

## CHAPTER 296

### Monroe County Code of Ethics

#### 296-1. Definitions

- (A) "Business relationship" means dealings Monroe County government has with a person seeking, obtaining, establishing maintaining, or implementing:
- (1) a pecuniary interest in a contract or purchase with Monroe County governments; or,
  - (2) a license or permit requiring the exercise of judgment or discretion by Monroe County government.
- (B) "Conflict of interest" means a situation in which the private financial interest of a Monroe County government officer, employee, or agent, or of the spouse, immediate family member, or partner (business or domestic) of an officer, employee, or agent, or of an organization that employs or is about to employ any of the above, may influence the officer's, the employee's, or the agent's performance of a public duty.
- (C) "Financial interest" means an interest:
- (1) in the purchase, sale, lease, contract, option, or other transaction between Monroe County government and any person; or
  - (2) involving services.
- The term includes an interest arising from employment or prospective employment for which negotiations have begun. The term does not include an interest of the officer, employee, or agent in the common stock of a corporation unless the combined holdings in the corporation of the officer or the employee, that individual's spouse, and that individual's unemancipated children are more than one percent (1%) of the outstanding shares of the common stock of the corporation. The term does not include an interest that is not greater than the interests of the general public.
- (D) "Gift" means the transfer or promise of a transfer of something of value regardless of the form without adequate and lawful consideration or consideration less than that required of others who are not employees, including the full or partial forgiveness or indebtedness, which is not extended to others who are not Monroe County government officers, employees, or agents, on the same terms and conditions. However, "gift" does not include gifts from relatives of less than two hundred fifty dollars (\$250) or campaign contributions subject to IC 3-9-2.
- (E) Harassment means any unwelcome or offensive conduct, whether written, verbal or physical, which is:
- (1) Directed at or to a person because of the person's age, color, disability, ethnicity, gender, sexual orientation, national origin,

- race, religion, or veteran status, housing status, or other legally-protected classification; or,
- (2) Directed toward any person concerning an individual, or a class of individuals, because of the age, color, disability, ethnicity, gender, sexual orientation, national origin, race, religion, veteran status, or housing status of the individual or class of individuals. For example, racial or ethnic slurs or derogatory epithets are prohibited in the workplace, regardless of whether a member of the racial or ethnic group is present when the statement is made.

Harassment does not refer to occasional compliments or other statements of a socially-acceptable nature. Harassment refers to behavior which is unwelcome and which is so offensive and/or persistent as to create, or have the potential of creating, an intimidating, hostile, or offensive working environment for any person.

- (E) "Honorarium" means a payment of money for an appearance, a speech, or an article but does not include payment or reimbursement of travel expenses for a Monroe County government officer, employee, or agent.
- (F) "Officer" means anyone who holds public office, elected or appointed, in Monroe County government.
- (G) "Person" means any individual, proprietorship, partnership, unincorporated association, trust, business trust, group or corporation, whether or not operated for profit, or a governmental agency, or a political subdivision.
- (H) "Relative" means any person related as father, mother, step-father, step-mother, brother, sister, step-brother, step-sister, uncle, aunt, husband, wife, son, daughter, step-child, son-in-law, daughter-in-law, grandchild, step-grandchild, niece, or nephew.
- (I) "Travel expenses" means transportation, lodging, and meals. It may be actual travel expenses or an amount approximating those expenses which would be allowed by the Monroe County government travel policies and procedures set forth in the Monroe County Personnel Policy.

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### Conflict of Interest

No employee, officer, or agent of Monroe County government shall participate, directly or indirectly: in the selection, in the award, or in the discretionary administration of a contract; in an inspection; or, in granting a permit, if a conflict of interest, real or apparent, would be involved.

Should a conflict of interest arise in the foregoing contexts, the conflicted employee, officer, or agent shall; immediately report the existence of the conflict to her or his supervisor and to the County Commissioners' Administrator, in writing; and, as soon as reasonably possible, assign participation in, and oversight of, the matter to a deputy within the office or department (or request the same to be done) or, if no deputy is in place, to a qualified officer, employee, or agent who will be temporarily appointed by the County Commissioners to participate in and/or oversee the specific matter giving rise to the conflict.

