



ETHICS & CODE OF CONDUCT TRAINING MODULE

City of Albuquerque,
New Mexico



Public Service Ethics

*Ethics: The study of standards of conduct and moral judgment
(Webster's New World Dictionary)*

Public Service Ethics is Different

1. Perception is as important as reality.
2. Laws play a bigger role.
3. Key concept: making decisions in the public's interest.



The Importance of Public Perception

- ❑ Your actions may be absolutely right, but the public may still question your motives.
- ❑ Public service is about:
 - Doing the right thing
AND
 - The public's confidence that the right thing has been done

Note: not doing the right thing because the public's perception may be negative has its own pitfalls



The Process

Balancing ethical behavior with public perception

1. Step one: Figure out what the “right thing to do” is.
2. Step two: Figure out what the public’s perception of the “right thing to do” would be.
3. Step three: When needed, balance the first two steps and follow the path that best supports public service values.



Ethics vs. Ethics Laws

- ❑ The law is a minimum standard of what we must do
- ❑ Ethics is what we ought to do



Ethics Laws

The following sections outline City of Albuquerque Charter, Section XII, which relates to the City's Code of Ethics.

- ❑ This is only a starting point for ethical analysis
- ❑ Just because something is legal, doesn't mean it is ethical (or that the public will perceive it to be ethical)



PART I

POLICY STATEMENT



Section 1. DECLARATION OF POLICY

The proper administration of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interest of the people, the community and the government; and that the public have confidence in the integrity of its government.



Another basic premise is set out in the Employee Code of Conduct, which provides that:

- ❑ Employees shall in all instances maintain their conduct at the highest personal and professional standards in order to promote public confidence and trust in the City and public institutions and in a manner that merits the respect and cooperation of fellow employees.
- ❑ In carrying out their assigned duties and responsibilities, employees must always remember that their first obligation is to the general public. This obligation must be carried out within the framework of federal, state and local laws.
- ❑ Employees shall serve the public with respect, concern, courtesy and responsiveness, recognizing that service to the public is the reason for their employment.



In summary, the official acts of the elected officials and employees of the City of Albuquerque, as well as the official acts of the members of the City's boards, commissions and committees, must be performed in such a manner as to gain and retain the confidence and trust of the public.



PART II

APPLICABLE LAWS AND POLICIES

Alcohol and Drugs

Employees

- ❑ Possession and/or consumption by employees of alcohol and/or any controlled or illegal substance is prohibited in any City facility, vehicle or work necessary, employees shall be required to provide proof of lawful prescription.
- ❑ Employees shall advise their supervisor if the use of prescription drugs may affect their ability to perform work duties safely and efficiently.
- ❑ No employee shall report to work, perform work or visit the work site while under the influence of alcohol and/or controlled or illegal substances. (Employee Code of Conduct.)
- ❑ As a condition of employment, consumption, possession, sale, purchase and/or transfer by City employees of controlled substances is prohibited. Consumption of alcohol by City employees is prohibited during assigned work hours including lunch periods and rest breaks.
- ❑ The City maintains a substance abuse testing program. The program provides for pre-employment drug testing and substance abuse testing for employees. An employee may be required to submit to substance abuse testing when there is reasonable evidence that the employee has reported to work, is conducting work, has been involved in an accident, is representing the City, or is on City premises while under the influence of alcohol or other substances which could impair job performance and/or the safety of the individual, other employees or the general public. (Administrative Instruction No. 1-7)

Attendance



Councilors

Councilors are expected to attend all meetings of the Council unless excused by the President of the Council. (Council Rules of Procedure, Art. I)

Members

A member of a public board, commission or committee may be removed from office by the Mayor after due notice and hearing if such member has missed three consecutive meetings or has been absent from more than fifty percent of the meetings held during any twelve months' period of time.

Employees

Employees are expected to observe scheduled work hours and comply with the City policy governing paid and unpaid leaves of absence. (Employee Code of Conduct)

Board of Ethics and Campaign Practices



The Board of Ethics and Campaign Practices was established by the City Charter Code of Ethics, Article XII, and is charged with the interpretation and enforcement of the Code of Ethics. Charges of violations of the Code of Ethics, brought against the Mayor, Councilors, members of boards, commissions or committees or heads of departments, divisions or sections, are to be brought before the Board.

