



## CITY OF NEW BRAUNFELS POLICIES AND PROCEDURES

**PROCEDURE(S): CODE OF CONDUCT**

**EFFECTIVE DATE: MAY 20, 2019**

**REVISION DATE(S): NOVEMBER 12, 2019, JUNE 30, 2020**

### **CODE OF CONDUCT**

Each employee is responsible for following City rules of conduct, policies, and practices. The City expects all employees will interact and treat each other with dignity and respect. All City employees should maintain the utmost standards of personal integrity, truthfulness and fairness in carrying out their duties, avoiding real or perceived improprieties in their roles as public servants and never using their City positions or powers for improper personal or professional gain. Any conduct that is contrary to this policy is not acceptable and may result in disciplinary action, up to and including termination of employment. This policy does not alter the at-will employment relationship between the city and the employee.

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.

#### **A. Improper Conduct**

Employees must perform their assigned duties to the best of their ability and in the best interest of the City, fellow employees, customers, visitors and vendors. Employees must not take action that creates a risk, harm or damage to oneself, another person, the City, or the property of the City or others.

Employees must adhere to and fully comply with all City policies and procedures. Managers/Supervisors must be conscious of the fact that they are agents of the City, and as such, their actions may be attributed to the City under certain circumstances even while off duty. Therefore, they should avoid situations that place the City at risk and/or call their professionalism into question.

This section provides examples of prohibited conduct. The infractions listed are only examples and are not meant, and do not, include all reasons for which an employee may be disciplined or terminated. The Employee Code of Conduct may be amended from time to time.



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1. Intentional destruction of City property or of property belonging to another employee.
2. Violent acts or threats of violent acts.
3. Possession of dangerous or unauthorized materials such as explosives or firearms on City property.
4. Failure to follow the safety standards to ensure the safety and well-being of all employees, customers and vendors.
5. Selling, distributing, offering, possessing, transferring or using alcohol or illegal/controlled substances during work time or on City property.
6. Gambling on City property or during business hours.
7. Falsification of timesheets, financial or City documents.
8. Falsification of employment documents.
9. Alteration of City records.
10. Violation of any criminal law at any time.
11. Conviction of a traffic citation received while conducting City business.
12. Insubordination.
13. Failure to meet the performance standards.
14. Failure to perform a specifically assigned work task or directive unless doing so would clearly violate City policy or the law.
15. Excessive or unscheduled absenteeism/tardiness in reporting to work.
16. Leaving work during business hours without the permission of the Manager/Supervisor and/or Department Director.
17. Lying with regard to work or in an investigation.
18. Failure to cooperate with an investigation.

### **B. Personal Relationships**

Relationships that occur in the workplace must not interfere with work performed and may not violate the City's nepotism policy.

1. Supervisors may not date or have a sexual relationship with a subordinate, on or off duty.
2. In the event a relationship involving any City employees interferes with work performed or causes distraction within the workplace, one of the employee's may be reassigned or asked to resign in lieu of being terminated.



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### **C. Children in the Workplace**

Employees are not permitted to bring children to work with them. Exceptions to this policy may be permitted by the Department Head to allow employees to bring their children to visit their worksite, provided that the visits are infrequent, brief, and planned in a fashion that limits disruption to the workplace. While children are in the workplace, they must be directly supervised by the host/parent at all times.

### **D. Working hours and Reporting for Work**

1. The normal work week for City employees is forty [40] hours. The normal number of hours worked per week may vary by department based on such factors as local, state or federal statutes, work load, time of year, etc.
2. Administrative and staff employees will normally work from 8:00 a.m. to 5:00 p.m.; however, Department Directors, with City Manager or designee approval, may establish work schedules in their departments based on the business needs and functions of the department. Scheduled changes may not affect coverage during business hours or affect customer service. Lunch breaks will be scheduled by Department Directors in accordance with the Department of Labor, department requirements and the need to provide service to citizens and customers. All non-exempt employees who work a 9-hour day must be offered a 60-minute, unpaid lunch. These employees shall not be required or expected to perform any job-related tasks while at lunch.
3. An employee shall report for work physically and mentally fit at the time and place specified by the Manager/Supervisor and remain physically and mentally fit throughout the work day. The employee must be properly prepared to immediately assume and continue the duties of his/her position, which includes being aware of information required for proper performance of that work.

### **E. Absences and Late Reporting to Work**

1. No employee may be absent without prior notification and authorization. This includes failure to report for work at the assigned time and place or leaving a place of duty or assignment



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without proper authorization. This rule applies to any scheduled activity for which the employee is compensated to include but not limited to break[s] by the City.

