

CITY PERSONNEL POLICY

CONFLICT OF INTEREST

Policy # 6-00

Approved by Personnel Board: 8/26/99

Michele Frost, Personnel Director

Approved by City Council: 4/4/00

Council President Paul Koneck

Pursuant to the Omaha Municipal Code, Section 23-65, the following is declared to be the policy of the City of Omaha. Please check the City's e-mail system in the Public Folders under Personnel Department for the latest amendments to this policy.

General

The City of Omaha provides various public services which require our City employees to investigate and regulate activities. Also, the City, by and through various City employees, is the purchaser of goods and services. These activities include, but are not limited to, inspections, contracts, eminent domain proceedings, and federal grants.

It is the City's expectation that all City employees should be completely free from any conflict of interest or bias based on an individual employee's work, personal, or business relationship with any person, business or other entity, outside of City government. All City employees should avoid any activity which could be perceived as, or develop into, a conflict of interest. All decisions made by City employees should be made objectively, considering the City's best interests, and must be free from any competing personal interests. To avoid potential conflict of interest, City employees are expected to disclose, in writing, any such facts or circumstances to their supervisor, and the City will determine, on a case-by-case basis, the appropriate course of action to regulate such conflicts.

Not every situation or relationship will necessarily be improper, and disclosure aids the City in preventing problems before they arise.

Policy

All City employees are expected to adhere to all city, state and federal laws regarding matters of conflict of interest and ethics (*Note: Nebraska Accountability and Disclosure Act 49-1401 et. seq.*). Additionally, no City employee shall engage in any action which is in conflict, or creates an appearance of impropriety or unfairness or conflict of interest, with the performance of official duties. Such conflicts can result in either favoring the interest of a particular citizen (over another citizen's interest or the interest of the City) or disfavoring the interest of citizen(s). The following are listed as examples of situations which create a conflict of interest problem:

1. A City inspector works part-time for an electrical firm (See, City policy: Outside Employment). As part of her City duties, the employee inspects installations of this electrical firm.
2. A City Finance Department employee has a significant financial interest in a local accounting firm which proposes to do business with the City. The employee testifies in favor of the contract in front of the City Council.
3. A City weed and litter inspector is called upon to inspect the house of his ex-wife and her new husband.
4. A Purchasing employee issues a purchase order to a firm in which he/she or spouse has a financial interest.

This policy is not all inclusive. The “prudent man/woman” theory should be applied: action deemed inappropriate by a reasonable person, whether specially cited in the policy or not, must be avoided. The fundamental question that an employee should ask him/herself is: “Could anything happen as a result of a business (City) action that I am about to take that will be to my benefit, the benefit of my family or any personal business associates, or that could reasonably be perceived as such?” If the answer to the question is “yes,” the employee should report the potential problem pursuant to this policy.

If an employee believes he/she could possibly have a conflict of interest such employee must immediately report this to his/her supervisor in writing. Employees should not make a unilateral decision. Such supervisor shall then consult with his/her supervisor, the division manager/department head and the Labor Relations Director. Such conflict shall be dealt with on an individual basis considering all relevant factors. Below is a listing of some of the actions that might be taken depending on the circumstances:

1. The employee dealing with the particular citizen will be monitored by the supervisor.
2. The supervisor may assign a new City employee to the particular case.
3. The employee may be assigned to another division and/or work task.
4. The employee may be required to make certain disclosures regarding financial and personal interests.
5. The employee may be required to cease certain outside employment and/or divest himself/herself of conflicting interests.

Any employee who is found to be in violation of this policy, either by not following the directions of a supervisor or by failing to report a potential conflict, may be subject to disciplinary action up to and including termination from employment. Depending on the circumstances of the action, other appropriate civil or criminal sanctions may also be pursued.