City Property



Mayor, Councilors, Board Members

The Mayor, Councilors, and members of boards, commissions and committees are prohibited from using City property for personal benefit, convenience or profit, except in accordance with policies promulgated by the Council. (City Charter, Art. XII, Sec. 6)

Employees

- ❑ Employees are responsible for preventing loss, damage, abuse, misuse or theft of City property including, but not limited to: vehicles, equipment, tools, supplies and City records. City property is to be used for City business and may not be used for personal remuneration or profit.

(Employee Code of Conduct)

- ❑ Heads of departments, divisions and sections are prohibited from using City property for personal benefit, convenience or profit, except in accordance with policies promulgated by the Council.

(City Charter, Art. XII, Sec. 6)

- ❑ Employees are personally accountable for City Money over which they have control or possession. All employees who are in control of City funds must maintain accurate and current records of all such funds. Employees must comply with all City policies, practices and procedures regarding the receipt, recording and disbursement of public monies.

(Employee Code of Conduct)

Confidential Information



Mayor, Councilors

The mayor and Councilors are prohibited from knowingly disclosing or using confidential information concerning the property, government or affairs of the City without proper authorization in order to advance the private financial or the private interests of said official or others.

(Charter, Art. XII, 4.(a.)1.)



Confidential Information

Members

Members of boards, commissions and committees are prohibited from knowingly disclosing or using confidential information concerning the property, government of affairs of the City or the board, commission or committee of which the person is a member without proper authorization in order to advance the private financial or other private interests of said official or others.

(Charter, Art. XIII, Sec. 4 (a) (1))

Confidential Information

Employees, Former Employees

- ❑ Employees and former employees are prohibited from disclosing or using confidential information acquired by virtue of municipal employment or office without prior written approval of the Chief Administrative Officer. However, a former employee is not prohibited from entering into a contract to represent the City in a confidential capacity.

(Section 3-3-7 R.O.1994)

- ❑ Employees are expected to protect privileged information to which they have access in the course of their official duties.

(Employee Code of Conduct)

- ❑ Heads of departments, divisions and sections are prohibited from knowingly disclosing or using confidential information concerning the property, government or affairs of the City without proper authorization in order to advance the private financial or other private financial or other private interests of said official or others.

(Charter, Art. XII, 4(a)1.)

Conflicts of Interest

Mayor and Councilors

The Mayor and Councilors are prohibited from knowingly:

1. disclosing or using confidential information concerning the property, government or affairs of the City without proper authorization in order to advance the private interests of the official or others;
2. voting or otherwise participating in the negotiation or the making of any contract with any business or entity in which the official has a private financial interest;
3. representing private interests in any action or proceeding before the City or any appeal of a decision of the City;

Conflicts of Interest



Mayor

If the Mayor has any private financial interest in any contract or other matter pending before or within the City, the Mayor shall disclose such private interest. (Charter, Art. XII, Sec. 5)

Conflicts of Interest

Councilors

- ❑ No Councilor shall, during the term for which the Councilor was elected, be appointed to or selected for any paid office or employment with the City, nor shall the Councilor, within one year thereafter, be appointed to any paid City office or employment which the City created, or the emoluments of which first were established or were increased during such term; nor shall any Councilor, during the term for which the Councilor was elected nor within one year thereafter, be interested directly in any contract with the City, which was authorized by any law passed during such term.
(Charter, Art. XII, 4.(b))

- ❑ Councilors who have any private financial interest in any contract or other matter pending before or within the City or the Council shall disclose such private interest to the Council. (Sec. 3-10-5 NMSA 1978; Charter, Art. XII, Sec. 5)

Conflicts of Interest

Councilors

- Any Councilor who has a private financial interest in any matter pending before the Council shall disclose such private financial interest on the records of the Council and if such interest is direct shall be disqualified from participating in any debate, decision or vote relating thereto. Disclosure of an indirect private financial interest on any matter coming before the Council, including approval of a contract, shall not disqualify a Councilor from debating and voting on the matter unless (1) a majority of the remaining members of the Council determine that the Councilor who discloses his private financial interest should not in propriety vote on the issue; or (2) the Councilor having private financial interest voluntarily disqualified himself. (Charter, Art. XII, Sec. 5)

Conflicts of Interest

Members

Members of boards, commissions and committees are prohibited from knowingly:

- ❑ Disclosing or using confidential information concerning the property, government or affairs of the City or the board, commission or committee of which the person is a member without proper authorization in order to advance the private financial or other private interests of the member or others;
- ❑ Voting or otherwise participating in the negotiation or the making of any contract with any business or entity in which the member has a private financial interest;

Conflicts of Interest

Members

- ❑ Representing private interests in any action or proceeding before the board, commission or committee of which the person is a member or any appeal of a decision of such body;
- ❑ Accepting any valuable gift, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to the member's knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the board, commission or committee of which the person is a member, including donors who are unidentified.

