

City of Salem Ethics Policy Manual

CITY OF *Salem*
AT YOUR SERVICE

Contents

Glossary of Terms.....	3
Policy and Procedure References	7
Chapter 1: General Principles	8
1. General Principles	8
1.1. Ethical Principles	8
1.2. Policy Hierarchy and Guidance	9
Chapter 2: Standards of Conduct.....	10
2. Standards of Conduct.....	10
2.1. Applicability.....	10
2.2. Inclusion	10
2.3. Non-Discrimination, Harassment, Anti-Retaliation	11
2.4. Gifts	13
2.5. Conflicts of Interest.....	14
2.6. Fraud, Waste, Abuse	15
2.7. Use of City Property	16
2.8. Standards of Conduct Concerns.....	16
Chapter 3: Training	18
3. Training	18
3.1. Frequency.....	18
3.2. Requirements.....	18
Chapter 4: Reporting Ethical Violations	20
4. Reporting Potential Ethical Violations	20
4.1. E3 Hotline	20
4.2. Complaint Reporting	20
4.3. Whistleblower Protection	21
4.4. Confidentiality.....	21
4.5. Complaint Intake and Assignment	22
Chapter 5: Investigations	23
5. Investigations	23
5.1. Investigative Philosophy	23
5.2. Anti-Retaliation Protections.....	24
Chapter 6: Enforcement Provisions	25
6. Enforcement Provisions	25

Glossary of Terms

- **Abuse:** Behavior that is deficient or improper when compared to behavior that a prudent person would consider reasonable and necessary business practice given the facts and circumstances. Abuse also includes the misuse of authority or position for personal financial interests or those of an immediate or close family member or business associate.
- **Actual Conflict of Interest:** Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private benefit or detriment of the person or the person's relative or any business with which the person or the person's relative is associated unless the pecuniary (monetary) benefit or detriment arises out of circumstances described under the definition of the term "potential conflict of interest" in this section. (SRC 12.015)
- **Business:** Any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under Section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member of board directors or in a nonremunerative capacity. (ORS 244.020(2))
- **Business with Which the Person is Associated:** According to ORS 244.020(3), this means
 - Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person's relative owns or has owned stock, another form of equity interest, stock options, or debt instruments worth \$1,000 or more at any point in the preceding calendar year;
 - Any publicly held corporation in which the person or the person's relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options, or debt instruments at any point in the preceding calendar year;
 - Any publicly held corporation of which the person or the person's relative is a director or officer; or
 - For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060.
- **City Property:** All property owned or leased by the City, including material, equipment, vehicles, and real property. SRC 95.085
- **Cultural Diversity:** The differences in race, ethnicity, traditions, language, dialect, nationality, or religion among various groups within a community or organization.
- **Dating Violence:** Dating violence is an act of violence threatened or committed by a person who is or has been in a relationship of a romantic or intimate nature with the victim. The existence of a "romantic or intimate" relationship is determined based upon the victim's perspective and in consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- **Department Director:** The administrative head of a department who is appointed by the City Manager.
- **Department Management:** Any employee assigned, on either a temporary or regular basis, supervisory or managerial responsibilities in a department.
- **Discrimination:** Unequal or different treatment of an individual in employment practices or the provision of City services on the basis of race, religion, color, sex, sexual orientation, age, physical or mental disability, marital status, national origin, or any other protected class status in accordance with City ordinance, or state or federal law.

- **Domestic Violence:** Domestic violence is a pattern of coercive behavior, including acts or threatened acts, that is used by a perpetrator to gain power and control over a current or former spouse, family member, intimate partner, or person with whom the perpetrator shares a child in common. Domestic violence includes, but is not limited to, physical violence, injury, or intimidation; sexual violence or abuse; emotional and/or psychological intimidation; verbal abuse; threats; harassment; stalking; or economic abuse and control.
- **Employment Practices:** This means, but is not limited to, recruitment, interviews, selections, evaluations, promotions, termination, training and development opportunities, coaching, discipline, job or shift assignments, compensation, and benefits.
- **Fraud:** Any intentional act by one or more individuals (including management, those charged with governance, employees, or third parties) involving the use of deception that violates a law or the public trust to obtain an unjust or illegal advantage.
- **Gift:** Something of economic value given to a public official, a candidate, or a relative or member of the household of the public official or candidate:
 - Without valuable consideration of equivalent value, including the full or partial forgiveness of indebtedness, which is not extended to others who are not public officials or candidates or the relatives or members of the household of public officials or candidates on the same terms and conditions; or
 - For valuable consideration less than that required from others who are not public officials or candidates. (ORS 244.020(7)).
- **Harassment:** Verbal, non-verbal, or physical conduct that is derogatory, shows hostility towards, or is designed to threaten, intimidate, or coerce an individual because of their race, religion, national origin, color, sex, sexual orientation, gender identity, age, physical or mental disability, marital status, familial status, source of income, and has the purpose or effect of creating an offensive, intimidating, hostile, or threatening environment; or unreasonably interfering with an individual's work performance; or, otherwise substantially and adversely affects an individual's employment opportunities or access to programs, services, facilities, or activities.
- **Hostile Work Environment:** A type of harassment based upon a protected class where a pattern of harassment creates an offensive, intimidating, hostile, or threatening work environment, or has the purpose or effect of unreasonably interfering with an individual's work performance. While harassment must be severe and persistent, not an isolated joke or comment, to meet the legal requirements of hostile environment, behaviors may still be considered discriminatory, disrespectful, or unprofessional. Disrespectful or unprofessional behaviors may be part of a disruptive environment and may be grounds for discipline.
- **Inappropriate Behavior of a Sexual Nature:** Behavior that, while not amounting to sexual harassment, has a sexual component and has the potential to lower morale, decrease productivity, or disrupt the workplace.
- **Inclusion:** A work environment in which all individuals are treated equitably and respectfully, have equal access to opportunities and resources, and have the opportunity to contribute fully to the organization's success.
- **Irregularity:** An inaccuracy, mistake, or occurrence outside normal City patterns. Can be either intentional (fraud) or unintentional (error).
- **Misuse:** The excessive or improper use of something, or the employment of something in a manner contrary to the natural or legal rules for its use. The intentional destruction, diversion, manipulation, misapplication, or maltreatment of resources owned or operated by the City.

