

ARA 3.11 ETHICAL CONDUCT

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Auditor's Office Administrative Rule Information and History

Questions about these administrative rules may be directed to the [Auditor's Office's Operations Management Division](#).

Chapter IX: Post-Employment Restriction Policy was initially adopted by the City Auditor on June 26, 2019 as an interim rule effective for a period of not more than 180 days, and was adopted by the City Auditor as ARA 3.11.05 - Post-Employment Restriction Policy on October 1, 2019.

The remaining rules were originally adopted by the City Auditor on December 11, 2017, and are adapted from [City of Portland Human Resources Administrative Rules](#), as noted below.

Revised and adopted by the City Auditor as ARA 3.11 on *December 23, 2022*.

CHAPTER I: DEFINITIONS

For purposes of this rule, unless the context or applicable law require otherwise:

- A. "Actual conflict of interest" means a conflict of interest that arises when an employee participates in an action that would affect their own financial interest, the financial interest of a relative, or the financial interest of a business in which the employee or their relative is a stakeholder.

- B. "Associated" means the employee or a member of the employee's household or family is:
 - 1. A director, officer, owner, or employee of a private business or closely held corporation, or someone who owns or has owned stock, another form of equity interest, or debt instruments worth \$1,000 or more at any point in the preceding calendar year, in a private business or closely held corporation;

 - 2. A director or officer, owner, or employee of a publicly-held corporation or someone who owns or has owned \$100,000 or more in stock or other form or equity interest, stock options, or debt instruments in the corporation at any point in the preceding calendar year; or

 - 3. An employee of a not-for-profit organization, or someone who otherwise receives remuneration from the organization. "Associated" does not mean holding the position of a non-remunerated board member of a not-for-profit organization. However, for transparency, employees must notify Operations Management and their immediate supervisor (and for Council action, state on the record) if their work duties require them to take an action that affects a not-for-profit organization on which they or a household or family member serves on the board.

- C. "City official" means any elected official, employee, appointee of a board or commission, or citizen volunteer authorized to act on behalf of the City.

- D. "Confidential" means information that is made confidential or privileged by law, or information for which disclosure is otherwise prohibited by law, City policy, or Auditor's Office rule. Examples of confidential information are set forth in the *Guidance for HR Administrative Rule 11.04 Protection of Restricted and Confidential Information*, attached to City Human Resources Administrative Rule 11.04 – Protection of Restricted and Confidential Information.
- E. "Direct supervision" includes appointing, hiring, promoting, recommending or assigning work out of class, discharging, disciplining, or demoting. Direct supervision also includes making effective recommendations or otherwise participating in any interview, discussion, or debate regarding any such tasks.
- F. "Economic development activities" mean activities undertaken for the purpose of strengthening, expanding, or enhancing the economy, or activities that provide community development or cultural enhancement. Economic development activities include but are not limited to:
- Promoting tourism
 - Promoting a favorable investment climate to strengthen businesses
 - Creating jobs
 - Raising real wages
 - Helping Portland communities build capacity to retain, expand, or attract business
 - Improving national and global competitiveness of Portland-area companies
 - Improving transportation access
 - Marketing products, services, or opportunities.
- G. "Fact-finding mission" means any activity related to a cultural or educational purpose, or any activity aimed at providing intergovernmental assistance, such as for the purpose of international aid, sharing best practices, or developing intergovernmental relationships directly related to a public official's duties. The sponsor of a fact-finding mission should be directly and immediately associated with the event or location visited.

- H. "Family member" means the employee's wife, husband, domestic partner, son, daughter, mother, father, brother, sister, brother in law, sister in law, son in law, daughter in law, mother in law, father in law, aunt, uncle, niece, nephew, stepparent, or stepchild, or the equivalent relatives of an employee with a domestic partner.
- I. "Gift" means something of economic value given to a City official without valuable consideration of equivalent value (including the full or partial forgiveness of indebtedness), which is not extended to others who are not City officials on the same terms and conditions, or something of economic value given to a City official for valuable consideration less than that required from others who are not City officials. However, "gift" does not mean campaign contributions, as described in Oregon law (ORS Chapter 260, or gifts from family members.
- J. "Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price.
- K. "Outside work" also includes business ownership.
- L. "Political activity" means an activity directed toward supporting or opposing federal, state or local measures, candidates, recalls, political committees, or petitions.
- M. "Potential conflict of interest" arises when an employee participates in an action that could affect their financial interest, the interest of a relative, or a business with which the employee or their relative is associated.
- N. "Restricted" means that there are some restrictions or limitations on the use or disclosure of the information.
- O. "Services" include but are not limited to speeches or other services rendered in connection with an event.
- P. "Trade promotion" means an activity for the purpose of encouraging or developing commerce or the buying and selling of goods and services.

CHAPTER II: ETHICAL CONDUCT; USE OF EMPLOYMENT

A. Ethical Conduct

Auditor's Office employees are expected to treat their office as a public trust. To safeguard that trust, employees must comply with State ethics laws¹ and conduct themselves in accordance with the City's Code of Ethics. The standards set forth in this rule require a higher standard of conduct than created by State law.

