential information should not disclose that information to any private citizen. Employees should only disclose confidential information to other public employees when it is appropriate and there is a business reason to justify disclosure. Confidential information may include, but is not limited to:

- Personally identifying information of employees or members of the public;
- Information about real estate transactions, expansion of public facilities, or other City projects;
- Information about ongoing lawsuits involving the City;
- Information about ongoing investigations and discipline; or
- Draft documents or reports related to City matters.

Disclosure or "leaking" of this information may benefit a few at the expense of the City and may result in a deterioration of public confidence in the City.

## DISCRIMINATION

*(Phoenix City Charter, Chapter XI, §2; P.C.C. Chapter 18, Articles II & 5; A.R. 2.35; A.R. 2.35(A); A.R. 2.35(B); Title VII of the U.S. Civil Rights Act of 1964; the Americans with Disabilities Act; the Age Discrimination in Employment Act)*

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Employee actions and decisions must be fair and impartial. As such, the City prohibits employees from refusing to hire or promote any person or discriminate against any person in compensation, conditions, or privileges of employment on the basis of their race, color, ancestry, national origin, sex, religion, age, disability, sexual orientation, or gender identity or expression, or any other category protected by law ("protected characteristics"). Employees are also prohibited from creating a hostile workplace environment because of the protected characteristics of a fellow employee and are prohibited from retaliating against someone who has complained about discriminatory or harassing treatment.

The City strives to serve the public in a productive manner, free from bias. Employees are therefore prohibited from denying City service(s) to any person on the basis of their

protected characteristics. The only exception would be when the requirements for a program require consideration of one or more protected characteristics. Every consideration, advantage, or favor should be equally available to all residents.

Those who do business with the City, either as a contractor or subcontractor, must not discriminate against any worker, employee, applicant, or any member of the public, because of race, color, religion, sex, national origin, age, or disability. A contractor or subcontractor with more than 35 employees is also prohibited from discriminating against any worker, employee, applicant, or any member of the public because of sexual orientation or gender identity or expression.

## POLITICAL ACTIVITY

*(A.R.S. § 9-500.14; Phoenix City Charter, Chapter XXV, Section 11; A.R. 2.16)*

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### **1. Solicitation of Contributions.**

The City Charter prohibits employees from soliciting or receiving contributions on behalf of any candidate for City of Phoenix elective offices. Additionally, City employees must not take any part in most political activities in any election for City of Phoenix elective offices other than to vote and privately express opinions.

### **2. City of Phoenix Elections.**

Other than a very small number of employees who conduct or give advice concerning City elections, City employees may:

- a. Express a private opinion on candidates for Mayor and City Council, including:
  - i. Sign nomination or recall petitions for City elections;
  - ii. Post private opinions on personal or non-governmental social media accounts;
  - iii. Display a sign on non-governmental property; and
  - iv. Communicate with another person or group of people regarding City elections when the employee does not do so in an official capacity.
- b. Be politically active in connection with a charter amendment, bond issue, referendum, or issue of similar character.

### **3. National, State, and County Elections (including Cities/Municipalities Other Than Phoenix).**

All City employees may:

- a. Register and vote in any election;
- b. Solicit votes in support of or in opposition to a political candidate or issue;

- c. As an individual, express an opinion on political subjects and candidates;
- d. Sign, initiate, or circulate a political nomination or recall petition;
- e. Take an active part in the management of political campaigns;
- f. Display bumper stickers, posters, or pamphlets on private property for the endorsement of candidates or issues;
- g. Be politically active in connection with a constitutional amendment, bond issue, referendum, or issue of a similar character;
- h. Directly or indirectly solicit, receive, or account for funds for a political purpose, except as prohibited by A.R. 2.16;
- i. Make a financial contribution to a political party or candidate;
- j. Be a member of a political party and participate in its activities;
- k. Serve as a delegate, alternate, or proxy to a political party convention;
- l. Serve as an officer of a political party; a member of a national, state, or local committee of a political party; an officer or member of a committee of a partisan political club; or be a candidate for any of these positions;
- m. Endorse or oppose a candidate for public office or political party office in a political advertisement, broadcast, campaign literature, or similar material; and
- n. Drive voters to the polls on behalf of a political party or candidate.