- **National Origin Harassment:** Behavior that denigrates, ridicules, or is verbally or physically abusive of a person because of their actual or perceived ancestry, heritage, cultural background, or ethnic identification.
- **Nepotism:** Favoritism or bias by a supervisor or employee with supervisory oversight to a family member, member of their household, or someone with whom the supervisor has an intimate personal or financial relationship.
- **Occupational Fraud:** The use of one's position at the City for personal gain through the deliberate misuse or misapplication of the City's resources or assets.
- **Official Misconduct:** State law defines two forms of official misconduct.
 - According to ORS 162.405, official misconduct in the second degree occurs when a public official knowingly violates any statute relating to the office of the person.
 - According to ORS 162.415, a public official commits the crime of official misconduct in the first degree if:
 - a. With intent to obtain a benefit or to harm another:
 - The public official knowingly fails to perform a duty imposed upon the public official by law or one clearly inherent in the nature of office; or
 - The public official knowingly performs an act constituting an unauthorized exercise in official duties; or
 - b. The public official, while acting as a supervisory employee, violates OR 162.405 (listed above) and is aware of and consciously disregards the fact that the violation creates a risk of:
 - Physical injury to a vulnerable person
 - The commission of a sex crime as defined in ORS 163A.005 against a vulnerable person; or
 - The withholding from a vulnerable person or necessary and adequate food, physical care, or medical attention.
- **Personal Relationship:** An ongoing romantic or intimate relationship that can include, but is not limited to, dating, living together, or being a partner or significant other.
- **Potential Conflict of Interest:** Any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private benefit or detriment of the person or the person's relative, or business with which the person or the person's relative is associated, unless the benefit or detriment arises out of the following:
 - An interest or member in a particular business, industry, occupation, or other class required by law as a prerequisite to the holding by the person of the office or position.
 - Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the State, or a smaller class consisting of an industry, occupation, or other group including one of which or in which the person, or person's relative or business with which the person or the person's relative is associated, is a member, or is engaged.
 - Membership in or membership on the Board of Directors of a not-for-profit corporation that is tax-exempt under Section 501(c) of the Internal Revenue Code. (SRC 12.015)
- **Public Official:** Any person who, when an alleged violation of SRC Chapter 12 occurs, is serving the City as an elected official, appointed official, officer, employee, agent or otherwise, and irrespective of whether the person is compensated for such services.
- **Quid Pro Quo Harassment:** A type of sexual harassment where submission to harassment or sexual advances is used as the basis for employment practices decisions or other benefits and services. Quid pro

quo harassment can be committed by someone who has the supervisory authority or who, because of their position, can control or withhold services or allow a third person to avoid a detriment.

- **Racial Harassment:** Behavior that denigrates, ridicules, or is verbally or physically abusive of a person because of their actual or perceived race including, but not limited to, jokes, derogatory statements, or stereotypical comments about someone’s actual or perceived race.
- **Relative:** According to ORS 244.020(16), a relative is defined as:
 - The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law, or daughter-in-law of the public official or candidate;
 - The spouse, parent, stepparent, child, sibling, stepsibling, son-in-law, or daughter-in-law of the spouse of the public official or candidate;
 - Any individual for whom the public official or candidate has a legal support obligation;
 - Any individual for whom the public official provides benefits arising from the public official’s public employment or from whom the public official receives benefits arising from that individual’s employment; or
 - Any individual from whom the candidate receives benefits arising from that individual’s employment.
- **Retaliation:** An adverse action against, or treatment of because an individual has exercised rights protected under law such as reporting harassment or discrimination, assisting with, or participating in, the investigation or resolution of complaints, or speaking out against harassment or discrimination.
- **Supervisor:** Anyone with authority over others in the workplace, or who provide oversight of workplace duties regardless of role or title.
- **Sex Discrimination:** Unequal or different treatment in employment actions or services because of the individual’s sex or stereotypes based upon sex, including sexual orientation or sexual identity.
- **Sexual Harassment:** Unwelcome, pervasive, or intrusive sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when submission to, or rejection of, such conduct by any gender is made explicitly or implicitly a term or condition of employment, is used as a basis for an employment decision, or unreasonably interferes with an employee’s work performance or creates a hostile work environment. Sexual harassment refers to behavior that is unwelcome or personally offensive, and/or lowers morale or interferes with work effectiveness. Two types of sexual harassment are quid pro quo harassment and hostile work environment.
- **Sexual Misconduct:** Defined as behaviors including sexual assault, sexual harassment, intimate partner violence, stalking, voyeurism, and other conduct of a sexual nature that is nonconsensual, or has the purpose or effect of threatening, intimidating, or coercing a person.
- **Stalking:** Stalking refers to harassing, unwanted, or threatening attention that causes the victim to fear for their safety or the safety of a family member. Stalking conduct includes, but is not limited, to following or spying on a person; appearing at a person's home or work; waiting at places in order to make unwanted contact with the victim or to monitor the victim; leaving unwanted items, presents, or flowers for the victim; and posting information or spreading misinformation about the victim on the Internet, in a public place, or by word of mouth. Stalking may occur through use of technology including, but not limited to, e-mail, voicemail, text messaging, and use of GPS and social networking sites.
- **Third-Party Harassment:** Behavior that is unwelcome to the individuals who see or hear the harassment even though it is not directed at them, or unwelcomed behavior to employees made by individuals that are not employees, such as citizens, vendors, or independent contractors.
- **Unlawful Conduct:** Theft, forgery, credit card fraud, or any other act of unlawful taking, waste, or abuse.
- **Waste:** The act of using or expending resources carelessly, extravagantly, or to no purpose. Relates primarily to mismanagement, inappropriate actions, and inadequate oversight.