1. Employees are expected to recognize the possibility of a potential or actual conflict of interest they may have.
2. Employees must disclose any potential or actual conflict of interest in writing to their supervisor and the City Auditor.
 - a. The employee's supervisor must acknowledge the potential or actual conflict in writing, and must determine, in consultation with the City Auditor or a designee, whether such conflict can be resolved, if appropriate.
 - b. A copy of the disclosure and subsequent acknowledgement must be placed in the employee's personnel file.
3. Employees are expected to avoid even the appearance of impropriety at all times. Conduct that could appear dishonest to a reasonable observer will undermine the public trust even if the conduct is lawful; such conduct is prohibited.

B. Use of Employment for Financial Gain or to Avoid Financial Detriment Prohibited

Employees may not receive a personal financial gain or avoid financial detriment that would not otherwise be available but for their position as a City employee.

¹ More information about State ethics laws is available in the state's [Guide for Public Officials](#) or from the Oregon Government Ethics Commission or Operations Management.

1. Employees may not use their employment in any way to obtain financial gain or avoid financial detriment for the employee, their household, or their family members, or for any business, not-for-profit organization, or other separate legal entity, excluding government entities, with which the employee or a member of the employee's household or family is associated.
2. Employees may not award business to a member of their household or family, regardless of the mechanism used to provide that business. This prohibition includes but is not limited to:
 - a. The use of limited purchase orders or procurement cards to provide business to a household or family member.
 - b. Allowing the purchase, by the City, of any goods and services from a business with which the employee is associated, except when the purchase is expressly authorized by ordinance or permitted under City Code Section 5.33.070.
3. Employees may not take any official action, the effect of which would be to the employee's private financial gain or loss, without first notifying their supervisor and the City Auditor, in writing, of the actual or potential conflict of interest, and obtaining written approval from the supervisor and City Auditor prior to taking such action.
4. Employees may not use information received because of City employment for private gain or to avoid financial detriment if the information is confidential or not readily available to the public. Information that is public may not be readily available if, for example, a special request is required to obtain the information or special knowledge (such as acquired as a City employee) is needed to take advantage of the information.
5. Employees may not solicit private business from fellow employees or from community members while on duty and/or in uniform or otherwise readily identifiable as a City employee (such as while in a City vehicle).

This Chapter was adapted from:

[City Human Resources Administrative Rule 11.01 – Statement of Ethical Conduct.](#)

Adopted by Council on September 21, 2005 (Ordinance No. 179606). Last revised December 4, 2013.

[City Human Resources Administrative Rule 11.02 – Prohibited Conduct.](#) Adopted by

Council on September 21, 2005 (Ordinance No. 179606). Last revised March 4, 2020.

CHAPTER III: AWARDS, GIFTS, PRIZES, AND PROMOTIONAL ITEMS

A. State Law and City Rule

1. State ethics laws prohibit any public official (a term that includes all City employees), from using or attempting to use their official position or office to obtain a financial gain or to avoid a financial detriment that would not otherwise be available but for the public official's holding of the official position. State law regarding the acceptance of gifts focuses on whether the source of the gift has a legislative or administrative interest (e.g., an economic interest) in the employee's work.

~~Exceptions set forth in the State law allow public officials to accept:~~

~~Gifts of less than \$50 in a calendar year from sources with a legislative or administrative interest,~~

~~Unlimited gifts from sources with no legislative or administrative interest,~~

~~Items that are expressly excluded from the State's definition of gift,~~

~~Official compensation,~~

~~Allowed honoraria,~~

~~Reimbursement of expenses by an employer, or~~

~~Unsolicited awards for professional achievement.~~

~~State law regarding the acceptance of gifts focuses on whether the source of the gift has a legislative or administrative interest (e.g., an economic interest) in the employee's work. For example, if an employee's friend happens to have a legislative or administrative interest in the employee's work, the State's \$50 limit would apply to a gift to the employee from the friend, even if the gift is unrelated to the employee's work.~~

- 1.2. By contrast, the City's rule focuses on whether an employee receives a gift **because of their position and work for the City**, even if the source of the gift has no legislative or administrative interest. The City rule would not prohibit a gift from a friend who happens to have a legislative or administrative interest in the

employee’s work if the gift is unrelated to work—but because Auditor’s Office employees must comply with the City rule and State law, the State’s \$50 limit for gifts from sources with a legislative or administrative interest would still apply.

~~3.~~ State law does not regulate a public official’s acceptance, on behalf of the City, of gifts to the City. Such gifts are governed by City Code Section 5.36.090.

~~4.3.~~

A. Gift Rules

Auditor’s Office employees may not:

1. Solicit or receive any gift in anticipation of official action to be taken by the employee in the course of employment.

