Deep East Texas Council of Governments

Code of Conduct

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NOTE: This Code of Conduct is not intended to, not could it, encompass all the laws, rules and regulations that DETCOG programs and DETCOG employees must adhere to. Any other requirements by any state, federal, or local law, rule, regulation, ordinance or otherwise must be followed at all times. If there are any instances where any part of this Code conflicts with any law or governmental regulation, that law or regulation supersedes this Code. If any DETCOG employee becomes aware of such a conflict at any time, it should immediately be brought to the attention of the employee's supervisor, and the supervisor has the responsibility to bring it to the attention of the DETCOG Executive Director in a timely manner.

STATEMENT OF IMPLEMENTATION AND EFFECTIVE DATE: This Code of Conduct is implemented for all employees of the Deep East Texas Council of Governments effective immediately.

Lonnie Hunt, Executive Director
October 6, 2016

Overview

This policy prescribes the standards of ethical conduct for all employees of the Deep East Texas Council of Governments (DETCOG). All employees must familiarize themselves with this policy. All employees must abide by applicable federal and state laws, administrative rules, and this ethics policy. An employee who violates any provision of this conduct policy is subject to disciplinary actions up to and including termination. An employee who violates any applicable federal or state law or rule may be subject to civil or criminal penalties in addition to any disciplinary action.

All employees shall perform their official duties in a lawful, professional, and ethical manner; practice responsible stewardship of organizational resources, and report any conduct or activity that they believe to be in violation of this policy. Employees shall not knowingly make false or misleading statements, oral or written, in the course of the conducting the organization business. Employees shall not disclose confidential or sensitive organizational business information without prior written authorization.

Some of the provisions of this policy are covered in the DETCOG Personnel Policies and Procedures, and may also be addressed in other previously-adopted policies. Any specific requirements, policies or procedures which are stated in other DETCOG policy documents remain in effect to the extent that they do not conflict with this Code of Conduct.

I. Record Retention

DETCOG is committed to proper maintenance and retention of records. Records are defined broadly to include almost any type of business information, and the required retention period varies with the type of record. Falsifying records, deliberately concealing records, destroying records in bad faith, exploiting confidential information, or otherwise mishandling records is not acceptable.

As a political subdivision of the State of Texas, DETCOG must adhere to Tex. Local Gov. Code, Chapters 202 – 204, addressing record management. Records management includes the application of management techniques to the creation, use, maintenance, retention, preservation, and disposal of records for the purposes of reducing the costs and improving the efficiency of recordkeeping (Tex. Local Gov. Code § 201.003(13)).

When a lawsuit is filed or is reasonably anticipated to be filed against DETCOG, or when an internal or governmental investigation is initiated, employees must ensure that all information potentially relevant to the suit or investigation is preserved. Employees may not alter, conceal, or in any way destroy information potentially relevant to a suit or investigation. Employees must take steps to ensure potentially relevant information is not inadvertently destroyed pursuant to document retention schedules or by routine computer operations or common computer settings, such as the automated deletion of emails.

II. Fraud

Fraud is broadly defined, and may include any type of intentional deception for the purpose of personal or business gain or damage to an individual or organization. Examples of fraud include lying on an employment application, falsifying records, or providing false receipts for reimbursement from DETCOG.

Employees must be good stewards of resources entrusted to them and exercise due diligence to prevent and detect criminal conduct and noncompliance with laws and policies. Employees must report suspected fraud, waste, abuse, or non-compliance to the appropriate supervisor or manager. Engaging in acts of fraud may result in civil or criminal liability.

III. Equal Opportunity Employment

DETCOG is an equal opportunity employer. It is DETCOG's policy to promote and ensure equal employment opportunity for all persons regardless of race, color, disability, religion, sex, national origin, genetic information, or age. Discrimination will not be tolerated.

IV. Sexual Harassment and Sexual Misconduct

DETCOG does not tolerate any form of sexual harassment in the workplace. Sexual harassment may include sexual advances, sexual solicitation, requests for sexual favors, or other verbal or physical conduct of a sexual nature.