- **Whistleblower:** An employee who discloses information in good faith with objectively reasonable belief that violation of state, federal, or local laws or evidence of mismanagement, gross waste or abuse of authority or public endangerment relating to the course and scope of employment of a coworker or supervisor has occurred.

Policy and Procedure References

- Americans with Disabilities Act of 1990
- Americans with Disabilities Act Amendments Act 2008 (ADAAA)
- Titles VI and VII of the Civil Rights Act of 1964
- Titles VIII and IX of the Civil Rights Act of 1968
- Immigration Reform and Control Act of 1986
- Federal Family and Medical Leave Act of 1993
- Sections 503 and 504 of the Rehabilitation Act of 1973
- Salem Revised Code Chapter 97
- Salem Revised Code Chapter 12
- Equal Pay Act of 1963
- Age Discrimination in Employment Act (ADEA), The Age Discrimination Act of 1975
- Vietnam Era Veterans Readjustment Act of 1974
- Executive Order 11246 as amended, and regulations of the US Department of Health and Human Services issued pursuant to the Acts
- Title 45 Code of Federal Regulations Part 80, 84 and 91
- Oregon Revised Statutes Chapter 244
- Oregon Revised Statutes Chapter 224.020
- Oregon Revised Statutes Chapter 244.025
- Oregon Revised Statutes Chapter 659 and 659A
- Oregon Revised Statutes Chapter 654.062(5)(a)
- Oregon Revised Statutes Chapter 399.065
- Oregon Revised Statutes Chapter 171.120 –125
- Oregon Equal Pay Act 2017
- Human Resource Rules Section 8
- Salem Revised Code Chapter 12 Section. 12.050
- Human Resource Rules Section 7.03
- Salem Revised Code Chapter 95 Section 95.080
- Salem Revised Code Chapter 95 Section. 95.090

Chapter 1: General Principles

1. General Principles

To best serve the Salem community, City employees must act individually and collectively to produce a City government that is responsible, equitable, honest, and open. Therefore, City employees are expected to demonstrate the highest standards of personal integrity, honesty, and conduct in all activities to support public confidence and trust. The purpose of this Ethics Policy Manual (Ethics Policy, the Manual) is to offer guidance on ethical behaviors and to outline ethical expectations for City employees.

Core Values

The professional behaviors of City employees should align with the values expressed in the most current City of Salem Strategic Plan. Employees should strive to embody the values listed below, part of the 2021 City of Salem Strategic Plan, adopted March 2021, unless otherwise updated.¹

- **Community-Focused:** We strive to provide high-quality, responsive, and equitable services that meet the needs of our community.
- **Inclusive:** We are committed to ensuring equity and accessibility across City services. We are an anti-racist organization that actively fights against racism and all other forms of discrimination. Diversity is a core strength of our community, and we are dedicated to creating a city where everyone—regardless of culture, race, or ability—can thrive.
- **Proactive:** We are innovative, action-oriented, and focused on delivering measurable results to our community. We actively seek and use data to make well-informed decisions.
- **Accountable:** We act with integrity and honesty. We take responsibility for our actions and communicate with residents to ensure transparency.
- **Respectful:** We strive to create a healthy work environment based on teamwork and mutual respect.

1.1. Ethical Principles

Employees must comply with federal, state, and City ethics laws, including Oregon Revised Statutes (ORS) 244 – Government Ethics, Salem Revised Code (SRC) Chapter 12 – Ethics, and be committed to behaving in accordance with the following guidelines:

- Belief in the integrity of government based on the actions of the government’s employees.
- Independent, impartial, accountable, and responsible behavior in duty to the City and its residents.
- Public office shall not be used for personal gain, or gain for a relative or individual with whom the employee has a significant business or personal² relationship.

¹ “City of Salem Strategic Plan 2021–2026,” March 2021, <https://www.cityofsalem.net/CityDocuments/City-of-Salem-Strategic-Plan-2021-2026.pdf>

² Standard exceeds state law. For a definition of personal relationship please refer to the Glossary.

1.2. Policy Hierarchy and Guidance

In order to promote consistency and clarity of information, this policy establishes a framework and roles and responsibilities for all City of Salem ethics policies. Policies outlined in this handbook apply to all City of Salem employees and are to be considered supplementary to ORS 244 – Government Ethics, SRC Chapter 12 – Ethics.

The following list outlines the order of precedence among federal, state, and other policies:

- Federal law
- State law
- Salem Revised Code
- Labor agreements
- City of Salem Ethics Policy
- City of Salem Human Resources Rules

If an employee is in doubt about whether conduct is consistent with the purpose, intent, and policies of the Ethics Policy, they should consult with their supervisor, Department Director, or the appropriate Human Resources (HR) Analyst. If the specific HR Analyst is unknown, the office can be reached at HR@cityofsalem.net.

Chapter 2: Standards of Conduct

2. Standards of Conduct

In order to render the best possible service to the public and fellow employees, high standards of conduct are essential for all City employees. Maintaining public trust requires a daily commitment to upholding the City's standards of conduct outlined in this chapter.

2.1. Applicability

This Policy applies to employees of the City of Salem. City employees are public officials as defined by state law and the policies and procedures regulating the conduct of public officials apply to City employees. This includes exempt, career, limited duration, seasonal, and part-time City employees.