~~2. Accept any gift, service, or favor that would lead toward favoritism or the appearance of favoritism in any way.~~

~~3.2.~~ Accept gifts or honoraria of any value that are offered because of their position and work for the City, ~~or that would not have been available but for their position and work for the City,~~ except as follows:

a. Employees may accept promotional items of little or no value that are offered uniformly to all attendees at a conference, meeting, or other event, or that are meant to be used during the course of the event.

Example: Employees may accept pens, pencils, notebooks, notepads, cloth or canvas tote bags, snack foods, etc. Employees may not accept software, raffle prizes, or items of more than nominal value.

b. Employees may accept placards, trophies, or certificates in recognition of service or attendance at conferences or seminars, if such items are reasonably expected to have a resale value of less than \$25. A “certificate” does not mean a gift certificate.

c. Employees may accept the cost of admission and reasonable food or beverage expenses to attend a reception, meal, or meeting held by an organization, if the employee is representing the City at the event and the employee's attendance serves a work-related purpose. This includes, but is not limited to, when an employee is providing services for an organization through the Community Relationship Building Program. However, this exception does not allow employees to accept expenses for private meals or gifts of entertainment. The following factors may indicate whether expenses may be accepted:

- A large number of people or groups are invited (e.g., all members of an organization are invited)
- The invitations or programs are sent in advance.
- The event is publicized
- The reception, meal, or meeting is open to the public
- Written materials such as a printed program are available.

This exception allows employees to attend large fundraising events for an organization where a meal is served, if the purpose of attending is to represent the City, the factors described above are present, and the only entertainment at the event is incidental to the main purpose of the event.

Example: In most circumstances, an employee may accept the cost of attending a regularly scheduled and publicized business association breakfast to which all members of the association are invited. An employee may not accept the cost of breakfast during a meal with a small group of business association members.

d. Employees may accept the payment of reasonable admission, food, lodging, and travel expenses by a unit of government (including a recognized tribe), a membership organization to which the City pays dues, or a 501(c)(3) organization, for attendance at a work-related convention, fact-finding mission, conference, or other meeting, if Operations Management approves

the expenses in advance and the employee is representing the Auditor's Office or City at the event.

Example: An employee may accept expenses from Metro to attend a conference on issues related to the employee's work if Operations Management pre-approves the expenses.

- e. Employees may accept reasonable food, lodging, and travel expenses when the employee is representing the Auditor's Office or City on a trade-promotion or fact-finding mission or in negotiations or economic development activities, if Operations Management approves the expenses in advance.

Example: An employee may accept food, lodging, and travel expenses for a sister city trip when the employee is on a fact-finding mission if Operations Management pre-approves the expenses.

- f. Employees may accept a waiver or discount of registration expenses or materials at a continuing education event that satisfies a professional licensing requirement.

Example: An employee who is an attorney may accept discounted registration fees at a continuing education event required to maintain their law license.

- g. Employees may accept a gift of entertainment only when the entertainment is incidental to the main purpose of another event or when the employee is acting in an official capacity for a ceremonial purpose.

Example: If an employee attends a reception and there is background music, the employee is permitted to "accept" the gift of this entertainment. However, if the entertainment is the primary purpose of the event, the employee may not accept the gift of such entertainment. If an employee is asked to perform a ceremonial function in an official capacity, such as throwing out the first pitch at a baseball game or marching in the Rose Parade on behalf of the City, the employee may accept the gift of entertainment.

- h. Employees may accept raffle items or other incentives from the City at a City-sponsored event. Employees should not accept raffle items at other events that the employee is attending because of their position and work for the City, or that are offered while the employee is on the job during working hours. In addition, Auditor's Office employees may not accept gifts offered by a City bureau if the bureau has an economic interest in a decision or vote of the by the employee.

Example: Employees may accept raffle gifts offered as incentives to participate in the City's Charitable Campaign. Such gifts are donated by businesses and are given to employees by the City, and are not covered by State law. City employees may not accept raffle items at a conference that employee attend in their work capacity.

- i. Small gifts (under \$25) that are meant to be shared among employees (e.g., candy, homemade treats, or flowers) may be accepted on behalf of the Auditor's Office. However, employees must be mindful of the State law limiting gifts from certain sources to \$50 or less per calendar year. Employees are encouraged to consult with legal counsel for guidance in determining whether State law applies to a gift.

B. Prizes and Awards

1. Except as otherwise provided above, prizes and awards that an employee receives while on the job as a public official or because the employee is a public official may only be accepted as a gift to the City, even if the prize or award is available on equal terms to others who are not public officials.

Example: An employee attending a conference on work time or in their official capacity may not accept a raffle prize offered at the conference except as a gift to the City.

2. If gifts, prizes, or awards are accepted, they become the property of the City and must be presented to Operations Management for inventorying and disposition.

The Auditor's Office may keep a prize or award for use by the office, or may dispose of it through the City's surplus and charitable contribution procedures. See City Code Chapter 5.36.

