

A. General Provisions

1. It is essential that the actions of public officials and employees be impartial; that government decisions and policy be made within the proper channels of the governmental structure; that public office not be used for personal gain; that duties and responsibilities are carried out in a manner consistent with Ohio Ethics Laws and other relevant federal and state law; and that the public has confidence in the integrity of its government. Achievement of these goals necessitates establishment of a Code of Ethics for all officials and employees appointed and employed by the City of Kettering.

B. Code of Ethics

1. No official or employee shall knowingly use their official position for the personal gain of the official or employee, a family member, or anyone with whom the official or employee has a business or employment relationship, or to directly or indirectly secure special privileges or other advantages. Officials and employees shall not engage in any business or transaction or have a financial or other interest, direct or indirect, which is in conflict with the proper discharge of their official duties. No public official or employee shall knowingly misuse their official position for their own personal benefit or the benefit of their family member(s) or business associate(s).
2. No official or employee shall, without proper legal authorization, disclose or use confidential information concerning the property, government, or affairs of the City. Officials and employees shall not use such information to advance the financial or other private interest of themselves or others or use their title, the name "City of Kettering", or the City's logo in a manner that suggests impropriety, favoritism, or bias by the City of Kettering, the official, or employee.
3. No official or employee shall accept any valuable gift, whether in the form of service, loan, item or promise from any person, firm, or corporation, which is interested directly or indirectly in any manner whatsoever in business dealings with the City. Officials and employees shall neither accept any gift, favor, or item of value that may tend to influence an official or employee in the discharge of their duties, nor shall an official or employee grant, in the discharge of their employees' duties, any improper favor, service, or item of value. Examples of a valuable gift may include: free travel, meals or lodging, discounts on merchandise or services, tickets to sporting events or golf outings, etc. If an official or employee has a question as to what constitutes a thing of value, they should consult with the Human Resource Department and/or the Law Department.

No employee or official shall solicit, accept, or use the authority of their public position to secure a gift, meal, entertainment, or other thing of value if it is of a substantial nature and is provided by someone that is regulated by, interested in matters before, or doing or seeking to do business with City. No employee or official shall accept anything, regardless of its value, if the item is provided to the employee or official as compensation for the performance of their public duties. Employees and officials shall avoid favoritism, bias, and the appearance of impropriety.

4. Any employee or official, who is offered a gift or favor and is not sure if its acceptance is a violation of the Code of Ethics should inform their Department Director. The Director will then consult with the Human Resource and/or Law Department, and a determination as to the acceptance of the gift shall be made. No employee or official will accept from any contractor or supplier doing business with the City any material or service for the private use of the employee or official.
5. No official or employee, during their public service tenure and for one year after leaving public service, shall represent private interests against the interest of the City in any action or proceedings of which the City is part or with respect to a matter in which the official or employee personally participated while serving with the City of Kettering.
6. No official or employee shall have an interest in a City contract, subject to any exceptions in the Ohio Ethics Law.

Ohio Ethics Law provides specific restrictions regarding employees' or officials' financial interest in companies that do business with public agencies. Employees who have any doubt concerning possible violation of these laws are advised to consult their own attorney.

7. No official or employee shall accept, solicit, or use their position to receive a promise of future employment or any other type of compensation from any party that is regulated by, doing business with, seeking to do business with, or otherwise interested in matters before the City, unless the employee or official is able to withdraw completely from consideration of any matter involving the party from whom he or she is seeking employment or has accepted outside employment. Department Directors shall determine the appropriateness of any of their subordinates outside employment and may establish restrictions as allowed by Policy No. 604: Outside Employment. All employees will report any outside employment to their Director for approval. This employment information must be retained by the Director as it may be needed in injury or sick leave claim decisions. Any employee having doubt as to the applicability of a provision of this Code of Ethics to a particular situation should consult their Department Director, the Human Resource Department and/or the Law Department. Reference should also be made to the Policy No. 604: Outside Employment. If the supervisor/Department Director is in doubt, they shall refer the employee to the Human Resource Department.
8. A City employee who engages in private outside employment or business activity is prohibited from doing any of the following: (a) using City time, facilities, personnel, or resources in conducting a private business or while engaging in private outside employment, including, without limitation conducting demonstrations for clients using City equipment; (b) using the employee's official title or identification on private business cards or other written materials or appearing in City uniform while soliciting business or conducting demonstrations for clients; (c) using the employee's relationship with other City officials and other employees to secure a favorable decision or action by the other officials or employees regarding their s private interests; (d) discussing, deliberating, or voting on any matter involving the employee's private business, including recommending the employee's outside employer's or business's services to the City; (e) receiving fees for providing services rendered on projects that the employee has recommended in their official capacity; (f) participating in decisions or recommendations regarding the employee's competitor(s); and (g) using the employees City position or authority in any other way to secure a benefit for their outside employer or private business.
9. No salaried regular full-time employee shall be eligible to receive additional compensation from the City for performing special assignments or tasks for the City, which are beyond the scope of their routine job responsibilities, unless specifically authorized by the City Manager in the case of an emergency. Instances where such an employee is required to temporarily fill a vacancy at a higher level are addressed in Policy No. 101: Compensation.
10. Violations of this Code of Ethics may constitute cause for disciplinary action up to and

including termination of employment. Ethics violations are subject to criminal prosecution and penalties which include fines and incarceration; violations may be reviewed by the Ohio Ethics Commission and/or related agencies.

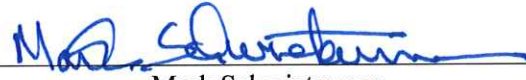
11. This policy shall be reviewed, analyzed, and applied in accordance with Ohio Revised Code Chapters 102 and 2921, with the relevant advisory opinions and decisions of the Ohio Ethics Commission and, relevant court cases. In the event this policy is more restrictive than the relevant section of the Ohio Revised Code, this policy shall prevail. Employees or officials who have concerns or questions about this Policy should consult with the Human Resource Department and/or the Law Department.

The City Manager hereby delegates the appropriate responsibility and authority to administer this Policy to the City's Assistant City Managers and Department Directors.

Approved:

12/15/22

Date



Mark Schwieterman
City Manager

Issued:

12.14.2022

Date



Jenny Smith
Human Resource Director