Expectations of Supervisors

Supervisors have additional responsibilities when reinforcing the Standards of Conduct outlined in this chapter. They are expected to:

- Understand the City's ethics policies and standards of conduct and set an example for others by following the Standards of Conduct, referring to them, and seeking guidance when in doubt.
- Review the ethical principles and the standards of conduct with their team members and encourage the identification of issues and questions.
- Create and maintain an environment in which employees can raise concerns without fear of retaliation.
- Ensure that all City teams complete all required ethics compliance training and certifications as applicable.

Additional Information regarding employee standards of conduct and ethics for public officials can be found in the policies listed in the [Policy and Procedure References](#). This is not an all-inclusive list; where Fire and Police functions have additional policies regarding standards of conduct, employees should also refer to those.

2.2. Inclusion

The City of Salem is committed to fostering, cultivating, and preserving a culture of diversity, equity, and inclusion. The collective sum of the individual differences, life experiences, knowledge, inventiveness, innovation, self-expression, unique capabilities, and talent that our employees invest in their work represents a significant part of our culture, reputation, and achievements.

The City of Salem's diversity initiatives are applicable to all aspects of the employee experience. Ongoing development of a work environment built on inclusion encourages:

- Respectful communication and cooperation between all employees.
- Teamwork and employee participation, encouraging the representation of all groups and employee perspectives.
- Work/life balance through flexible work schedules to accommodate employees' varying needs as feasible and subject to applicable collective bargaining agreements and the HR Rules.

- Employer and employee contributions to the communities we serve to promote a greater understanding and respect for diversity.

All employees of the City have a responsibility to treat others with dignity and respect at all times. All employees are expected to exhibit conduct that reflects inclusion during work, City functions hosted on or off the work site, and at all other City-sponsored and participative events.

2.3. Non-Discrimination, Harassment, Anti-Retaliation

It is the policy of the City of Salem that unlawful discrimination, harassment, or retaliation on the basis of race, religion, national origin, color, sex, sexual orientation, gender identity, age, physical or mental disability, marital status, familial status, source of income, whistleblower status, or any other protected status by law, will not be tolerated. The City will not tolerate harassment, discrimination, or retaliation in the workplace, in the provision of services to members of the public, in any work-related setting outside of the workplace, or when using City-owned equipment or electronic devices such as computers, telephones, photocopiers, and faxes.

The City will not tolerate domestic violence, dating violence, sexual misconduct, or stalking in its workplace nor will it tolerate the use of the City's resources by employees to perpetrate such acts. The City will support employees who are victims of such abuse.

Recognizing the potential for violence outside of the workplace to, directly or indirectly, impact the workplace through violence or distraction for coworkers, an employee who has a concern that a coworker is perpetrating or abetting violence, or an employee who is concerned that a coworker is a victim of violence, is encouraged to contact HR to explore how best to address the situation.

Department management is responsible for taking immediate action if they observe or become aware of any form of discrimination, harassment, or retaliation. Immediate action includes intervening to stop the discrimination, harassment, or retaliation. Failure to take such action may result in disciplinary action.

Employees are expected to self-report supervisor/subordinate relationships that are of a personal nature such as dating, marriage, cohabitation, or other circumstances that could give rise to nepotism or charges of harassment to HR or department management in order to work towards a resolution that will avoid unintentional violations of this policy.

Prohibited Conduct

Discrimination: No employee shall discriminate in employment practices or provision of City services to any person on the basis of race, religion, national origin, color, sex, sexual orientation, gender identity, age, physical or mental disability, marital status, familial status, source of income, whistleblower, or any other protected status in accordance with state or federal law. This includes, but is not limited to:

- Discriminate treatment – Pre-determining a job or promotion on the basis of actual or perceived membership in a protected class, failing to provide an accommodation when required, or interfering with an individual's equal opportunity to participate fully in accessing City's programs, facilities, or services.

- Disparate impact – Interview questions or competency tests that tend to screen out protected classes and are not related to essential job functions or interfere with an individual’s equal opportunity to participate fully in accessing City’s programs, facilities, or services.

Harassment: No employee shall harass any other employee or person in the provision of City services on the basis of race, religion, color, sex, sexual orientation, age, physical or mental disability, marital status, national origin, or other protected status in accordance with state or federal law. This includes, but is not limited to:

- Verbal – Use of epithets, slurs, negative stereotyping, jokes, or banter that is derogatory or shows hostility because of protected class status. This includes racial slurs, verbal threats or intimidation, derogatory remarks about national tradition, traits, or foods, jokes about disabilities, mimicking dialects or accents, or sexual references or statements.
- Non-verbal – Distribution or display of written or graphic material placed or circulated in the workplace that ridicules, denigrates, insults, belittles, is disparaging of, or shows hostility towards a protected class. This includes inappropriate posters on walls; sending inappropriate jokes or other written or graphic materials by e-mail, Internet, or fax; or downloading inappropriate material from the Internet.
- Physical – Unwelcome physical touching or contact including pinching, grabbing, patting, touching, pushing, assaulting, or other acts such as vandalizing work areas, interfering with accommodations or accommodation devices, throwing items, or spitting at a person because of protected class status.

Sexual Harassment: Sexual harassment in any form is discrimination and is strictly prohibited by law and this policy. Sexual harassment includes, but is not limited to:

- Quid pro quo sexual harassment.
- Hostile work environment sexual harassment – Unwanted and uninvited sexual jokes or teasing; lewd remarks; comments about body parts or sex life; suggestive posters, calendars, or cartoons; leering; staring; obscene gestures; repeated requests for dates; excessive attention in the form of love letters, calls, or gifts; and unwelcome and unwanted physical contact like touching, kissing, pinching, hugging, patting, brushing up against, fondling, assault, or rape. This includes verbal, non-verbal, and physical conduct that is sexually oriented and unwelcome.