**Gifts, Favors, Services, Entertainment, Food, and Drink, etc.**

**(A)** Monroe County government employees, officers, and agents, or the spouse or unemancipated child of a Monroe County government employee, officer, or agent, shall not knowingly solicit, accept, or receive any gift, favor, service, entertainment, food, drink, travel expenses, or registration fees (collectively and individually "gift") from a person who has a business relationship with the employee's agency or is seeking to influence an action by the employee, officer, or agent in his or her official capacity. The following shall not be subject to this section, unless restricted by Subsection (D) below:

- (1)** Gifts, favors, services, entertainment, food, or drink from public agencies or public institutions;
- (2)** Food or drink consumed at a public meeting to which at least twenty-five (25) individuals are invited. A meeting will be considered public if:
  - (a)** the event is a reception or other gathering of public officials that is not arranged to solicit government procurement of goods or services;
  - (b)** the employee is giving a speech or participating in a presentation in the employee's official capacity; or,
  - (c)** the meeting has a formal educational program that the employee is attending to assist him or her in performing official duties.
- (3)** Unsolicited gifts, favors, services, entertainment, food, or drinks of nominal value (for purposes of this provision, nominal value shall be an amount less than \$100.01; the total value of nominal gifts is limited to \$300.00 per year per officer, employee, or agent).
- (4)** Political contributions subject to IC 3-9-2 that are reported in accordance with applicable law.
- (5)** Discount or other promotional programs approved and made generally available by or through Monroe County government to its officers, employees, and agents.

**(B)** Upon written application of a Monroe County government officer, employee, or agent, the Monroe County Commissioners may waive application of subsection (A), above, in individual cases, when consistent with the public interest. The waiver shall:

- (1)** be in writing; and
- (2)** identify the following:
  - (a)** The employee.

- (b) The nature and value of the gift.
  - (c) The donor of the gift.
  - (d) Why acceptance of the gift is consistent with the public interest.
- (C) A person who has a business relationship with Monroe County government shall not provide any gifts, favors, services, entertainment, food, or drink to a Monroe County officer, employee, or agent, if the officer, employee, or agent would not be able to accept the gift, favor, service, entertainment, food, or drink under this Section.
- (D) Contrary provisions of Subsection A above notwithstanding, with respect to engineering and design related service contracts ("Contracts") supported by Federal-aid funds, officers, employees, and agents of Monroe County government shall;
- (1) abide by the conflict of interest provisions of Section 296-2 above;
  - (2) promptly report, in writing, potential conflicts of interest to INDOT;
  - (3) neither solicit nor accept gratuities, favors, or anything with a monetary value greater than \$100.00, from the engineering and design related service providers under the Contract (the foregoing amount is insubstantial interest/nominal unsolicited gifts threshold for purposes of this Chapter); and,
  - (4) promptly report, in writing, violations of this Subsection to INDOT.

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#### **Honoraria**

- (A) An officer, employee, or agent of Monroe County government shall not personally accept an honorarium for himself or herself for anything that may be considered part of the officer's, employee's, or agent's official duties. However, the official, employee, or agent may accept an honorarium on behalf of Monroe County government. Such an honorarium shall be remitted to the Monroe County Treasurer, who shall quietus the honorarium into the County General Fund.
- (B) An officer, employee, or agent of Monroe County government may personally accept an honorarium for activities not done in connection with the employee's official duties and that are prepared on the employee's own time and without the use of Monroe County government resources. The above notwithstanding, an officer, employee, or agent of Monroe County government may not accept an honorarium from a person who has a business relationship or seeks to influence an official action of Monroe County government.

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#### **Reimbursement of Travel Expenses**

A person may reimburse Monroe County government for any part of, or for all of, the expenses incurred by Monroe County government for appearances of a Monroe County officer, employee, or agent on behalf of the County. Reimbursement shall be remitted to the Monroe County Treasurer who shall quietus the funds into the General Fund.

**296-6 Donations**

Nothing in this Chapter prohibits donations to Monroe County government that are made in accordance with applicable law (e.g., IC 36-1-4-10).

**296-7 Nepotism**

Nepotism restrictions are set forth in MCC 266-17 and MCC 274-3.

**296-8 Policy Prohibiting Harassment**

It is the policy of the County to provide all elected officials, employees, volunteers, and those with whom we consult and work, an environment, which is safe, comfortable, and free of harassment. It is the County's policy to prohibit all forms of harassment on County time and County property, including harassment based on age, color, disability, ethnicity, gender, sexual orientation, national origin, race, religion, veteran status, housing status, or any other legally-protected classification. All elected officials, employees, volunteers and those with whom we consult with and work are responsible for complying with the County's policy prohibiting harassment.

**A.** Harassment means any unwelcome or offensive conduct, whether written, verbal or physical, which is:

1. Directed at or to a person because of the person's age, color, disability, ethnicity, gender, sexual orientation, national origin, race, religion, or veteran status, housing status, or other legally-protected classification; or,
2. Directed toward any person concerning an individual, or a class of individuals, because of the age, color, disability, ethnicity, gender, sexual orientation, national origin, race, religion, veteran status, or housing status of the individual or class of individuals. For example, racial or ethnic slurs or derogatory epithets are prohibited in the workplace, regardless of whether a member of the racial or ethnic group is present when the statement is made.

Harassment does not refer to occasional compliments or other statements of a socially – acceptable nature. Harassment refers to behavior which is unwelcome and which is so offensive and/or persistent as to create, or have the potential of creating, an intimidating, hostile, or offensive working environment for any person.