#### **4. Prohibited Activities.**

The permitted items in Sections 2 and 3 are prohibited when employees are on duty, including break periods. City employees may not engage in these activities on City property; in a City uniform; using City resources; or in any situation that implies an employment relationship with the City. Employees may vote at a precinct polling place located on City property with their supervisor's approval.

City employees must not:

- a. Campaign for, be appointed to, or hold office as the Mayor or a Council Member for the City of Phoenix;
- b. Use the authority of their position to influence the vote or political activities of any subordinate employee;
- c. Use any official City authority or influence to interfere with or affect the results of an election;
- d. Participate in the management or affairs of any candidate's campaign for Mayor of

- Phoenix or Phoenix City Council including, but not limited to, soliciting or making financial contributions to candidates;
- e. Display bumper stickers and posters on City vehicles or display bumper stickers, posters, literature, buttons, or other campaign material on City property or at their individual work site; or
  - f. Use an official City title or designate employment with the City in political advertisements, endorsements, or speeches.

Please refer to A.R. 2.16, Employee Political Activity and Voting, for additional guidance on permissible political activity and voting.

## LOBBYISTS

*(P.C.C. §§ 2-1000 and following)*

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Generally, P.C.C. §§ 2-1000 and following, requires a lobbyist to register with the City when lobbying a City official, which includes some employees who are considered "City Officials" pursuant to the City Code.

All of the obligations in P.C.C. §§ 2-1000 and following, rest solely on the lobbyist. Employees shall not advise anyone as to whether they should or should not register as a lobbyist.

If an employee, who is considered a City Official for this ordinance, schedules a meeting or phone call with an individual and believes that individual may fall under the definition of "lobbyist," the employee may refer the individual to the City Clerk's website to determine if the person should register as a lobbyist.

## ATTENDANCE

*(A.R. 2.30; A.R. 2.14)*

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Employees must attend work on a regular basis. Regular and reliable attendance is an essential function of every City position. Although City policy allows for occasional, unpredictable events that cause employees to be late or absent, an excessive amount of absences or tardiness may result in discipline up to and including dismissal. For additional information about the City's attendance policy, please refer to A.R. 2.30(B).

Employees are responsible for communicating with their supervisors about absences and managing their sick and vacation time appropriately. Employees must ensure that their

leave is processed appropriately and must report any leave processing inaccuracies, such as overpayments, as soon as practicable to their department payroll clerk or HR.

Employees are expected to begin and end work at their assigned times and to adhere to lunch and rest break times as defined by their position. An employee's failure to observe work schedules or break rules may lead to disciplinary action. For additional information about breaks and work schedules, please refer to A.R. 2.14, Lunch Periods, Rest Breaks, Regular and Alternative Work Schedules.

City employees are also expected to be productive during work time. Loafing, tardiness, and abuse of paid time can destroy the public's respect and trust.

Employees may have rights under laws such as the Family Medical Leave Act, Americans with Disabilities Act, and other state and federal laws. Nothing in this section is meant to remove or interfere with those rights.

## **USE OF CITY EQUIPMENT, FACILITIES, OR PERSONNEL FOR PRIVATE GAIN**

*(A.R.S. § 13-1802; A.R. 1.2)*

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Employees should not use City facilities, equipment, work materials, vehicles, personnel, or supplies for private purposes, except to the extent they are lawfully available to the public. Employees who use these items for a personal purpose may be subject to discipline up to and including dismissal.

The use of City goods for a private use or purpose is not a "fringe benefit;" it is stealing. See A.R.S. § 13-1802. An employee found to have stolen City supplies, work materials, vehicles, equipment, or any other property may be subject to criminal prosecution and civil sanctions, in addition to discipline up to and including dismissal.

## **DISHONESTY**

*(P.C.C. § 2-53(B))*

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Employees must be honest in all their dealings with the City, members of the public, and in their delivery of public services. This includes a responsibility to respond to questions from managers, supervisors, Human Resources' employees, and the Equal Opportunity Department in an honest, complete, and forthright manner.

# CRIMINAL BEHAVIOR

(P.C.C. § 2-52(B))

Employees are expected to follow all federal, state, and local laws. Employees must disclose any law enforcement contacts, other than routine traffic stops, to their supervisor no later than the beginning of their next regularly scheduled shift. A DUI stop is not a routine traffic stop and must be disclosed.

Employees who engage in conduct on or off duty that constitutes a misdemeanor or felony or results in a misdemeanor or felony conviction may be subject to discipline up to and including dismissal.