Retaliation: Retaliatory action of any kind taken by any employee against any other person as a result of that person participating in any proceeding contained in this policy or engaging in whistleblowing is strictly prohibited. This includes, but is not limited to:

- Demoting or firing an employee who filed a discrimination lawsuit with no prior documented disciplinary history, labeling them as a troublemaker, excessively scrutinizing the employee’s work performance, or disciplining an employee who filed a complaint more harshly than actions taken against other employees in the past for similar offenses.
- Excluding an employee from communications or meetings, blaming the employee because the harasser got in trouble, or ostracizing them from work or social activities.

Supervisor/Subordinate Relationship – Department directors and supervisors shall not be in a direct reporting relationship with or supervise someone with whom they are personally, financially, or intimately involved nor participate in any employment practice or action regarding that person.

2.4. Gifts

As public officials, City employees are subject to limitations on soliciting or receiving gifts in ORS 244.025 and unlawful use of office in ORS 244.040. Further, HR Rule 8.03 prohibits City employees from receiving any compensation for their work as a City employee other than as provided by the City. This policy is intended to be consistent with ORS Chapter 244, SRC Chapter 12, and applicable HR Rules. The examples provided are intended to increase the public official's understanding of limits on gifts and to foster public and employees' trust in the City. If in doubt whether a public official may accept something of value, the individual should seek guidance from the Oregon Government Ethics Commission (OGE), HR, or the City Attorney as circumstances warrant. The following are instances where gifts or awards are allowed:

- Employees may accept promotional items of little value that are offered uniformly to all attendees at a conference, meeting, or other event, or that are meant to be used during the event.

For example: Employees may accept pens, pencils, totes, notebooks, snacks, etc. that are available to all attendees, but cannot accept software, raffle prizes, or any item with a value greater than \$25.

- Employees may accept an unsolicited token or award of appreciation in the form of a plaque, trophy, desk item, wall memento, or similar item, with a resale value reasonably expected to be less than \$25.
- Employees, with supervisor approval, may accept the payment of reasonable admission, food, lodging, and travel expenses by a unit of government, a recognized Native American tribe, a membership organization to which the City pays dues, or a 501(c)(3) organization for attendance at a work-related convention, fact-finding trip or mission, conference, or other meeting when the employee is representing the City.
- Employees may accept waiver or discount of registration expenses or materials at a continuing education event that satisfies a professional licensing requirement.

For example: An architect or an attorney who is a City employee may accept payment of registration fees at a continuing education event required to maintain their professional license.

- Employees may accept a gift of entertainment only when the entertainment is a byproduct of the main event and not the purpose, or when the public official is acting in an official capacity for a ceremonial purpose.

For example: If an employee attends a reception and there is background music, the employee is permitted to "accept" the gift of this entertainment. If an employee is asked to perform a ceremonial function in an official capacity, such as throwing out the first pitch at a baseball game, then the employee is permitted to accept the gift of entertainment.

- Employees may accept raffle items or other incentives from the City at a City-sponsored event. However, employees should not accept raffle items at other events that the employee is attending due to position and work for the City or that are offered while the employee is on the job during working hours. Be aware that state law limits gifts provided by an agency other than the employee's own to \$50 per calendar year if that agency has an economic interest in the decision, position, or vote of the employee.

For example: City employees may accept raffle gifts offered as incentives to participate in the City's Charitable Campaign. Such gifts are donated by businesses to the City; the raffle gifts are given to employees by the City and thus are not covered by state law. City employees may not accept raffle items at a conference that the employee attends in their work capacity.

- Offices may accept small gifts or gift baskets on behalf of the City that are to be shared among employees and the public.

2.5. Conflicts of Interest

City of Salem employees must avoid actual or potential conflicts of interest between their private activities and their duties and responsibilities as employees.

At a minimum, potential or actual conflict of interest should be self-reported so that the City can consider what, if any, actions should be taken to ensure that decisions are not influenced, or perceived to be influenced, by personal interests. Each employee should make prompt and full disclosure in writing to their supervisor of any situation which may involve a conflict of interest. If an employee is not certain whether a relationship they have constitutes a conflict of interest, they should refer the question to an HR representative.

The following are examples of situations in which an employee may have a conflict of interest:

- **Contracting:** No employee may participate in any decision-making, review, approval, selection, authorization, or supervisory activity concerning any contract or City transaction in which they, their relative, or a business in which they are associated has an interest. Employees must not accept any compensation, gratuity, or reward in connection with such contract from any other person beneficially interested therein.
- **Conflicts from Outside Employment:** Employment with or ownership in (e.g., the ability to control the operations of) any organization, or relative's employment with or ownership in, that has or wants to have an administrative or legislative interest in the City is a conflict of interest, and an employee must obtain approval of such relationship in writing prior to entering into the relationship.
- **Improper Compensation:** No employee may, directly or indirectly, ask for, give, or receive any compensation, gift, reward, or gratuity—regardless of amount—for performing, not performing, or delaying any official duty, unless otherwise authorized by law. For additional information, please refer to [Chapter 2.4—Gifts](#) in this manual.
- **Use of Office for Personal Gain:** ORS 244.040 prohibits City employees from using or attempting to use their position to obtain financial gain or avoidance of financial detriment for the employee, a relative, or any business with which the employee or relative is associated if

the financial gain or avoidance of financial detriment would not otherwise be available but for the employee's position. Employees must avoid circumstances in which it appears, or to a reasonable person might appear, that the employee is requesting or otherwise seeking special consideration, treatment, or advantage because of their position with the City.