**B.** Sexual harassment may include the following:

1. Offensive or unwelcome sexual flirtations, advances, or propositions, communicated verbally, by touch, or in writing, including texting and all forms of electronic communication;

2. Obscene or sexually suggestive comments about a person's body or appearance;
3. The use of "off color" language or "dirty jokes";
4. Printed or electronic display or transmission of sexually explicit photographs, drawings, greeting cards, articles, books, magazines, messages, cartoons, or any other image;
5. Electronic messaging, including but not limited to, emails, blogs, chat rooms, etc.
6. Conduct with sexual implication that has the purpose or the effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment;
7. Unwelcome or unnecessary touching of any part of another's body;
8. Sexually degrading words to describe a person or a group of people;
9. Slurs, threats, repeated commands or other offensive verbal or physical conduct relating to a person's sex or sexual orientation.

**C.** This policy applies to all full-time, part-time, and temporary employees and to elected officials, department heads, volunteers, and to those with whom we consult and work.

**D.** It is a violation of this policy to use an individual's submission to or rejection of harassing conduct as the basis for any employment decision affecting the individual. Retaliation towards a person who reports harassment is strictly prohibited.

**E.** Persons who believe they have been subjected to, witnessed, or been made aware of harassment shall promptly report the harassment to their elected or appointed department head, the Human Resources Department, or the Monroe County Legal Department and complete a Harassment Complaint Form. The best time to register a complaint is immediately after the act occurs. The completed Harassment Complaint Form shall be turned into the appropriate elected official, department head, the Human Resources Department, or the Monroe County Legal Department.

1. If the department is the subject of the harassment complaint, the person may submit the completed form to the elected official responsible for that department head, the Human Resources Department, and the Monroe County Legal Department.

2. If the elected official is the subject of the harassment complaint, the person may submit the completed Harassment Complaint Form to the Human Resources Department, the Monroe County Commissioners, the Board of Judges, or the Monroe County Legal Department. The Monroe County Legal Department and the Human Resources Department must be provided a copy of each completed Harassment Complaint Form.

**F.** All persons who observe or otherwise learn of or have reason to suspect any conduct which may violate this policy shall promptly report

such facts to their elected official, department head, the Human Resources Department or the Monroe County Legal Department, and shall cooperate fully in any investigation or disciplinary action undertaken pursuant to this policy. Failure to comply with this section shall be grounds for appropriate disciplinary action, up to and including termination or replacement, as allowed by law.

**G.** The elected official, department head, or the Human Resources Department, with assistance from the Monroe County Legal Department, shall conduct a prompt and careful investigation. The investigation may include interviews with all persons having direct knowledge of the unwelcome behavior, including the person who made the complaint, the person accused of sexual or other harassment, and other potential witnesses.

**H.** At the conclusion of the investigation, the elected official, department head, Human Resources Department, or other investigator will review the findings with the person(s) who made the complaint. If the investigation reveals that the complaint is factual, appropriate corrective action will be taken to prevent the harassment from occurring again, up to and including discharge of any person believed to be guilty of harassment, as allowed by law. In any case, particularly in situations where the facts uncovered during the investigation are inconclusive or unclear, the County will ensure that all parties are reacquainted with the policy prohibiting sexual or other harassment at work.

**I.** Monroe County will take reasonable steps to keep the complaint confidential and, to the extent possible, maintain the privacy of the persons involved. Monroe County, however, cannot guarantee confidentiality.

**J.** Monroe County take this harassment policy very seriously and will make all reasonable efforts to educate its elected officials, employees, volunteers and those with whom we consult and work about this policy. Every new elected official, employee, volunteer, and those with whom we work will be provided a copy of the policy when hired or retained. If the policy is amended, copies of the amendments will be provided. All employees are expected to annually review the Personnel Policy Handbook.

**K.** Monroe County also recognizes that careful consideration must be given to questions regarding whether a particular action or incident is purely personal or social without any discriminatory effect. False accusations of harassment can have devastating effects on the lives and reputations of innocent people; therefore, the County may discipline, up to and including termination of employment, those employees who are proved to have intentionally, maliciously, and wrongly accused others of harassment. Appropriate legal action may be taken against elected officials, volunteers, and those with whom we consult and work who are proved to have intentionally, maliciously, and wrongly accused others of sexual harassment.

**L.** Prevention is the best policy for the elimination of harassment. Elected officials, employees, volunteers, and those with whom we

consult shall be aware of this harassment policy at all times and seek to avoid creating conditions that encourage such activity.

**M.** Sexual and other forms of harassment by any person may result in personal legal and financial responsibility for the offender.

## **296-9**

### **Penalties for Violations**

Officers, employees, and agents who violate this Subsection, may be subject to discipline in accordance with the Monroe County Personnel Policy. Contractors and their agents may be subject to suspension or debarment from future contracting opportunities.

**[end of chapter]**