## "Ask Yourself"

*Does this comply with the City's values of Integrity, Transparency, and Consistent Professionalism?*

The City of Phoenix demands the highest standards of personal integrity, truthfulness, honesty, and fairness from employees in carrying out their duties, and avoiding any improprieties in their roles as public servants.

- Beware of a gift of any value received. A gift may create the appearance of undue influence or may create a conflict of interest (examples: event tickets, charitable donations, refreshments/meals, raffles, etc.).
- Be constantly on guard against conflicts of interest. Employees should not be involved in any decision or contract that may result in a direct or indirect monetary benefit to an employee, relative, partner, or person with whom the employee is in a romantic or intimate relationship (examples: hiring a relative, disclosing information that is not generally available to the public, accepting gifts/meals from vendor or potential vendor, etc.).

## ADDITIONAL APPLICABLE LAWS AND POLICIES

### PUBLIC ACCESS: OPEN MEETINGS AND PUBLIC RECORDS

*(A.R.S. §§ 38-431 through 431.09; A.R.S. §§ 39-121 through 121.03; City Charter, Ch. 4, §§ 5 & 21)*

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Meetings of public bodies are required to be open to the public under several Arizona and City laws. See Open Meetings Laws (A.R.S. §§ 38-431 through 431.09; City Charter Ch. 4, § 5).

Several Arizona and City laws require that public records be made available for inspection by the public. See Public Records Laws (A.R.S. §§ 39-121 through 121.03; City Charter, Ch. 4, § 21).

These two sets of laws ensure government transparency, give the public confidence in government, and ensure that public affairs are properly performed.

### SOFTWARE MANAGEMENT

*(A.R. 1.86)*

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Employees should not make, use, accept, or install illegal copies of computer software, documentation, or templates. Examples of policy violations include:

- Installing a single-user copy of a software program on several computers;
- Allowing six or more employees to concurrently use a five-user licensed LAN software package;
- Borrowing a copy of a single-user licensed program without that employee removing it from their computer for the duration of the loan;
- Loaning an employee a copy of a single-user licensed software program as an evaluation copy without removing it from their computer for the duration of the evaluation; and
- Making more backup copies of the software than allowed in the license agreement.

The City Auditor Department conducts periodic audits to ensure compliance with City software policies.

## ELECTRONIC COMMUNICATIONS AND INFORMATION

*(A.R.S. §§ 39-101 and following; A.R. 1.63)*

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Electronic communications, including the internet, should be used only for City business unless otherwise authorized. All electronic communications are official City business and must be retained in accordance with the City's Records Retention Schedule. In general, electronic communications are public records and subject to disclosure under the Public Records Law. See A.R.S. §§ 39-101 and following; and A.R. 1.63.

Although the City does not routinely read employees' electronic communications, the City reserves the right to monitor systems, electronic communications, and usage to support operational, maintenance, auditing, security, and investigative activities. This includes enforcement of City policies, legal requests, public records requests, and to help ensure and to verify compliance, confidentiality, integrity, and availability of information systems used to conduct City business.

## FEDERAL TRANSIT ADMINISTRATION STANDARDS OF CONDUCT

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Employees must not participate in the selection, award, or administration of a contract supported by Federal Transit Administration funds if a real or apparent conflict of interest exists. A conflict of interest exists when any of the following persons has a financial or other interest in the firm selected for award: (a) an employee; (b) an employee's relative; (c) an employee's partner; or (d) an organization that employs, or is about to employ, any of the above.

### *"Ask Yourself"*

*Is this considered misuse of City resources?*

Employees should not misuse the following:

- City facilities, equipment, personnel, or supplies for private purposes;
- City goods for a private use;
- Computer software (you should not make, use, accept, or install illegal software, documents, or templates); or
- Internet (unless otherwise authorized).

The misuse of these items may lead to discipline up to dismissal and/or prosecution.

## RESOURCES

### HOW TO DECLARE A POSSIBLE CONFLICT OF INTEREST

*(A.R.S. § 38-503)*

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If you think that a possible conflict of interest exists, you should report the possible conflict as soon as you are aware by speaking with your supervisor or your Department's Ethics Representative. If you are unsure whether a situation is considered a conflict of interest, the safest course of action is to inform your supervisor or Department's Ethics Representative that a conflict may exist that prevents you from participating. Likewise, general questions about conflicts of interest can be directed to your supervisor or your Department's Ethics Representative.