- **Obtaining Special Privileges:** City employees are not allowed to use their employment position to secure special privileges or exemptions for themselves or a relative. This includes obtaining any information, item, or service from City customers, suppliers, contractors, consultants, or lessees (or potential customers, suppliers, contractors, consultants, or lessees) or other City employees. It also includes an employee using their position at the City to help a relative get a job offer from the City or to obtain a job offer from a City vendor.
- **Nepotism:** State law (ORS 244.175) and the City's HR Rules prohibit nepotism in public employment. All employees shall avoid being in a position where they are subject to supervisory or oversight authority by a family member, member of their household, or a person with whom they have an intimate personal or financial relationship. Whenever possible, nepotistic situations shall be prevented from occurring at the time of appointment, transfer, promotion, evaluation, or grievance review. HR Rules Chapter 7.03 further outlines the City's nepotism policy.

When faced with a potential conflict of interest regarding a decision or action, an employee must report the potential conflict to their supervisor in writing, and the supervisor shall, in writing, determine whether the employee may carry out the action or decision at their own discretion, direct the employee to take a particular action or decision, or assign a different employee to conduct the action or decision.

Annually, employees who are in a position of influence for matters relating to purchasing, hiring, or decision-making will be required to disclose conflicts of interest via a form distributed by HR.

2.6. Fraud, Waste, Abuse

Participation in any form of activity involving the willful, deliberate, or negligent misuse of the City's resources or assets is prohibited.

The City is committed to upholding the public trust; therefore, all employees are expected to support this policy by avoiding behaviors and actions that could be perceived as fraudulent or wasteful activity. Each employee should apply this policy with the attitude of seeking full compliance with the spirit of the rules presented in this manual. The absence of specific guidelines, practices, or instructions covering a situation does not relieve an employee from exercising the highest ethical standards applicable to the circumstances. If an employee is concerned about a questionable situation that has arisen or might arise, that employee should immediately consult their supervisor.

Examples of **fraud** include:

- Embezzlement.
- Misuse or misreporting of paid work time or paid time off.
- Impropriety involving dishonesty in the handling or reporting of money or financial transactions.

- Payments made to fictitious employees or organizations.
- Official misconduct involving public money, property, or services.
- Forgery, alteration, unauthorized negotiation, or presentment of a check, warrant, bank draft, or any other financial document of the City or its affiliates, including electronic transfer of funds.
- Forgery or intentional and inappropriate alteration of any document (time and attendance records, travel expense reports, etc.) or account of the City or its affiliates.
- Any computer-related activity involving misappropriation of City-owned or operated software, alteration, destruction, forgery, or manipulation of data for fraudulent purposes.

Examples of **waste** include:

- The extravagant, careless, or needless expenditure of government funds.
- Consumption of government property that results from deficient practices, systems, controls, or decisions.
- Incurring unnecessary costs resulting from inefficient or ineffective practices, systems, or controls.

Examples of **abuse** include:

- Inappropriate use of City assets (funds, supplies, records, furniture, fixtures, equipment, or other assets).
- Destruction or disappearance of City assets.
- Disclosing to other parties the confidential activities engaged in or contemplated by the City.
- Use or willful unauthorized disclosure of personal identifying or restricted information for a purpose unrelated to City business.
- Accepting or seeking anything of material value from vendors, contractors, or other persons in exchange for or to induce favorable consideration concerning services, materials, supplies, equipment, or other work provided to the City. For more information on gift policies see Chapter 2.4- Gifts of this manual.

Irregularities concerning an employee's conduct should be reported to management and HR or the E3 Hotline outlined in [Chapter 4.1](#).

2.7. Use of City Property

Employees are expected to use City-owned property and equipment only for City business. These standards of conduct are designed to maintain an environment that promotes orderly administrative and business operations, and to take reasonable actions to protect the health, welfare, and safety of all persons on City property.

For rules regarding use of machinery, tools, equipment, or other personal property owned by the City, employees should refer to [Salem Revised Code Chapter 95 Section 95.090](#).

2.8. Standards of Conduct Concerns

The City is committed to providing productive working conditions for its employees. Part of this commitment involves encouraging an open atmosphere if a City employee desires to offer

constructive feedback with the implementation or enforcement of established rules of conduct, policies, or practices, they can express their concern following the same complaint reporting steps outlined in [Chapter 4](#).

No employee will be retaliated against for, formally or informally, for voicing a concern in a reasonable, business-like manner or for using the reporting mechanism. Concerns will be reviewed during the annual reporting period and a plan for updates included in the report.

Chapter 3: Training

3. Training

As part of the mission to build a strong ethical culture, the City will provide and require regular training on expectations, policies, procedures, and possible consequences of violations to the City's Standards of Conduct as outlined in [Chapter 2](#).

Every two years, employees are required to complete training on creating a workplace free from discrimination, harassment, and retaliation. In addition to that training, one hour will be dedicated to ethics. The goal of ethics training is to help employees evaluate their decision-making process, enabling them to apply the City's ethical principles and core values in decision-making. Additionally, training should foster the employees' agreement and compliance with the City's ethical vision. Therefore, implementing ethics training includes informing employees about choices made by management, and positioning each employee to understand, internalize, and contribute to the achievement of the City's mission.

This chapter provides further detail on the following training elements:

- Frequency
- Requirements

3.1. Frequency

Onboarding

New hires are required to complete training on all components of this manual in addition including the potential penalties associated with violations within the first 30 days of employment.

Continuing Education

Every two years all employees are required to complete training on all components of this manual including the potential penalties associated with violations as outlined in APP #4.4 Section 6.A.

One hour of this training will be dedicated to ethics and ethical decision-making. Ethical areas of focus to be addressed during this training will be adjusted based on a review of ethics concerns that have arisen within the City. The goal of this model is to remain responsive to the ever-changing environment and create an opportunity to address future unforeseen issues.