(Charter, Art. XII, Sec. 4(a))

Conflicts of Interest

Employees

- ❑ Employees are required to disqualify themselves from participating in any official act directly affecting a business in which they have a financial interest. Employees are prohibited from acquiring a financial interest at a time when they believe or have reason to believe that such interest will be directly affected by their official act. See NMSA Sec. 10-16-4, Sec. 3-3-5(A) R.O.1994
- ❑ Every employee who has a financial interest which he/she believes or has reason to believe may be affected by an official act taken within the scope of his/her employment shall disclose the precise nature and value of such interest. The disclosures shall be made in writing to the City Clerk at the time the conflict occurs and during the month of January every year thereafter. Additionally, it shall be the duty of an employee to inform his/her department head of such a financial interest at the time he/she acquires it. The information on the disclosures, except for the valuations attributed to the reported interest, shall be made available by the City Clerk for inspection to any citizen of this State; provided, however, the valuation shall be confidential. The filing of disclosures pursuant to this section is condition of entering upon and continuing in City employment. (Sec. 3-3-5 R.O. 1994)

Conflicts of Interest

Department Heads

Heads of departments, divisions and sections are prohibited from knowingly:

1. Disclosing or using confidential information concerning the property, government or affairs of the City without proper authorization in order to advance the private financial or other private interests of the employee or others;
2. Voting or otherwise participating in the negotiation or the making of any contract with any business or entity in which the employee has a private financial interest;
3. Representing private interests in any action or proceeding before the City or any appeal of a decision of the City;
4. Accepting any valuable gifts, whether in the form of service, loan, thing or promise, from any person, firm or corporation which to the employee's knowledge is interested directly or indirectly in any manner whatsoever, in business dealings with the City, including donors who are unidentified.

See Charter, Art. XII, Sec. 4 (a).

Heads of departments, divisions and sections who have any private financial interest in any contract or other matter pending before or within the City shall disclose such private interest.

See Charter, Art. XII, Sec. 5.

Conflicts of Interest

Former Employees

1. A former employee may not, within one year after the date of termination from employment, represent any person or business in connection with a matter in which the former employee has performed an official act, unless the Chief Administrative Officer consents to such representation. No person or business with which a former employee is associated may knowingly undertake or continue a private representation in such a matter unless:
 - ❑ The disqualified former employee is screened from participation in the matter and is apportioned no part of the compensation therefrom; and
 - ❑ Written notice is promptly given to the Chief Administrative Officer.
2. A former employee is not prohibited from entering into a contract to represent the City in any matter.
(Sec. 3-3-7 R.O . 1994)

Contracts



Mayor, Councilors, Members

The Mayor, Councilors and members of boards, commissions and committees are prohibited from knowingly voting or otherwise participating in the negotiation or the making of any contract with any business or entity in which the official has a private financial interest.

(Charter, Art. XII, Sec. 4.(a)2)

Contracts

Employees

- ❑ Heads of departments, divisions and sections are prohibited from knowingly voting or otherwise participating in the negotiation or the making of any contract with any business or entity in which the official has a private financial interest.
See NMSA Sec. 10-16-7, Charter, Art. XII, 4.(a) 2.

- ❑ The City is prohibited from entering into any contract with a business in which an employee has a controlling interest, involving services or property of a value in excess of one thousand dollars (\$1,000) unless the contract is made after public notice and competitive bidding or the Chief Administrative Officer has made a written waiver of this prohibition. This prohibition does not apply to a contract of employment with the City.
See NMSA Sec. 10-16-7; Sec. 3-3-5 R.O. 1994.