If you, a relative, or a partner have a direct or indirect monetary interest in any decision, contract, sale, purchase, or service involving the City, you must file a disclosure form with the City Clerk's Office and refrain from participating in the matter. Please contact the City Clerk's Office for a disclosure form or download the form from the City ethics website.

### WHERE TO REPORT ETHICS OR INTEGRITY CONCERNS

*(A.R. 1.2; A.R. 2.35; A.R. 2.35(A); A.R. 2.35(B))*

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You have a duty to prevent any improper governmental actions if another employee, board member, or elected official acts improperly. Moreover, you should never attempt to intimidate, threaten, coerce, command, or influence any person with the intent of interfering with that person's duty to disclose improper activity. Additionally, no one should intimidate, threaten, coerce, command, or influence you to not do your duty and disclose improper activity.

When you discover that someone may have violated a law or City policy, you should report the issue to your supervisor(s), management, Human Resources representative, and/or the Department's Ethics Representative. If you are not satisfied with the response or are not comfortable reporting to any of these people, you should report the information to one of the following areas for further review:

ISSUE	CONTACT
Hiring process, recruitments, employee qualifications, performance evaluations	<ul style="list-style-type: none"> <li>• Department HR Staff;</li> <li>• The HR Department at 602-495-5700</li> </ul>
Sexual Harassment (A.R. 2.35A) or Protected Category Harassment (A.R. 2.35B)	<ul style="list-style-type: none"> <li>• Department HR Staff;</li> <li>• The HR Department at 602-495-5700;</li> <li>• The Equal Opportunity Department's Compliance and Enforcement Division at 602-262-7486 or contact.eod@phoenix.gov;</li> <li>• City Manager's Office at 602-262-6941</li> <li>• The City's Integrity Line at 602-261-8999 or city.auditor@phoenix.gov</li> </ul>
Discrimination/denial of equal employment opportunities (A.R. 2.35)	<ul style="list-style-type: none"> <li>• Department HR Staff;</li> <li>• The HR Department at 602-495-5700;</li> <li>• The Equal Opportunity Department's Compliance and Enforcement Division at 602-262-7486 or contact.eod@phoenix.gov;</li> <li>• City Manager's Office at 602-262-6941</li> <li>• The City's Integrity Line at 602-261-8999 or city.auditor@phoenix.gov</li> </ul>
Retaliation (A.R. 2.35, 2.35(A), 2.35(B))	<ul style="list-style-type: none"> <li>• Department HR Staff;</li> <li>• The HR Department at 602-495-5700;</li> <li>• The Equal Opportunity Department's Compliance and Enforcement Division at 602-262-7486 or contact.eod@phoenix.gov;</li> <li>• City Manager's Office at 602-262-6941</li> <li>• The City's Integrity Line at 602-261-8999 or city.auditor@phoenix.gov</li> </ul>
Fraud or unethical behavior concerning <u>City employees</u> not detailed above	<ul style="list-style-type: none"> <li>• Department HR Staff;</li> <li>• The HR Department at 602-495-5700;</li> <li>• City Manager's Office at 602-262-6941</li> <li>• The City's Integrity Line at 602-261-8999 or city.auditor@phoenix.gov</li> </ul>
Fraud or unethical behavior concerning elected officials, board members, or other non-City employees not detailed above	<ul style="list-style-type: none"> <li>• The City's Integrity Line at 602-261-8999 or city.auditor@phoenix.gov</li> <li>• The Ethics Commission</li> </ul>

If you or a member of the public need TTY or other assistance in reporting ethics or integrity concerns, please use Relay 7-1-1 or contact the City's Equal Opportunity Department's Compliance and Enforcement Division at 602-262-7486 or contact.eod@phoenix.gov.

# INTEGRITY LINE

(A.R. 1.2)

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## What is the Integrity Line?

The Integrity Line was established to provide employees and the public with a way to report fraudulent and unethical behavior. It should only be used when you feel that you cannot report the problem to your department management or if you feel that department management has not acted adequately or responded appropriately. It is not the location to report general complaints, suggestions, or personnel issues. See the previous table for guidance on where to report other issues.