Employees should also refer to any department-specific policies that outline additional training requirements.

3.2. Requirements

Each employee must sign an acknowledgement of the City's Standards of Conduct as well as their agreement to comply with all tenets of the standards.

All employees must participate in training according to the cadence outlined in [Chapter 3.1](#). Training should include on all components of this manual, including the Standards of Conduct and awareness of any possible penalties for violations.

The departments outlined below have additional responsibilities related to training.

HR

HR is responsible to make training available to meet this requirement.

Risk Management

Risk Management will provide interdepartmental tracking of required training and notify managers of any compliance issues.

Legal Department

The Legal Department will provide training and guidance concerning the ethical requirements for public officials set forth under applicable law.

Managers and Above

In addition to regular training outlined in [Chapter 3.1](#), Managers and above are expected to ensure that their City teams complete all required ethics compliance training and certifications as applicable.

Failure to complete the required training within the timeframes outlined in Section 3.1 may result in disciplinary actions.

Chapter 4: Reporting Ethical Violations

4. Reporting Potential Ethical Violations

The City of Salem is committed to promoting a professional, ethical culture across the organization. This policy is designed to clarify expectations, processes, and procedures in the event that an employee has witnessed, or been subject to, a potential ethical violation as defined in [Chapter 2](#) of this manual. This section is intended to ensure reporting and intake is equitable and consistent through the application of clear, consistent, and comprehensive practices.

The sections in this policy provide further information on:

- E3 Hotline Guidelines
- Complaint Reporting
- Whistleblower Protections
- Confidentiality
- Complaint Intake and Assignment

Recognizing that each case is unique, the City is committed to applying rigor and discipline when processing ethical complaints. Under no circumstances will the City take disciplinary action under this policy based on considerations of race, religion, age, sex, sexual orientation, or any other legally protected characteristic.

4.1. E3 Hotline

The objective of the City of Salem E3 (ethics, equity, and efficiency) Hotline is to provide a confidential mechanism for all City employees to report potential violations of this policy.

The hotline shall be administered by a third-party organization that is specially equipped to deal with ethical issues in the workplace. Employees who have been the victim of, or have witnessed, unethical behavior can contact the hotline 24 hours a day, seven days a week. Reports of violations can be submitted at <https://www.lighthouse-services.com/cityofsalem>, or by calling **833-210-1890**.

Upon receipt of a complaint through any mechanism, the issue will first be assessed as outlined in [Chapter 4.5](#) of this chapter. If the complaint proceeds to the investigative stage, the process will follow steps outlined in [Chapter 5](#) of this manual.

4.2. Complaint Reporting

Any employee who has observed or has been subjected to any form of discrimination, harassment, or unethical behavior in the workplace is encouraged to report the incident to their manager, department director, or HR. Employees who feel uncomfortable bringing the issue to the attention of City management may instead report the incident to the E3 Hotline which is administered by a third party. In the event that the complaint involves HR, the complaint should be reported to the City Manager, City Attorney, or the E3 Hotline.

Wrongdoing and significant concerns can also be reported in the following ways:

- Call into the E3 Hotline, which is available 24 hours a day, 7 days a week at: **833-210-1890**
- Submit a report to the E3 Hotline at the website: <https://www.lighthouse-services.com/cityofsalem>
- Submit a report to the E3 Hotline via email at this address: reports@lighthouse-services.com (must include 'City of Salem' with report)
- Reach out to a supervisor, the HR Director, or the City Manager.

False Reports/False Information

City employees should strive to avoid baseless allegations. An employee who knowingly files a false report of wrongdoing will be subject to disciplinary action. Safeguards and protections outlined in this policy do not protect an employee who files a false report or who provides information without a reasonable belief in the accuracy of the information.

For City employees, further detailed information on complaints can be found in Section 6.D.1 of the APP #4.4. Employees should also reference any additional department-specific policies that relate to complaint reporting.

4.3. Whistleblower Protection

Whistleblower protections are provided in two important areas: retaliation and confidentiality.

- Anti-retaliation standards are outlined in [Chapter 2.3](#) of this manual and anti-retaliation protections are outlined in [Chapter 5.2](#).
- Confidentiality protections are outlined in [Chapter 4.4](#) of this manual.

The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

4.4. Confidentiality

All information received in connection with inquiries, or with the filing, investigation, and resolution of workplace harassment, discrimination, and retaliation complaints is treated as highly sensitive. Employees authorized by the City to receive and investigate complaints are required to maintain confidentiality to the extent allowed by Oregon Public Records Law.

A complainant's identity may have to be disclosed to conduct a thorough investigation, to comply with the law, and/or to provide accused individuals their legal rights of defense.

Complainant information will be disclosed if required by law.

Reporters to the hotline will have the ability to remain anonymous if they choose. Choosing to remain anonymous through the complaint reporting process could impair the investigative process in the following ways:

- The complainant cannot be contacted for further information or to validate information within the report.
- The complainant cannot be contacted with updates on the investigation's progress and is at greater risk of being removed from the complaint process.

4.5. Complaint Intake and Assignment

Upon receipt of a complaint, the intake staff designated by the HR Director shall make an initial determination as to whether the complaint is reasonably credible and whether or not the facts asserted in the complaint, if true, would constitute a violation of the Standards of Conduct defined in [Chapter 2](#).

A complaint is deemed reasonably credible if it is verifiable based upon the circumstances or events reported. The personality or characteristics of the individual(s) reporting the complaint, or the subject of the complaint will not have any bearing on this determination.

