

# ETHICS & CONFLICTS OF INTEREST

Revised December 2022

## SECTION: 1

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### A. POLICY

Employment with Tooele City carries a commitment to serving the public interest with ethical awareness and ethical actions. City employees have a duty to place the interests of Tooele City above personal interests. This level of ethical action is vital to develop public confidence in Tooele City employees and in Tooele City government. The trust can be sustained only if employees at all levels in our organization model the highest standard of ethical awareness and actions.

### B. LAWS, POLICIES & PROCEDURES, AND ETHICAL STANDARDS GUIDES

Our commitment to ethics is reinforced by laws, policies, and procedures that provide specific ethical standards, establish internal checks and balances, and assists our workforce in ethical conduct and decision making. They include, but are not limited to:

1. State & Federal laws governing **criminal conduct** and prosecution such as fraud and theft.
2. Utah State Code 10-3-1301 **Utah Municipal Officer's and Employees' Ethics Act** establish standards of ethical conduct for City officials and to require disclosure of actual or potential conflicts between the public duties and personal interests of City officials. The subsections below cover the Act's main provisions, but are not exclusive.
3. Utah State Code 63G-2 **Government Records Access and Management Act** which regulates the disclosure, use, or release of government records classified as Private, Controlled, or Protected.
4. City **Purchasing Policies** adopted by City Council ordinance, and **internal controls** established by the Finance Department.
5. Sections within this **Tooele City Personnel Policies & Procedures Manual** have ethical implications and should be carefully reviewed, including, but not limited to:
  - a. Equal Employment Opportunity;
  - b. Hiring & Job Assignments;
  - c. Corrective Action, Discipline, & Separation, which includes examples of offenses warranting immediate dismissal upon first occurrence, several of which have ethical implications, as well as other conduct which may result in disciplinary or corrective action;
  - d. Nepotism;
  - e. Compensation;
  - f. Outside Employment;
  - g. Political Activity;
  - h. No Harassment & No Retaliation;
  - i. Gifts/Prizes/Awards/Discounts;
  - j. Travel;
  - k. Loss of Property or Funds

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- l. Personal Use of City Resources (Funds, Property, Labor, Services, & Equipment);
- m. Purchases & Reimbursements; and,
- n. Driving & City Vehicles.

When facing an ethical dilemma, the best course of action may not always be clear. Questions to ask include, but are not limited to:

- Is this legal?
- Is this a violation of Tooele City Personnel Policies & Procedures, City Code, directives, or other internal controls?
- Is the interest of Tooele City being placed above personal interests?
- If this were the headline in the news, how would it look?
- How would this impact the reputation of Tooele City with the public?
- How would this be explained in a public meeting if I had to?
- Why does this feel off?

If an employee is still not sure, ask for guidance!

### C. CONFLICT OF INTEREST & REQUIRED EMPLOYEE DISCLOSURES

City employees must avoid conflicts of interest. Tooele City recognizes that many potential conflicts of interest do not constitute actual conflicts or may be acceptable with proper disclosure, evaluation, oversight, and safeguards.

Utah State Code 10-3-1301 Utah Municipal Officer's and Employees' Ethics Act requires employees to make certain disclosures annually. The relationships described below are prohibited conflict-of-interest relationships unless the required disclosures are made. If the required disclosures are made, the relationships are allowed.

1. **Compensation or Benefit Receipt: All City Employees.** All City employees must disclose receiving any compensation or benefit, or agreeing to receive any compensation or benefit, for assisting a person or a business in a transaction involving the City (e.g., a contract or a purchase). City employees must file a Disclosure Form with the Mayor and also must inform their supervisor. (See UCA 10-3-1305 for disclosure details.)
2. **Business Regulated by City: All Employees.** City employees must disclose when they are an officer, director, agent, owner, investor, or employee of a business regulated by Tooele City. If a business requires a Tooele City business license or a conditional use permit, it is regulated by the Tooele City. Disclosure is made on a Disclosure Form and filed with the Mayor. (See UCA 10-3-1306 for disclosure details.)

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3. **Business Ownership: All City Employees.** All City Employees must disclose when they are an officer, director, agent, owner, investor, or employee with a business that conducts business with the City. Disclosure is made on a Disclosure Form and filed with the Mayor. (See UCA 10-3-1307 for disclosure details.)
4. **General Conflicts: All City Employees.** All City employees must disclose any conflict between their personal interests and their public duties. Disclosure is made on a Disclosure Form and filed with the Mayor. (See UCA 10-3-1306 for disclosure details.)

Tooele City requires all employees to re-submit a completed Disclosure Form for any of the above required disclosures in January of every year. The Disclosure Form is submitted to the Tooele City Purchasing Agent who will deliver them to the Mayor.

#### D. REPORTING CONCERNS OF VIOLATIONS OF THIS SECTION

To provide employees with reporting avenues that are free from bias, collusion, intimidation, or reprisal employees may use any of the following avenues to report concerns of violation of this Section:

1. Employees may report concerns of violations of this Section to their supervisor, department head, human resource director, city attorney, or the Mayor. Employees do not have to follow their chain-of-command to file a report. Reports may be done through either verbal or written notification; however, written notification is preferred. Reports should be as detailed as possible, including the names of the individuals involved, the names of any witnesses, dates, times and any documentary evidence such as notes, screen shots, pictures, etc.
2. Employees may also report concerns of violations of this Section relating to **fraud** to the Tooele City Finance Director, PO Box 89, Tooele, UT 84074
3. Employees may also report concerns of violations of this Section relating to **waste and abuse** to the State of Utah hotline 1-800-955-2210 or emailed to [wsinv@utah.gov](mailto:wsinv@utah.gov)

#### E. PENALTIES

Violations of the Act, City rules and regulations, or Tooele City Personnel Policies and Procedures may result in discipline, up to and including dismissal from employment.

Additionally, the Utah State Code 10-3-1301 Utah Municipal Officer's and Employees' Ethics Act provides for criminal prosecution of an employee who knowingly and intentionally disclose records, receives compensation, accept gifts, or uses their official position in violation of the Act.