C. Exceptions

If payment of expenses for a work-related event is not allowed under these rules, but would be allowed under State law, the employee's supervisor should consult with Operations Management, who may also consult with the City Auditor, Human Resources, and/or legal counsel. If the City Auditor or a designee and legal counsel agree, the supervisor may permit acceptance of the expense.

D. Volunteer Service

If an Auditor's Office employee provides outside volunteer services for an organization, the employee may accept gifts or other benefits that result from the volunteer service (such as meals or tickets to an event) if all of the following conditions are met:

1. The gift or benefit is available to all person who perform the same volunteer work.
2. The employee did not receive the volunteer position or gift because of the employee's official position at the City.
3. The volunteer work is performed outside of paid City work time and complies with Chapter VII: Outside Employment and Volunteer Activities. ~~An Auditor's Office employee who is providing services for an organization through the Community Relationship Building Program is performing the work with paid City work time and is not eligible to accepts gifts or other benefits that result from the volunteer service. See Auditor's Office Administrative Rule 3.04 – Employee Behavior and Expectations, Chapter XIV: Community Relationship Building Program.~~

E. Auditor's Office Awards

1. Unsolicited employee awards from the Auditor's Office for professional achievement, of \$100 or less per employee, are permitted and reimbursable. Supervisors should take care that such awards remain occasional and motivational, rather than expected. Such awards may take the form of:
 - Cash
 - Flowers
 - Gifts
 - Other appropriate incentives commonly used for employee recognition and motivation
2. Employee awards that are provided as part of a Council-endorsed Citywide program may exceed \$100, if such awards are essential to the success of the particular program.

F. Retirement and Awards Celebrations

1. The total cost of a recognition reception and plaque for a retiring employee must be within established guidelines approved by the City Auditor and cannot exceed \$500.
 - a. The cost of a reception, at which food and beverages are provided by the Auditor's Office, but not as a sit down plated meal, are reimbursable and may exceed \$100.
 - b. Awards of appreciation for retirees in the form of plaques, trophies, desk items, wall mementos, or similar items with a resale value reasonably expected to be less than \$25 are allowed. If such an item is engraved or personalized, it is deemed to have a resale value of less than \$25.

2. Auditor’s Office award ceremonies that are open to the public are also reimbursable and the total cost of food, beverages, and awards may exceed \$100 if approved by the City Auditor.

G. Economic Development, Community Cooperation, and Information Gathering

To promote economic development, build community cooperation, or gather information, the City Auditor or designee may be reimbursed for business meals, flowers, or official gifts. Reimbursements must be on an actual cost basis and documented by receipts that state the date, name of the recipient, the nature of the business or relationship with the City, and the public interest reason for the expense.

This Chapter was adapted from:

[City Human Resources Administrative Rule 4.07 – Awards, Gifts, Prizes and Promotional Items](#). Adopted by Council on March 6, 2002 (Ordinance No. 176302). Last revised October 19, 2010.

[City Human Resources Administrative Rule 11.02 – Prohibited Conduct](#). Adopted by Council on September 21, 2005 (Ordinance No. 179606). Last revised March 4, 2020.

CHAPTER IV: PROTECTION OF RESTRICTED AND CONFIDENTIAL INFORMATION

A. Accessing and Using Restricted and Confidential Information

Auditor's Office employees may have access to information about City employees, vendors, and/or the public that is restricted or confidential. Employees are responsible for ensuring that such restricted and confidential information is reasonably protected.

1. Employees may not access or attempt to access restricted or confidential information without authorization.
2. Employees may discuss restricted or confidential information that is used in their work only in non-public locations, and only with those people who have a need to know.
3. Employees may not disclose restricted or confidential information by any means, except in accordance with Auditor's Office administrative rules, City Technology policies, Division-specific policies and regulations, or when required by law.
4. Employees are responsible for the protection and safekeeping of restricted and confidential information, documents, and materials, and for the handling and disposal of such information in their possession to prevent disclosure to unauthorized persons.
5. After termination of Auditor's Office employment, former employees may not disclose restricted or confidential information obtained as a result of their employment.
6. This policy does not prevent employees from bringing forward complaints or reports of illegal or improper conduct or from engaging in privileged communications.

B. Duty to Report

Employees have a duty to report to their supervisor or Operations Management if they believe that the restricted or confidential nature of their work may be compromised or that any restricted or confidential information was disclosed in violation of this policy.

This Chapter was adapted from:

[City Human Resources Administrative Rule 11.04 – Protection of Restricted and Confidential Information](#). Adopted by the Chief Administrative Officer on April 25, 2016.

CHAPTER V: NEPOTISM; ROMANTIC RELATIONSHIPS

A. Nepotism

1. No Auditor's Office employee responsible for personnel decisions may show favoritism in such decisions toward an applicant or employee because the applicant or employee is a family member. It is a violation of this rule for an employee to:
 - a. Hold a position that requires or enables the employee to directly supervise a family member.
 - b. Evaluate the work performance or application for employment of a family member or adjust an employment relations grievance or complaint of a family member.
 - c. Take any action with respect to an individual, which because of family membership would violate a federal or state law or rule or would violate conditions of eligibility for financial assistance from the federal or state government.
2. If a violation of this rule results from the marriage of employees, the Auditor's Office will take corrective action as soon as practicable through a transfer, reorganization, or other personnel actions.

