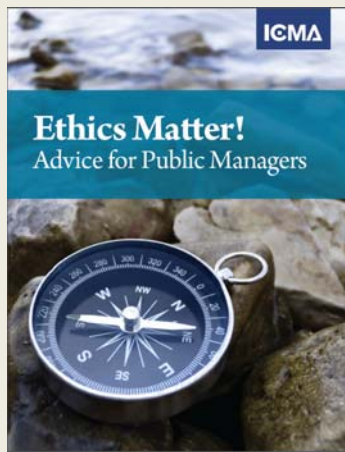


Ethical Issues That Most Frequently Trip Up and/or Entrap City Managers

*Ethics
Behaviors
Safeguards
Investigations*

Presenters

- Rod Gould, Senior Partner, Management Partners
- Camille Hamilton Pating, Principal, Meyers Nave Chair, Workplace Investigations Practice Group
- Martha Perego, Director, Member Services and Ethics, International City/County Management Association



ICMA Code of Ethics with Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1974, and most recently amended by the membership in June 2018. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in June 2018.

The mission of ICMA is to advance professional local government through leadership, management, innovation, and ethics. To further this mission, certain principles, as enshrined by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

Tenet 1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Tenet 2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

GUIDELINES

Address to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

Tenet 3. Demonstrate by word and action the highest standards of ethical conduct and integrity in all public, professional, and personal relationships in order that the member may merit the trust and respect of the elected and appointed officials, employees, and the public.

GUIDELINES

Public Confidence. Members should conduct themselves so as to maintain public confidence in their position and profession, the integrity of their local government, and in their responsibility to uphold the public trust.

Integrity. Members should conduct their professional and personal affairs in a manner that demonstrates that they cannot be improperly influenced in the performance of their official duties.

Length of Service. For chief administrative/executive officers appointed by a governing body or elected official, a minimum of two years is considered necessary to render a professional service.

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Audience Poll

The #1 value that guides my conduct is....



Why Ethics Matter



Values guide acceptable conduct and decisions

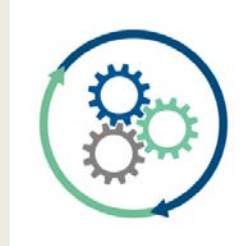
Ethical conduct builds trust

Trust is the key ingredient for success



ICMA's Enforcement Process

- **Confidential**
- **Highly structured process**
 - Presumption of innocence
 - Member input
 - No room for alternative facts
- **Balance fast vs. fair**
 - Allegations of illegal conduct produce delays
- **Retain Jurisdiction**
 - If membership lapses during the review process



Audience Poll

**Who is covered
by the Code?**



Who is Covered by the Code?

If you work for
a local government

- All 12 Tenets

If you are life member,
elected official, student,
professor, consultant, retired

- Tenet 1 (Democracy)
- Tenet 3 (Integrity)

CPC Activity in the Last 10 Years

- 187 ethics cases
- 73 closed without sanction
- 50 public censures
- 67 private censures

*Some with
membership bar,
expulsion, suspension
and/or credential
revocation*



Where Do City Managers Trip Up?

Illegal Activity:

Breaking the Law

- DUI
- Sex with minors
- Theft
- Falsifying records
- Assault
- Domestic violence

Where Do City Managers Trip Up?

Political Activity

- Running for Office
- Campaigning/Publicly Supporting
- Endorsing
- Making Contributions
- Comments on Social Media

Audience Poll

In the last year, have you used social media to tweet, like, or otherwise express your opinion on:

- The President
- The Governor
- Your Mayor/City Council
- An op-ed commenting on politics
- A candidate for U.S. Senate
- A public issue in your city
- A public issue not related to your work



Values Matter

Newly elected Governor (D) caught everyone off guard with her 1st year goals. Near the top was restoring voting rights for convicted felons. It was not part of her campaign platform.



The State Legislature (majority R) is opposed and won't take the bill out of committee.



You view this as a human rights issue and think the Governor is right.

Audience Poll

Which of the following can you do without violating the ICMA Code of Ethics?

- Participate in a public demonstration
- Contribute to a PAC supporting the legislation
- Write an op-ed supporting the Governor's position
- Serve on the Board of Directors of a human rights NGO
- Launch a social media campaign to get support
- None of the above
- All of the above



Inappropriate Relationships or Behavior

- Personal Relationships with Subordinate Employees
- Inappropriate Comments, Behavior toward Employees
- Unusual Sexual Activity
- Porn in the Workplace
- Unprofessional Public Comments



Employment Matters

- Short Tenure – 2 Year Rule
- Disrespect for Colleague
- Interfering in Other Community's Personnel Matters
- Failing to Keep Appointment Commitment
- Dishonesty in Employment Search



Improper Financial Gain

- Excessive Compensation
- Embezzlement/Theft
- Conflict of Interest
- Misuse of Credit Cards
- Misuse of Public Funds or Property
- Gaming the Benefits System



Lack of Transparency

- Failure to Disclose
 - Investments
 - Conflict Relationship
 - Spouse's Employment
- Slanting Reports for Political Reasons
- Falsifying Records



Safeguards

- Reread Code of Ethics and Discuss with Senior Managers Regularly
- Uphold the Highest Ethical Standards
 - Not Sure? Ask Martha
- Don't Break the Law
- Implement and Enforce Proper Policies, Procedures and Checks
- Report Potential Code of Ethics Violations to ICMA



More Safeguards

- Train on Ethics
- Investigate Complaints
Take Necessary Action
Be Transparent
- Front Page Test
- Use Your Head!