- ❑ Any purchase order or contract entered into by the City with a business in which any employee has a controlling interest is void if the employee failed to comply with the provisions of the Conflict of Interest Ordinance prior to the City entering into such contract or purchase order.
See Sec. 3-3-5(D) R.O.1994.

Discrimination

Employees

Equal Employment Opportunity:

Employees shall comply with the provisions of Title VII of the United States Civil Rights Act of 1964, as amended, the State of New Mexico Human Rights Act, NMSA Sec. 28-1-7 et seq. as amended, the City of Albuquerque Human Rights Ordinance, R.O. Sec. 11-3-1 et seq., and the City of Albuquerque Affirmative Action Plan. While not all inclusive, these laws and the Affirmative Action Plan legitimize the concept of merit, qualifications and performance in selection and career advancement and prohibit discrimination on the basis of race, color, religion, sex, national origin, age, physical or mental handicap and Vietnam Era or disabled veteran status. (See also, Employee Code of Conduct)

Duty to the Public



Employees

In carrying out their assigned duties and responsibilities, employees must always remember that their first obligation is to the general public. This obligation must be carried out within the framework of federal, state and local laws. In fulfilling their obligations to the public, employees shall serve the public with respect, concern, courtesy and responsiveness, recognizing that service to the public is the reason for their employment.

(Employee Code of Conduct)

Employment



Mayor

Except to the extent necessary for the administration of the merit system, the Mayor is prohibited from becoming involved in the hiring, promotion, demotion, or discharge of the City employee except those personnel hired for unclassified positions directly responsible to the Mayor.

(Charter, Art. X , Sec. 2.(b))

Employment

Councilors

Councilors are prohibited from becoming involved in the hiring, promotion, demotion or discharge of any City employee, except those positions for which the City Charter requires the advice and consent of the Council and those personnel who are hired by and directly responsible to the Council.

(Charter, Art. X, Sec. 2.(a))

Employment

Employees

- ❑ Nepotism Prohibited. No relative of a City employee, by blood or marriage, may be employed in any position with the City in which the employee may be able directly to supervise, control or influence the work or employment status of the relative or the affairs of the organizational unit in which the relative is employed.

(Sec. 3-3-9 R.O.1994)

- ❑ Outside Employment. Employees are prohibited from engaging in outside employment without the prior approval of the Chief Administrative Officer, or a designee of the Chief Administrative Officer. Employees are prohibited from continuing in outside employment if such employment has a negative impact on job performance. Employees who are receiving Worker's Compensation benefits are prohibited from engaging in outside employment.

(Sec. 3-1-11 & 3-3-10 R.O.1994; Personnel Rules and Regulations)

Open Meetings



All meetings of the City Council, Council committees and the City's public boards, commissions and committees must be open to the public and proper notice of such meetings must be given. Currently, at least seventy-two hours notice to the public must be given prior to a regular meeting and at least forty-eight hours notice to the public must be given prior to a special meeting. For emergency meetings, whatever notice to the public that is possible under the circumstances is sufficient.

(Open Meetings Act, Sec. 10-15-1 to 10-15-4 NMSA 1978, as amended; Charter, Art. IV, Sec. 7.(b); Sec. 2-6-1-4(B) R.O.1994; Council Rules of Procedure, Art. I, Sections 5,6,9 and 13)

Political Activities

Employees

- ❑ Employees are prohibited from using their position or status to influence the support of other employees or officials for or against any candidate or issue in any election. Employees are not prohibited from expressing their views on any issue. Employees are prohibited from running for City elective offices. Affected employees are required to comply with Hatch Act provisions governing political activity.
(NMSA Sec. 10-16-3.1; 3-1-21 R.O. 1994; Employee Code of Conduct)
- ❑ Effective January 1, 1993, employees of the City are prohibited from holding an elective office of the State of New Mexico or any of its political subdivisions, except employees of the City on October 3, 1989, who on that date hold elective office of the State of New Mexico or any of its political subdivisions may thereafter hold and be elected to the same elective office while serving as a City employee.
(Charter, Art. X, Sec. 3)

Public Records

All of the public records of the City, except for certain records are records that are open to inspection by the public pursuant to what is commonly called the Inspection of Public Records Act (IPRA), NMSA Sec. 14-2-1 et seq., as amended. Furthermore, the Act provides that all officers having custody of any City records shall furnish proper and reasonable opportunities for the inspection and examination of all records requested and reasonable facilities for making memoranda abstracts therefrom, during usual business hours, to all persons having occasion to make examination of them for any lawful purpose. Neither the term “public records” or the term “officers” is defined in the Act; however, those terms have been broadly construed to mean most City records and the custodians thereof.