B. Romantic Relationships

No employee may directly supervise an employee who is a member of their household or an employee with whom they are romantically involved. The supervisor or manager must promptly disclose, in writing, the existence of the relationship to their Division manager or to the City Auditor to resolve the conflict.

This Chapter was adapted from:

[City Human Resources Administrative Rule 3.10 - Nepotism](#). Adopted by Council on March 6, 2002 (Ordinance No. 176302). Last revised April 25, 2016.

[City Human Resources Administrative Rule 11.02 – Prohibited Conduct](#). Adopted by Council on September 21, 2005 (Ordinance No. 179606). Last revised March 4, 2020.

CHAPTER VI: POLITICAL ACTIVITY

A. City Rule

While engaged in a political activity, non-elected City employees may not use their official authority or influence. Examples of prohibited uses of official authority or influence while participating in a political activity include but are not limited to:

- Using their official title
- Using a government-owned or leased vehicle
- Wearing their official uniform or any part thereof, including badges or insignia
- Posting or using any image of their official badge, insignia or uniform.

To avoid use of official authority or influence while engaged in political activity that involves a public presentation or speech, non-elected City employees should announce that they are acting in their capacity as private members of the community.

B. State and Federal Laws; Personal Political Views

1. Oregon law (ORS 260.432(2)) states: "No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours."
2. Oregon law (ORS 260.432(1)) also prohibits any person from requiring, coercing, or commanding a public employee to engage in political activity, even if that activity would occur on the employee's own time off the job. City employees may not be required by an elected official, non-elected public employee, or any other person to engage in any political activity, regardless of whether the activity itself would be lawful or unlawful.

3. Federal laws include prohibitions affecting City employees in federally aided programs.
4. State and federal laws and this rule do not restrict the right of City employees to express personal political views.
 - a. City employees may campaign for or against political parties, ballot measures, signatures, or candidates while on their own time outside of working hours.
 - b. City employees may express personal political views, such as during a personal conversation with a colleague, even while on the job during working hours, as long as it does not interfere with the job.
 - c. City employees may not use City resources for any type of political activity during working hours, including but not limited to interoffice mail, telephone, fax, internet, email, or photocopy machines.

C. Campaigning or Soliciting Campaign Funds or Assistance

Campaigning or soliciting campaign funds or assistance is prohibited during working hours and/or when an employee is acting in their official capacity.

D. Providing Information About Ballot Measures

City employees may prepare and provide neutral and objective information about the expected effect of ballot measures. However, courts strictly interpret this restriction. Courts look at not only the words used, but also the context, timing, and emphasis of the information, as well as what is left out. Even if a City-produced pamphlet does not urge a yes or no vote, it may be unlawful. Any information prepared concerning the anticipated effect of a ballot measure should be submitted to the City Attorney's Office for review before distribution.

E. Posters, Notices, or Bumper Stickers

City employees may not hand out or display on City property posters, bumper stickers, announcements of campaign events, or similar campaign materials promoting or opposing a candidate or ballot measure.

F. Political Buttons

1. On or off the job, City employees may wear buttons that are intended and viewed as personal expressions of their political views. However, since community members might identify a personal expression as an official one, discretion is advised.
2. Auditor's Office employees must comply with any Division-specific rules regarding uniforms. Special restrictions may apply to employees who wear uniforms on the job.

G. Distributing Campaign Literature

Distributing campaign literature promoting or opposing a candidate or ballot measure is prohibited during working hours and/or when a non-elected employee is acting in their official capacity. City employees may not use City resources, such as interoffice mail, telephone, fax, Internet, or copying machines, in support of or in opposition to a candidate or ballot measure.

H. Elected Officials Engaging in Political Activities

1. Elected officials may engage in political activity at any time, as long as they comply with Charter Section 2-610. However, Charter Section 2-204 prohibits elected officials from serving "on or under any committee of any political party" during the official's term of office. This Section does not preclude an elected official from serving on a committee to support a candidate if the committee is not part of or formed by a political party.
2. Elected officials may not try or actually coerce, command, or require City employees to engage in political activities, even if those activities would be legal and would occur off the job. An elected official may not use City employees to prepare or deliver information advocating the passage or defeat of a ballot

measure or the election or defeat of a candidate. The law also prohibits trying to affect the gathering of signatures on measures proposed for a ballot. In addition to violating Oregon law (ORS 260.432), any of these activities could be an unauthorized expenditure of public funds for which the official or employee could be held personally liable. *See* ORS 294.100(2).

3. Elected officials and their staff may prepare and disseminate reports about the work of their office or the bureaus they oversee. As long as sufficient funds are budgeted, publication of such reports is permissible if the reports serve the public interest.
4. An elected official may have City employees prepare factual and neutral information concerning a pending ballot measure and its anticipated consequences. However, because the line between factual information and advocacy is not always easy to discern, caution is warranted, and this material should be reviewed by the City Attorney's Office prior to distribution.