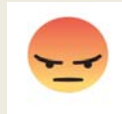
Investigation Focus: Workplace Culture Misconduct

***What is
Workplace
Culture?***

*Culture-
Related
Misconduct
Complaints*

- Harassment/Hostile Work Environment
- Abusive Conduct (Bullying)
- Respectful Workplace Issues

#MeToo – Revealing the Crisis



2018 EEOC Statistics

- 50% increase in EEOC filed harassment suits
- 12% increase in new charges filed with the EEOC
- \$70 million recovered by EEOC through litigation and administrative enforcement of sexual harassment issues in 2018
 - Up from \$47.5 million the year before



Local Government Leaders and #MeToo

Los Angeles Times

In Maywood, allegations of sexual harassment add to troubled city's problems



WT Waco Tribune-Herald

Longtime Woodway city manager Zakhary resigns amid sexual harassment complaints

The Seattle Times

New Mexico city manager faces sexual misconduct allegations

Lesson Learned #1: Silence is Critical

- Fear of retaliation, damage to future employment
- Shame
- Won't be believed
- Nothing will change
- Don't want to be seen as a complainer or "weak"



Lesson Learned #2: Incivility is a Gateway

- *“Employees [want to] address incivility and work environments [that are] rude, harassing and bullying... **Respect is the number one complaint among employees.** They do not feel respected by colleagues, bosses and the [organization] itself.”*
- *“**We’re not looking at the real problem.** It isn’t that someone doesn’t know a specific law; the problem is the whole place just isn’t civil. There’s no feeling of respect, courtesy or fairness [at work]. It’s the little things that people say and do, not just the big things.”*

Lesson #3: Policies Alone Don’t Work

- Compliance *vs.* Building respectful, inclusive workplace culture
- Literal translations of law *vs.* Breaking the silence/Failure to report
- Reactive *vs.* Proactive
- Didn’t address how to have honest conversations about what’s not OK



Enabling Disrespectful Behavior Leads to Harassment

- Emphasis on Respect and Civility in the Workplace
- “Pressure” or “Elite” Culture
- Tolerating Bad Behavior



Abusive Conduct Defined

- “Abusive conduct” is conduct *in the workplace*, **perpetrated with malice**, that a **reasonable person** would find **hostile, offensive, and unrelated to an employer’s legitimate business interests**.
- Like harassment, AB 2053 provides that **a single act is not abusive “unless especially severe and egregious.”**

Audience Poll

Robert, the City Manager of the mid-size City, is known for his “salty” demeanor. He becomes upset when his assistant Angela doesn’t do her work correctly. During one week, Angela arrives late, forgets to notify Robert of several urgent community stakeholder requests, and incorrectly calendars an important meeting. Robert yells at her in the office: “What the f*** is wrong with you? Pull your head out of your @\$#!”

The next day, Angela forgets to pick up lunch for Robert’s meeting with Councilmember Lee. Robert comes out of his office, throws money on Angela’s desk, and slams his office door. Councilmember Lee watches silently. After this incident, Angela calls in sick for a week. She says she won’t come back if she has to report to Robert, because she “doesn’t feel safe” around him. Robert says he meant no harm - he was just frustrated that Angela’s work “wasn’t done right.” Robert says he holds his staff to the same high standard as himself.

Does Robert’s behavior rise to the level of abusive under the California standard? (Y/N)

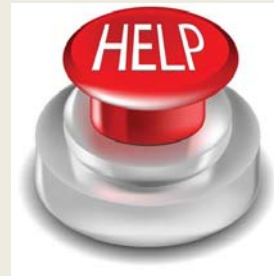
Respectful Work Environments Prevent Harassment

- Promote a culture of Respect and Inclusion
- Review Anti-Harassment, Anti-Bullying and Respectful Workplace Policies
- Conduct trainings in Anti-Harassment & Bullying, and Unconscious Bias
- Assess Workplace Culture when needed
- Conduct Investigations promptly



ICMA Resources

- Confidential advice
 - Talking about an ethics mistake doesn't trigger a review
 - In an ethics hole? Strategy to extricate you!
- Ethics Enforcement
- Training
- Ethics Matter!



Think It through

"It was like when you make a move in chess and just as you take your finger off the piece, you see the mistake you've made, and there's this panic because you don't know yet the scale of disaster you've left yourself open to."

-Kazuo Ishiguro



THANK YOU

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