Pursuant to the Act, every citizen of this state has a right to inspect public records of the state except for certain records. There are four specific statutory exceptions and one statutory general exception to the right of inspection of public records. Those exceptions being as follows:

1. Records pertaining to physical or mental examinations and medical treatment of persons confined to any institutions.
2. Letters of reference concerning employment, licensing or permits.
3. Letters or memorandums that are matters of opinion in personnel files or students' cumulative files.
4. As provided by the Confidential Materials Act. (NMSA Sec. 14-3A-1, 14-3A-2)
5. As otherwise provided by IPRA, NMSA Sec.14-2-1 (A) and (B), and (A)(8), other laws .

Public Records

In addition, certain records, maintained by the City's Risk Management Department, are exempt from inspection. Records pertaining to insurance coverage are exempt from inspection and records pertaining to reserves, litigation or claims for damages or other relief by or against the City of Albuquerque or any other governmental entity or public officer or employee are exempt from inspection during the pendency of a claim.

(NMSA Sec. 14-2-1(A)(6) and (8))

Also exempt from inspection are communications between an attorney and the attorney's client as well as the attorney's work product, which are materials prepared in anticipation of litigation or for trial.

(See also, NMRA Rule 11-503 and Rule 1-026)

Standards of Conduct

Employees

1. Employees must maintain their conduct at the highest personal and professional standards in order to promote public confidence and trust in the City and public institutions and in a manner that merits the respect and cooperation of fellow employees.
2. No employee shall continue in City employment with pay when the employee engages in activities which are found to more than likely lead to the diminishing of the integrity, efficiency, or discipline of the City service.
3. Employees are prohibited from using insulting, abusive or offensive language or actions toward the public or co-workers. Ethnic or sexist jokes, slurs and other comments that might embarrass or offend others are prohibited.
4. Employees are prohibited from harassing others by making sexual advances or by creating an intimidating or offensive working environment or by making false accusations regarding such conduct. Display or visual material that may be sexually or racially offensive is also prohibited.

(See, Employee Code of Conduct)



PART III

PENALTIES AND SANCTIONS

Penalties and Sanctions

Mayor, Councilors

1. The Board of Ethics and Campaign Practices, after due hearing and finding that a violation of the Code of Ethics by the Mayor or a Councilor, has occurred, may issue a public reprimand or impose a fine of not to exceed \$500.00 for each violation or do both.
2. In addition to imposing such sanctions, or as an alternative thereto, the Board of Ethics and Campaign Practices may recommend to the Council that the violator be removed from office.
3. The Council may, upon the recommendation of the Board of Ethics and Campaign practices, and after due hearing of the charge, order the removal of an elected official from office; provided, however, that no elected official shall be removed from office except upon the concurrence of two-thirds of the Councilors qualified to vote thereon.
(See, Charter, Art. XII, Sec. 8)

Penalties and Sanctions

Members

1. The Board of Ethics and Campaign Practices, after due hearing and finding that a violation of the Code of Ethics by a member of a board, commission or committee, has occurred, may issue a public reprimand or impose a fine of not to exceed \$500.00 for each violation or do both.
2. In addition to imposing such sanctions, or as an alternative thereto, the Board of Ethics and Campaign Practices may recommend to the Council that the violator be removed from office.
3. The Council may, upon the recommendation of the Board of Ethics and Campaign Practices, and after due hearing of the charge, order the suspension or removal of a member from office; provided, however that no member shall be removed or suspended from office except upon the concurrence of two-thirds of the Councilors qualified to vote thereon.