I. Report Suspected Violations

Auditor's Office employees are expected to report suspected violations of the law and/or this rule to their supervisor, Operations Management, the City Auditor, the Bureau of Human Resources, the Ombudsman's Office, or the Fraud Hotline. *See also* [Chapter X: Duty to Report Unlawful or Improper Actions; Whistleblowing](#).

J. Publications Regarding Restrictions on Political Activity for Public Employees

1. The Secretary of State has published more detailed information and guidelines at: <http://sos.oregon.gov/elections/Pages/laws-rules-publications.aspx>.
2. The federal Office of Special Counsel has published the Federal Hatch Act Booklet for Local Employees at: <https://osc.gov/pages/hatchact-affectsme.aspx>.
3. If you do not have internet access, you may request a copy of these documents from the Auditor's Office.

This Chapter was adapted from:

[City Human Resources Administrative Rule 4.06 – Political Activity](#). Adopted by Council on March 6, 2002 (Ordinance No. 176302). Last revised April 25, 2016.

CHAPTER VII: USE OF CITY RESOURCES

A. City Resources

The public expects City employees to appropriately manage and use City resources. Inappropriate or personal use of City resources is prohibited except as provided in this rule. Divisions may work with Operations Management to develop more restrictive policies to meet individual Division needs. City resources include but are not limited to:

- Any work materials or supplies, whether new or used, regardless of value and/or the City's intent to retain (e.g., furniture, paper, program supplies, printers)
- Any hand tool, power tool, or piece of equipment, whether new or used, regardless of value and/or the City's intent to retain (e.g., use of copier equipment)
- Facilities or grounds, including but not limited to buildings, parking lots, and improved or unimproved real property, regardless of assignment or current use
- Time and/or personnel, including personnel services time of employees on paid status
- Information, including any confidential information gained in the course of or by reason of the employee's official position or activities
- Information and telecommunications technologies, including hardware and software associated with computers, image / voice / data capture, and transmission technologies
- Inter / intra-office mail
- Records, including any original City records, regardless of physical or electronic form or media, including but not limited to documents, maps, photographs, negatives, slides, drawings, plans, blueprints, electronic files, emails, compact discs, external drives or devices, and audio, video, or moving picture recordings
- Vehicles. *See Auditor's Office Administrative Rule 3.04 – Employee Behavior and Expectations, Chapter XIII: Vehicle Use*

B. Appropriate Uses of City Resources

For example, appropriate use of City resources is that which is:

1. Directly related to the activities that the employee was hired to perform;
2. Involves authorized training for the employee;
3. Of benefit to community members as a whole rather than an individual(s); or
4. Authorized by the appropriate authority and not in conflict with applicable local, state, or federal laws or regulations, City Charter, City Code, administrative rules, or any Auditor's Office or Division-specific procedure or regulation.

C. Inappropriate Uses of City Resources

For example, inappropriate uses of City resources include but are not limited to:

1. Theft, regardless of the item's value and/or the City's intent to retain the item;
2. Borrowing of any City resource, including but not limited to copying or downloading in any physical or electronic form or media;
3. The use, transfer, or sale of any City resources for any non-work-related purpose of benefit, monetary or otherwise, to the employee or any individual or group;
4. Disposal of City resources and/or assets without proper authorization;
5. Using work time to support or oppose a candidate or ballot measure (unless providing factual information about a ballot measure is not prohibited);
6. Negligence that results in damage, loss, and/or personal injury;
7. Willful destruction of City resources;

8. Misuse of City-paid time; or
9. Any use which fails to meet the criteria under Section B of this rule.

D. Right to Search

The Auditor's Office reserves the right to search, without employee consent, all areas and property over which the City maintains joint or full control, including but not limited to City vehicles, equipment, offices, desks, files, and lockers. Searches will be conducted in the presence of the employee, if practical. If the employee is not available, or if the employee so requests, a reasonable time will be allowed for a representative to be present before a search is conducted.

E. Union Correspondence Through Inter-Office Mail

Correspondence between a union and the City that relates to the current business of the City can lawfully be sent through the City's internal mail system. Use of the City's inter-office mail system for the distribution of materials related solely to the union's business, including but not limited to campaign materials, meeting notices, newsletters, and general union postings, is prohibited.

F. Mobile Telephones

1. The Auditor's Office seeks to minimize the distribution and use of mobile telephones. Mobile telephones should be provided and used only when no other reasonable means of communication are available. City mobile telephones may be assigned, at the discretion of the City Auditor, manager, or supervisor, to:
 - a. Employees who have duties away from the office and need to remain in contact with voicemail, other employees, or the public to conduct Auditor's Office business; or
 - b. Employees who are required to respond to after-hour emergencies or be on call.