Sexual misconduct includes behavior that is short of sexual harassment, but nonetheless is unprofessional and inappropriate. Sexual misconduct is not permitted. All employees will treat one another and the general public with professionalism, respect, and fairness. Employees must conduct themselves with courtesy and restraint at all times on the job and whenever they may be perceived in any way as representing DETCOG.

If an employee feels that they are being subjected to sexual harassment or sexual misconduct by any person in the workplace, or if an employee witnesses any incident that appears to be a violation of sexual harassment and sexual misconduct policies, the employee must report the incident to the appropriate supervisor or manager. Alternatively, if the subject of the employee's complaint is their supervisor or manager, they must report the complaint to the human resources division, a higher level supervisor or manager, or to the office responsible for internal investigations. Employees who report sexual harassment are protected against retaliation by state and federal laws.

Supervisors or managers who receive reports of sexual harassment or sexual misconduct must report the complaint(s) to the appropriate authorities, regardless of the form of the complaint ("formal" or "informal") or whether it precisely follows DETCOG' complaint procedures. Supervisors and managers must keep accurate records of complaints and are responsible for taking appropriate action that actually stops the harassment or misconduct. Ignoring a report of sexual harassment or sexual misconduct is unacceptable.

V. Conflicts of Interest

Conflict of interest is a situation in which an employee's private interest (usually financial or economic in nature) conflicts with or raises a reasonable question of conflict with their job-related duties and responsibilities. An employee that violates a conflict of interest law may face civil and/or criminal charges resulting in monetary fines or jail time.

An employee shall not:

- have a personal or financial interest, that could reasonably be expected to create a substantial conflict or even the appearance of a substantial conflict between the employee's private interest and DETCOG' interest.
- accept other employment or compensation or engage in a business or professional activity that could reasonably be expected to impair the employee's independence of judgment in the performance of the employee's official duties.

Local public officials, including members of the DETCOG Board of Directors, as well as certain other employees involved with contracting, are subject to the conflict of interest provisions in Tex. Local Gov. Code, Chapter 171. Chapter 171 establishes the standard for determining when a local official has a conflict of interest that would affect his or her ability to discuss, decide or vote on a particular item.

Other state and federal laws may be applicable to officials and employees in particular situations. For example, Chapter 176 of the Local Government Code requires members of the governing body and executive officers of local government entities to file a conflicts disclosure statement relating to a person that the governmental entity has contracted with or is considering contracting with if the local officer or his or her family members have certain business relationships with that person. When in

doubt, DETCOG Board Members should consult with DETCOG's legal counsel to determine whether activities are subject to any such provisions.

VI. Personal Use of Organization's Property

Property owned or leased by or provided to DETCOG is public property and may only be used for official purposes. Any misuse or unauthorized use of DETCOG property, including information system resources, is subject to disciplinary action. Misuse of public property may also result in criminal prosecution.

VII. Gifts and Honoraria

Gifts or Honoraria

Employees should always ask themselves whether it is appropriate to accept something from a person who wants, or may want, or may be seen to want, an official favor within their authority. It is unethical to accept or give a gift that is meant to sway a decision in favor of the gift-giver.

Under Tex. Local Gov. Code Chapter 176, a local government officer must disclose a vendor's offer of gifts to the officer or to the officer's family member worth $250 or more using the Conflict of Interest Form approved by the Texas Ethics Commission. The Form requires disclosure even if the officer refuses the gift. An officer commits a Class C misdemeanor if the officer knowingly violates the disclosure requirements.

Giving Gifts or Honoraria to State Employees

State employees are legally and ethically prohibited from accepting gifts and honoraria, except in very limited situations. A DETCOG employee may be held criminally liable for offering or conferring any benefit to a state employee in exchange for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant. "Benefit" means anything reasonably regarded as financial gain or financial advantage, including a benefit to any other person in whose welfare the beneficiary has an interest.