(Charter, Art. XII, Sec. 8)

Penalties and Sanctions

Employees

- ❑ Heads of departments, division and sections.
 - The Board of Ethics and Campaign Practices, after due hearing and finding that a violation of the Code of Ethics by a head of a department, division or section has occurred, may issue a public reprimand or impose a fine of not to exceed \$500.00 for each violation or do both.
 - In addition to imposing such sanctions, or as an alternative thereto, the Board of Ethics and Campaign Practices may recommend to the Council that the violator be removed from office.
 - The Council may, upon the recommendation of the Board of Ethics and Campaign Practices, and after due hearing of the charge, order the suspension or removal of a head of a department, division or section; provided, however, that no such employee shall be removed or suspended except upon the concurrence of two-thirds of the Councilors qualified to vote thereon.
(Charter, Art. XII, Sec. 8)
- ❑ Violation of any of the provision of the Conflict of Interest Ordinance, Sec. 3-3-1 et seq. R.O. 1994, by any employee is grounds for disciplinary action, including dismissal, in accordance with the provisions of the Merit System Ordinance, Sec. 3-1-1 et seq., R.O.1994.
(Code of Ordinances cited)
- ❑ Violation of any of the provisions of the Employee Code of Conduct by any employee is grounds for disciplinary action, including, but not limited to, dismissal, demotion and/or suspension.
(Employee Code of Conduct)
- ❑ Any employee is subject to termination from employment with the City if the employee refuses to submit to a substance abuse test or if the results of a substance abuse test are valid and positive.
(Administrative Instruction No. 7-1)

Penalties and Sanctions



Former Employees

Violation of any of the provisions of the Conflict of Interest Ordinance by a former employee is a misdemeanor, and, upon conviction the former employee shall be sentenced to imprisonment for not more than ninety (90) days or fined not more than \$500.00 or both such imprisonment and fine.

(Sec. 3-3-13 R.O.1994)

APPENDIX - LAWS GOVERNING ETHICAL CONDUCT

The following are key laws and policies pertaining to elected officials and employees of the City of Albuquerque and to member of the City boards, commissions and committees:

A. City Charter

1. Article XII, City Charter, sets out a Code of Ethics, which applies to the Mayor, all members of the Council, all members of the boards, commissions and committees and all heads of departments, divisions and sections.

2. Section 1 of the Code of Ethics sets out the Declaration of Policy as follows:

The proper administration of democratic government requires that public officials be independent, impartial, and responsible to the people; that government decisions and policy be made in the best interest of the people, the community and the government; and that the public have confidence in the integrity of its government.

B. City Ordinances – Revised Ordinances of Albuquerque, New Mexico, 1994 (R.O.1994)

1. The Conflict of Interest Ordinance, Sec. 3-3-1 et seq., R.O. 1994 sets out in detail relating to provisions of interest of employees and former employees; however, those provisions do not apply to elected officials or members of boards, commissions and committees.

2. **The Merit System Ordinance**, Article 3-1, R.O.1994, sets out in detail provisions relating to the conditions of employment of City employees.

3. **The Public Boards, Commissions and Committees Ordinance**, Sec. 2-6-1-1 et seq., R.O.1994, sets out in detail provisions relating to the membership and organization of the City's boards, commissions and committees.

4. **The Risk Management Ordinance**, Sec. 2-8-2-1 et seq., R.O.1994, sets out in detail provisions relating to those insurance coverage, claims and litigation records that are exempt from inspection.

C. State Statutes – New Mexico Statutes Annotated (NMSA 1978)

1. The Governmental Conduct Act, Chapter 10, Article 16, sets out provisions relating to financial interests of City officials and employees.

2. The Open Meetings Act, Chapter 10, Article 15, NMSA 1978, sets out provisions relating to meetings of public bodies.

3. The Inspection of Public Records Act, Chapter 14, Article 2, NMSA 1978 sets out provisions relating to the inspection of public records.

4. Attorney client privileged communications, NMSA 1978 Section 14-2-1(A)(6) and 14-2-1(A) (8), Rule 11-503 NMRA and Rule 1-026 NMRA, including attorney work product.

D. Administrative Instructions are directives issued by the Chief Administrative Officer which establish policy regarding a specific subject.

E. The Board of Ethics and Campaign Practices Rules and Regulations Relating to the Code of Ethics and Election Code of the City Charter sets out the procedure for handling complaints of violations of Ethics Code of the City Charter.

F. The Council's Rules of Procedure, dated June 2014, as amended, set out in detail provisions relating to the meetings of the Council, organization of the Council and Council procedures.

G. Employee Code of Conduct

1. The reference in this handbook to the Employee Code of Conduct are to the Code of Conduct for Employees adopted in February 1990.