Complaints that Do Not Necessitate Further Investigation

If the intake staff designated by the HR Director determines that the complaint initially lacks the information necessary to move forward with an investigation, HR will take steps to gather more information. However, if HR is unable to gather additional information, either a) the complaint will be closed if made anonymously, or b) the complainant will be contacted to provide additional information, if possible. A record of the complaint along with a statement regarding the reason for closure will be documented, and no further action will occur.

If the intake staff designated by the HR Director determines that the facts stated in the complaint, if true, would not violate of the Standards of Conduct outlined in [Chapter 2](#), then the complaint will be recorded and closed. The complaint will be documented along with a brief statement regarding the basis for the closure.

Complaints that Require Inquiry

If the intake staff designated by the HR Director determines that there is enough information to move forward with an investigation, and that the facts asserted in the complaint, if true, would violate of the Standards of Conduct outlined in [Chapter 2](#), then the intake staff designated by the HR Director will notify the appropriate party or parties as outlined in the table below of the complaint. Upon receipt of a complaint, the appropriate party may undertake initial fact finding to determine if an investigation is warranted.

Complaint Type	Appropriate Recipients
Employee Relations	HR Department
Harassment or Discrimination	HR Department, City Attorney's Office
External Fraud	Finance, City Attorney's Office
Financial Irregularities	Finance, City Attorney's Office
Internal Fraud	HR Department, Finance, City Attorney's Office
Regulatory	City Attorney's Office

Chapter 5: Investigations

5. Investigations

The City is committed to ensuring that all City-initiated investigations are conducted in an equitable, impartial, thorough, and thoughtful manner and in compliance with applicable laws. Information concerning an investigation is generally considered confidential and will be disclosed only as necessary or as required by law. More information about the City's confidentiality policy can be found in [Chapter 4.4](#).

The workplace investigation process is an integral part of an effective ethics and compliance process. This section of the Ethics Manual relates to the City's philosophy towards workplace investigations and the conduct, responsibilities, and duties of investigators who investigate reports of actual or suspected violations to the standards of conduct.

5.1. Investigative Philosophy

The City will strive to observe the highest standards of integrity and conduct when conducting an investigation.³ Investigation participants are entitled to be treated with respect, thoroughness, and impartiality. The investigation outcome may have a significant impact on the City and the personal and professional lives of the people involved. Therefore, the City is committed to conducting investigations in alignment with the following ethical principles:

- Investigations and inquiries are conducted in a collegial, non-adversarial manner.
- Issues are objectively assessed with no personal interest in a particular outcome. A proper investigation requires fair and consistent inquiries and considers each side of a situation.
- Applicable laws, regulations, and City policies, including investigation-related procedures and protocols are upheld.
- Investigations are assessed based on an established level of authority and factual basis before commencing.
- Individuals involved in investigations are never knowingly misleading about the nature of the inquiries, or possible post-investigation actions.
- Legal, employee, and privacy rights of investigation participants are upheld. This includes ensuring that any personal information collected is relevant to the investigation.
- Confidentiality of the investigation is maintained to the best of the City's ability and in accordance with any laws to ensure that information, documents, and other materials relating to an investigation remain secure and are discussed only with authorized persons or disclosed only when required by law.
- Regard for the safety of investigation participants is prioritized. No investigation is worth jeopardizing the personal or professional security of an investigator or an investigation participant.

³ Standard exceeds what is set forth by the Oregon Ethics Commission.

- Investigation findings and concerns are reported objectively and in a timely manner. Material facts are disclosed to avoid any distortion of the investigation findings.

Conducting an investigation with tact, consistency, and impartiality serves the best interests of the City and fosters trust in the investigative process.

HR, in consultation with the City Attorney or designee, will determine if an investigation, inquiry, or other plan of action is appropriate and will notify the department director. Violations of state and local law, in addition to the City's rules, policies, or standards of conduct outlined in [Chapter 2](#) are likely to lead to an investigation.

HR may, when the scope or nature of the allegations warrant, assign the investigation to an outside investigator. The third-party investigator must be professionally certified and provide evidence of professional liability insurance (i.e., errors and omissions coverage) prior to conducting any City-initiated investigation. Allegations in which the subject of the complaint is an elected official, City Manager, or Department Director will always be conducted by a third-party investigator. Additionally, the City Manager and HR in collaboration with the City Attorney's Office may consider additional factors when determining whether an investigation should be conducted by a third-party investigator.

5.2. Anti-Retaliation Protections

Investigators (including City and third-party investigators) will make a reasonable effort to ensure that the complainant or person providing information during an investigation is not exposed to any threat of retaliation. If any such situations are identified or have occurred, HR will proceed with the appropriate response as advised by the appropriate City personnel. Any City employee found to have engaged in retaliatory behavior will be subject to disciplinary action up to and including termination.

Employees who are experiencing retaliation are encouraged to reach out to HR. In the event that retaliation involves HR, employees should reach out to the City Manager, City Attorney, or assigned investigator. Within 90 days after an inquiry or formal investigation related to a complaint is conducted, an HR representative will contact the complainant to ensure retaliation is not occurring.

City will strive to deliver timely and equitable resolution of the complaint; this effort will not be impaired by the complainant's pursuit of other remedies such as the filing of a complaint with the responsible state or federal department or agency.

Chapter 6: Enforcement Provisions

6. Enforcement Provisions

HR Rules Section 8, and an employee's Collective Bargaining Agreement outline the principal objective of disciplinary action. For information and updates regarding disciplinary action, please refer to that document. Relevant sections are outlined below:

- Discipline; Section 8.02
- Causes for disciplinary action, Section 8.03
- Appeals of disciplinary action, Section 8.04

Additional information regarding enforcement of the City's Standards of Conduct may be present in department-specific policies. Employees should also refer to additional information contained in those policies or reach out to their director, supervisor, or HR with additional inquiries.