2. The Auditor’s Office may choose to offer City mobile telephones as a resource for specific areas or employee pools on a temporary assignment basis.
3. City mobile telephones may not be used for personal business, except in response to family emergencies or unforeseen work schedule changes, and even under these circumstances, only when it is impossible or unreasonable to use a City landline or personal phone.

G. Landline Phones

Use of landline telephones for brief, important, local, non-toll personal calls is authorized if the use is reasonable, kept to a minimum, and on the employee’s own time. No personal long-distance calls are permitted unless charged to the employee's personal credit card or billed to a non-City phone.

This Chapter was adapted from:

[City Human Resources Administrative Rule 4.09 – Use of City Resources](#). Adopted by Council on March 6, 2002 (Ordinance No. 176302). Last revised December 4, 2013.

CHAPTER VIII: OUTSIDE EMPLOYMENT AND VOLUNTEER ACTIVITIES

A. Purpose

As public employees, it is critical that Auditor's Office employees devote their time and resources to serving the public, and refrain from using their positions for personal gain. This rule sets forth the Auditor's Office's outside work policies, including restrictions on outside work and disclosure requirements for outside work and unpaid activities. The purpose of this rule is to prevent conflicts of interest and the appearance of impropriety. Divisions may work with Operations Management to develop a more restrictive policy to meet individual Division needs.

This rule addresses specific requirements regarding outside employment, but otherwise incorporates the City's Code of Ethics, State Ethics Statute (ORS Chapter 244), [Chapter II: Ethical Conduct; Use of Employment](#), and [Chapter X: Duty to Report Unlawful or Improper Actions; Whistleblowing](#). See also Auditor's Office Administrative Rule 3.04 – Employee Behavior and Expectations, Chapter XIV: Community Relationship Building Program for requirements related to the Auditor's Office's Community Relationship Building Program.

B. Restrictions on Outside Employment

Outside employment, which includes business ownership, is allowed subject to the parameters and processes set forth in this rule. Outside employment may not:

1. Involve use of Auditor's Office time, facilities, equipment, or supplies, or the influence of the employee's position with the Auditor's Office.
2. Involve the receipt of money or other consideration for duties performed as an Auditor's Office employee.
3. Adversely affect or discredit the Auditor's Office or the City.
4. Involve competing with the Auditor's Office or City in providing a service or product.

5. Place the employee in a position that conflicts with their duties to the Auditor's Office or City.
6. Affect the quality or quantity of the employee's performance of their Auditor's Office duties or their availability to report for Auditor's Office duties as required.

C. Required Disclosures

1. All Auditor's Office employees must submit a [Disclosure of Outside Employment](#) form to Division managers annually, by January 1 of each year, whether or not they have engaged in outside employment.
2. Employees who engage in outside employment must submit a [Disclosure of Outside Employment](#) form to their Division manager within 10 business days of engaging in the outside work.
3. If an employee is uncertain about whether a potential or actual conflict of interest exists, the employee must disclose the possible conflict.
4. Seasonal employees are not required to submit a DISCLOSURE OF OUTSIDE EMPLOYMENT form, but must comply with Oregon law (ORS Chapter 244 – Government Ethics) and all Auditor's Office's human resources rules.
5. Division managers must forward all [Disclosure of Outside Employment](#) forms to Operations Management upon receipt.

D. Record Keeping and Violations

1. Disclosure forms, including any written plans for resolving or preventing conflicts, must be retained in the employee's personnel file. Written plans may be revised or revoked at any time.

2. Any Auditor's Office employee who violates any aspect of this rule or the principles related to this rule may be subject to discipline up to and including discharge.

E. Volunteer Activities

The Auditor's Office encourages employees to become involved in volunteer activities within their communities, as long as the volunteer activities comply with this rule.

1. Auditor's Office employees are required to disclose volunteer activities, in accordance with Section C, if the volunteer activities:
 - Are performed for another City office or bureau
 - Are related to a City Council campaign
 - Could create a potential or actual conflict of interest.
2. Employees generally will not be paid for volunteer activities that occur during regular working hours, but they may use vacation leave, compensatory time, or a flex schedule, if approved by their supervisor. Employees may receive pay for volunteer work during regular working hours in some limited circumstances, if the volunteer activity is directly related to the Auditor's Office's mission and is approved by the City Auditor. *See, e.g., Auditor's Office Administrative Rule 3.04 – Employee Behavior and Expectations, Chapter XIV: Community Relationship Building Program*

F. Potential Conflicts of Interest

1. If an employee's outside employment or volunteer activities entail responsibilities that include financial transactions or financial decisions involving funds received directly or indirectly from the City, the employee must disclose the potential conflict in accordance with Section C.
2. The employee's Division manager, in consultation with Operations Management, must determine if an actual conflict exists and if so, document how the conflict

will be addressed. Operations Management must provide that documentation to the City Controller.

This Chapter was adapted from:

[City Human Resources Administrative Rule 4.05 – Outside Employment and Volunteer Activities](#). Adopted by Council on March 6, 2002 (Ordinance No. 176302). Last revised February 15, 2018.