To report a complaint or issue to the Integrity Line, call 602-261-8999 or visit the City Auditor website. You may remain anonymous if you wish, but you are encouraged to provide a contact telephone number, as there is often a need to gather additional information as the complaint is reviewed.

The information you submit is reported directly to the Integrity Line Committee, which is comprised of the City Auditor, the City Attorney, and the City Manager's Office. The Committee maintains strict standards of confidentiality and will not voluntarily release information about an inquiry to the extent permitted by law. The Committee reviews all complaints received. If you provide your contact information, the Committee will advise you on the findings after their review.

## What types of concerns should be reported to the Integrity Line?

The types of concerns that should be reported to the Integrity Line include, but are not limited to: violations of laws or regulations; embezzlement; contract fraud; vendor kickbacks; loss or waste of City money or property; falsified documents; and issues that create a specific danger to public health or safety. Employees may also report other issues to the Integrity Line if they are not comfortable reporting them to their supervisor, management, Human Resources' staff, Equal Opportunity Department staff, or the City Manager's Office.

When making a report to the Integrity Line, the more information provided in the complaint, the better the investigation will be. When making a report to the Integrity Line, the following information helps the Committee with its review:

- Circumstances of the incident and details of how fraud/ inappropriate action took place;
- Names of all persons involved, including division and department;
- Date(s), time(s), and location(s) the event(s) took place;

- If missing funds, identify source of funds and how much;
- Any evidence or documentation that is available;
- Names of credible witnesses; and
- Any other information that may be helpful in an investigation.

## "Ask Yourself"

*Does this comply with the City's values of  
Personal Empowerment and Integrity?*

- You have a duty to prevent any improper governmental actions.
- Never attempt to intimidate, threaten, coerce, command, or influence any person with the intent of interfering with that person's duty to disclose improper activity.
- Is there a **Conflict of Interest**? Notify your supervisor or Department's Ethics Representative right away.
- Is there a **Violation of a law or City policy**? Notify your supervisor or Department's Ethics Representative right away.
- Use the **City's Integrity Line** to report fraudulent and unethical behavior only if you feel that you cannot report the problem to your department management or they have not responded appropriately.  
**Phone: 602-261-8999**  
**Email: [city.auditor@phoenix.gov](mailto:city.auditor@phoenix.gov)**

# PENALTIES AND SANCTIONS

## UNDER CITY LAWS AND POLICIES

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Violations of the law and any of the policies set forth in this Ethics Handbook may expose a City employee to a variety of penalties, including discipline up to and including dismissal of employment and/or criminal prosecution. Additional penalties authorized by law may also be imposed, including civil penalties and sanctions.

## UNDER STATE LAWS

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City employees must recognize the serious consequences of violating some of the laws set forth in this Ethics Handbook. For example, intentional violation of the "Conflict of Interest Laws" constitutes a Class 6 felony, which is punishable upon conviction by imprisonment for up to one and one-half years and/or a fine of up to \$150,000. Negligent violation of the law constitutes a Class 1 misdemeanor, which is punishable by imprisonment for up to six months and/or a fine of up to \$2,000.

## CONCLUSION

We hope this Ethics Handbook has been informative and answers the questions you may have about the City's expectations of you as an employee. Due to the complexity of ethics issues, this Handbook cannot possibly address every situation or answer every question you may have. If after reading this Handbook you still have questions, please contact your various resources, including:

- Your supervisor;
- Your Department's Ethics Representative;
- The Human Resources Department;
- The Equal Opportunity Department;
- City Manager's Office; or
- The City's Integrity Line.

As a City employee, you are expected to conduct yourself with the highest ethical standard in dealing with each other, the public, vendors and contractors, and anyone else you come into contact with while representing the City.

# APPENDIX A – RELEVANT LAWS AND POLICIES

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*Click on the below links to be taken to the law/policy*