2. The introduction to the Employee Code of Conduct provides as follows:

As a condition of employment, employees are required to comply with the provisions of the City of Albuquerque Merit System Ordinance, Employee Relations Ordinance, Conflict of Interest Ordinance, Personnel Rules and Regulations, Executive and Administrative Instructions and all relevant laws, statutes, ordinances, regulations and collective bargaining agreements, if applicable, governing employment with the City of Albuquerque.



Pursuant to the Conflict of Interest Ordinance, Sec. 3-3-1 et seq. (R.O.1994), this Code of Conduct, promulgated by the Director of Personnel Services and approved by the Chief Administrative Officer, shall further govern the conduct of employees and if violated shall be grounds for disciplinary action including, but not limited to, dismissal, demotion and/or suspension. This Code of Conduct is not intended to supersede or replace existing rules, regulations or City policies.

Additionally, Department Directors may promulgate, with the approval of the Chief Administrative Officer, Codes of Conduct for employees in their departments which prescribe standards peculiar and appropriate to the function and purpose for which the department was created or exists. Departmental Codes of Conduct shall further govern the conduct of employees and, if violated, shall be grounds for disciplinary action including, but not limited to, dismissal, demotion and/or suspension.

H. The Personnel Rules and Regulations, dated February 1, 2001, as amended, sets out in detail provisions relating to the conditions of employment of City employees.



Beyond the Law: Public Service Ethics Principles



Thinking Beyond Ethics Laws

- ❑ Law is only a starting point for analysis
- ❑ Just because something is legal, doesn't mean it is ethical
(*or that the public will perceive it to be so*)
- ❑ Where do you want to set your sights as a public servant?



Ethics = Values

Six universal ethical values:

- ✓ Trustworthiness
- ✓ Loyalty
- ✓ Responsibility
- ✓ Respect
- ✓ Fairness
- ✓ Compassion



Types of Ethical Dilemmas

□ Personal Cost Ethical Dilemmas

- Situations in which doing the right thing may or will come at a significant personal cost to you or the municipality
- Also known as “Moral Courage Dilemmas”

□ Right-versus-Right Ethical Dilemmas

- Situations in which there are two competing sets of “right values”



Analyzing Ethical Dilemmas: Three Levels of Analysis



Level I: Identify and Analyze

- Identify the type of ethical dilemma
 - Right vs. wrong situation
 - Personal cost/moral courage situation
- Ethics involves doing the right thing regardless of personal costs
 - Analyze each course of action in light of your legal obligations
 - ALWAYS do what the law requires



Level II: Helpful Questions to Consider

- How would you like to read about your actions in the newspaper tomorrow?
- Which decision would make your mother most proud?
- What action would build/preserve public confidence?
- Is this consistent with the governing body/municipal code of ethics?
- How would you like others to act when faced with the same situation? (Is there a common practice/norm?)
- Is one decision more consistent with the Golden Rule?
- Are there other stakeholders or members of the public who should be invited



Level III: More Complex Situations

- ❑ These situations typically involve Right vs. Right (competing sets of “right” values)
- ❑ Identify the conflicting ethical values
 - Honesty
 - Compassion
 - Loyalty
 - Responsibility
 - Fairness
 - Respect
 - Other important values



Level III: More Complex Situations Continued

- ❑ Balance the benefits to be achieved against the harm to be avoided
- ❑ Identify your options:
 - Is one course of action more consistent with both sets of competing values?
 - Is one course of action more consistent with a value that is particularly important to you?



Level III: More Complex Situations Continued

- Does one decision involve keeping a promise or your word?
- Which decision best reflects your responsibility as a public servant?
- Is there a decision that does more harm than good?
- Which decision is more respectful of individual rights?
- Which decision is most fair?
- Which decision is most compassionate?



Some Traps to Avoid

- ❑ Thinking that the ends justify the means
 - There are limits to how goals are be achieved
- ❑ Rationalizing
 - Public service is a commitment, but it does not entitle you to any special treatment or special benefit
 - “Everyone is doing or has done the same thing”



Key Lessons

- ❑ It's your choice how high you want to set your sights above the minimum requirements of the law
- ❑ Think about your standards and principles and what they mean in public service context
- ❑ Think about how you would respond if someone wants you to compromise those principles