CHAPTER IX: POST-EMPLOYMENT RESTRICTION POLICY

A. Purpose and Authority

Under Oregon law (ORS 244.040(3)), Auditor's Office employees are prohibited from soliciting or receiving, either directly or indirectly, any pledge or promise of future employment based on any understanding that the employee's vote, official action, or judgment would be influenced by the pledge or promise.

The City Auditor has determined that a post-employment restriction policy is needed to avoid even the appearance of influence by the possibility of future employment with the City agencies whose actions are investigated or adjudicated by the Auditor's Office. The purpose of this policy is to further safeguard the actual and perceived independence and impartiality of the Auditor's Office.

B. Policy

1. This policy applies to the following Auditor's Office positions ("covered positions"):
 - Ombudsman
 - Deputy Ombudsman
 - Audit Services Director

2. It is the policy of the Auditor's Office that:
 - a. The Ombudsman or Deputy Ombudsman may not accept employment with or compensation from any of the City agencies the Ombudsman's Office is empowered to investigate for a period of one year after serving as the Ombudsman or Deputy Ombudsman.

 - b. The Audit Services Director may not, for a period of one year after serving as the Audit Services Director, accept employment with any of the City agencies that are on the annual audit schedule or that have been audited by the Audit Services Division during the prior year.

- c. For purposes of this rule, a year is a twelve-month period counted from the last day of work in a covered position.
3. Operations Management must notify any person hired for a covered position, in their written employment offer, that the Auditor's Office's post-employment restriction policy is a term of employment.
 - a. The written employment offer must be provided to the employee at least two weeks before the first day of employee's employment. The employee may waive the two-week notice period, in writing, if it interferes with a preferred start date.
 - b. Auditor's Office employees serving in a covered position as of the date of the adoption of this rule are not bound by the post-employment restriction policy.
4. The City Auditor has the discretion to waive post-employment restrictions, on a case-by-case basis, if the City Auditor determines that the actual or perceived independence and impartiality of the employee and the Auditor's Office are not impacted by the waiver.

CHAPTER X: DUTY TO REPORT UNLAWFUL OR IMPROPER ACTIONS; WHISTLEBLOWING

A. Duty to Report

All Auditor's Office employees are expected to report conduct that is unethical, to report observed unlawful or improper actions by City officials, and to disclose waste, fraud, abuse, or corruption by City officials.

1. Reports may be submitted to a supervisor, Operations Management, the City Auditor, the Ombudsman's Office, the Bureau of Human Resources, or the [Fraud Hotline](#).
2. Employees who are unsure whether to report an action are expected to bring the issue to the attention of their supervisor, Operations Management, the City Auditor, the Ombudsman's Office, the Bureau of Human Resources, or the [Fraud Hotline](#).
3. All information received in connection with this rule is treated as highly sensitive. To the extent possible, confidentiality will be maintained, but absolute confidentiality cannot be guaranteed, unless a report is filed anonymously through the [Fraud Hotline](#).

B. Whistleblowing

The Auditor's Office will not tolerate any retaliation against an employee for filing a complaint or report under this rule or for cooperating in an internal or external investigation.

1. Retaliation is prohibited even if the underlying complaint or report is not substantiated.
2. It is an unlawful employment practice for the City or the Auditor's Office to:

- a. When an employee has a good faith and reasonable belief that the City has violated any federal state or local law or regulation; engaged in mismanagement, gross waste of funds, or abuse of authority; or created a substantial and specific danger to public health and safety by its action, and the employee discloses such information:
 - i. Discharge, demote, transfer, reassign, or take disciplinary action against the employee or threaten to take such action because of such disclosure.
 - ii. Withhold work or suspend the employee because of such disclosure.
 - iii. Discriminate or retaliate against the employee regarding promotion, compensation, or other terms, conditions, or privileges of employment because of such disclosure.
- b. Direct employees not to make such disclosures, discourage employees from making such disclosures, or require employees to notify the City before making such disclosures.
- c. Prohibit employees from discussing, either specifically or generally, the activities of the City or any person authorized to act on the City's behalf, with:
 - i. Any City of Portland elected official;
 - ii. Any member of the Legislative Assembly or any Legislative Committee staff acting under the direction of any member of the Legislative Assembly; or
 - iii. Any member of the elected governing body of a political subdivision in the state or any elected auditor of a city, county, or metropolitan service district.

This rule does not authorize employees to disclose information that is required to be kept confidential under the law or Auditor's Office or Division rules or policies.

This Chapter was adapted from:

[City Human Resources Administrative Rule 11.01 – Statement of Ethical Conduct.](#)

Adopted by Council on September 21, 2005 (Ordinance No. 179606). Last revised December 4, 2013.

[City Human Resources Administrative Rule 11.03 – Duty to Report Unlawful or](#)

[Improper Actions.](#) Adopted by the Chief Administrative Officer on October 8, 2002. Last revised February 15, 2018.