- [Phoenix City Charter Chapter XI, § 1 \(adopting State conflict of interest laws\)](#)
- [Phoenix City Charter Chapter XI, § 2 \(Discrimination\)](#)
- [Phoenix City Charter Chapter XXV, § 11 \(Political Activity\)](#)
- [Phoenix City Code Chapter 2, § 2-52\(B\) \(Ethics Policy\)](#)
- [Phoenix City Code Chapter 2, § 2-52\(C\) \(Gift Policy\)](#)
- [Phoenix City Code Chapter 2, §§ 2-1000 and following \(Lobbyist Ordinance\)](#)  
*Follow the link and scroll through using the arrow to see the following sections*
- [Phoenix City Code Chapter 43, Article XII, Sections 33-36 \(Procurement Ethics\)](#)
- [Arizona Revised Statutes Title 9, § 9-500.14 \(Use of City Resources to Influence Elections; Prohibition\)](#)
- [Arizona Revised Statutes Title 13, § 13-1802 \(Use of Equipment, Facilities for Personal Gain\)](#)
- [Arizona Revised Statutes Title 36, § 36-1406 \(Interest of Municipal Officer in Housing Project\)](#)
- [Arizona Revised Statutes Title 36, § 36-1477 \(Employee Interest in Development Project\)](#)
- [Arizona Revised Statutes Title 38, §§ 38-431-431.09 \(Open Meeting Laws\)](#)  
*Follow the link and scroll through using the next sections tab to view the following statutes*
- [Arizona Revised Statutes Title 38, § 38-481 \(Employment of Relatives\)](#)
- [Arizona Revised Statutes Title 38, § 38-501 \(Application of Article\)](#)
- [Arizona Revised Statutes Title 38, § 38-502 \(Definitions\)](#)
- [Arizona Revised Statutes Title 38, § 38-503 \(Conflict of Interest; Exemptions; Employment Prohibition\)](#)
- [Arizona Revised Statutes Title 38, § 38-504 \(Prohibited Acts\)](#)
- [Arizona Revised Statutes Title 38, § 38-505 \(Additional Income Prohibited for Services\)](#)
- [Arizona Revised Statutes Title 38, § 38-506 \(Remedies\)](#)
- [Arizona Revised Statutes Title 38, § 38-507 \(Opinions of the Attorney General, County Attorneys, City or Town Attorneys and House and Senate Ethics Committee\)](#)

- Arizona Revised Statutes Title 38, § 38-508 (Authority of Public Officers and Employees to Act)
- Arizona Revised Statutes Title 38, § 38-509 (Filing of Disclosures)
- Arizona Revised Statutes Title 38, § 38-510 (Penalties)
- Arizona Revised Statutes Title 38, § 38-511 (Cancellation of Political Subdivision and State Contracts; Definition)
- Arizona Revised Statutes Title 39, §§ 121-121.03 (Arizona Public Records Act)  
*Follow the link and scroll through using the next sections tab to view the following statutes*
- Administrative Regulation 1.63 (Electronic Communication)
- Administrative Regulation 1.86 (Software Management)
- Administrative Regulation 2.14 (Work Schedule, Break Rules)
- Administrative Regulation 2.16 (Political Activity)
- Administrative Regulation 2.30 (Employee Attendance)
- Administrative Regulation 2.35 (Discrimination)
- Administrative Regulation 2.62 (Notice of Outside Employment)
- Administrative Regulation 2.91 (Conflicts in Employment, Supervisory and Contractual Relationships)
- Administrative Regulation 2.93 (Employee Gift Policy)
- Administrative Regulation 3.41 (Business, Conference, and Training Travel and Related Expenses)

# APPENDIX B - RELEVANT FORMS

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*Click on the below links to be taken to the form*

- [Gift Disclosure Form](#)
- [Special Occasion Waiver Form](#)
- [Conflict of Interest Disclosure Form](#)
- [Notice of Outside Employment Form](#)

These forms can be found at [phoenix.gov/ethics](http://phoenix.gov/ethics).

# Acknowledgment for City of Phoenix – Employee and Volunteer Ethics Handbook

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Rev. 12/2017

I certify that: (1) I received a copy of the City of Phoenix Ethics Handbook for Employees and Volunteers; (2) I reviewed and understand the general principles of the City of Phoenix ethics policies and laws set out in this handbook; and (3) as a City of Phoenix employee or volunteer, I agree to be bound by and follow City of Phoenix ethics policies and laws to the best of my ability.

I understand that this certification may be filed electronically or by hard copy in a format approved by the City of Phoenix. If filed electronically, I understand the City of Phoenix may require additional information by written or printed copy.

I acknowledge that the City of Phoenix Ethics Handbook does not create a contract between myself and the City of Phoenix.

Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

Date Received \_\_\_\_\_

A copy of this certification will be filed in your personnel file.

\*Employees can go to echriss to electronically sign off on this form.