2. In most, but not all cases, employees should be able to plan their absences from work. Employees shall advise their Supervisor or Department Director that he/she will not be at work and provide an explanation within the time limits established by the department.
3. Any employee missing work for two [2] consecutive shifts or work days without prior approval by the Manager/Supervisor or without notifying the Manager/Supervisor or the Department Director of the reason for the absence shall be deemed to have resigned his/her employment with the City.

## **WORKPLACE VIOLENCE PREVENTION**

It is the policy of the City of New Braunfels to prohibit any acts or threats of violence [verbal or physical] by any employee, former employee or individual against any other employee, or individual in or about the City's facilities while on duty, on or off the City's premises at any time.

- A.** In order to provide a safe work environment in this regard, the City is committed to the following:
1. To take prompt remedial action, up to and including immediate termination of employment, against any employee who engages in any physically threatening behavior or acts of violence by using any obscene, abusive, or threatening language or gestures.
  2. To take appropriate action against former employees or other individuals on the City's premises who engage in such behavior. Such action may include notifying the police or other law enforcement authorities, and prosecuting violators of this Policy to the maximum extent of the law.
  3. To prohibit employees, former employees and other individuals from bringing unauthorized firearms or other weapons onto the City's premises.
  4. To establish practical and reasonable security measures for the City's workplace.
  5. To report any employee who displays a tendency to engage in violent, abusive or physically threatening behavior to the Manager/Supervisor for counseling or other appropriate action[s]. Such employees may also be subject to disciplinary action, up to and including



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termination.

### **POSSESSION OF WEAPONS OR EXPLOSIVES**

- A. The City of New Braunfels does not permit employees to possess or use any kind of weapon [licensed peace officers are an exception to this policy], explosive or other dangerous implements while employees are at the workplace or otherwise performing duties on behalf of the City. This Policy applies whether or not a weapon is armed or loaded. Weapons must be properly secured and concealed in an employee's personal vehicle. No employee using a City owned vehicle may possess a weapon, excluding those secured in a privately-owned vehicle.
- B. The City reserves the right to inspect, search and monitor employees and their personal property on City premises or while performing City business to ensure compliance.
- C. The mere fact that a citizen is carrying a weapon on City property or inside a City facility should not be cause for alarm or require a police response. However, if the person is causing a disturbance or behaving in an alarming manner, the police should be called to investigate.
- D. For additional information, reference the [Open Carry Guide](#).

### **ANTI-FRAUD**

This policy applies to any actual or suspected fraud, theft, waste, or abuse involving any City employee, a consultant, vendor, contractor, outside agency, or person doing business with the City or in any other relationship with the City. The City of New Braunfels does not tolerate any type of fraud, theft, waste or abuse. The City's policy is to promote consistent, legal, and ethical organizational behavior by:

- a. Assigning responsibility for reporting fraud, theft, waste or abuse.



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- b. Providing guidelines to conduct investigations of suspected fraudulent behavior.
- c. Requiring employees to attend fraud awareness training.

Failure to comply with this policy subjects any City employee to disciplinary action, up to and including immediate termination. Failure to comply by a consultant, vendor, contractor, outside agency, or person doing business with the City or in any other relationship with the City could result in cancellation of the business or other relationship between the entity and the City. The City of New Braunfels will pursue prosecution if the results of an investigation indicate the possibility of criminal activity. The City of New Braunfels contracts with EthicsPoint as a means for employees to report suspected fraud, theft, waste or abuse anonymously. The anonymity of the employee reporting will be respected at all times. To make a report through the EthicsPoint system, employees may use either of the following methods:

- Visit [www.cityofnewbraunfels.ethicspoint.com](http://www.cityofnewbraunfels.ethicspoint.com) and select the "Make the Report" link
- Dial toll-free: 1-866-883-9397

For purposes of this policy only, the term fraud or fraudulent includes theft, waste, and abuse as defined below. The term employee includes employees in management positions. The term management includes directors, managers, assistant managers, supervisors and any other employee who has authority to sign another employee's performance evaluation.

### **A. Definitions of Fraud, Waste, Abuse and Theft**

1. Fraud is defined as an intentional deception designed to obtain a benefit or advantage or to cause some benefit that is due to be denied.
2. Waste is the loss or misuse of City resources that results from deficient practices, system controls, or decisions.
3. Abuse is the intentional, wrongful, or improper use of resources or misuse of rank, position, or authority that causes the loss or misuse of resources, such as tools, vehicles, computers, copy machines, etc.
4. Theft is defined as the act of taking something from someone unlawfully.

### **B. Responsibility to Report Suspected Fraud**



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1. Each employee is required to report any suspected fraud, theft, waste or abuse or other dishonest conduct through EthicsPoint, to the employee's management or to the Ethics Officer. The Ethics Officer is the Human Resources Director or designee.
2. Management is required to report suspected fraud, theft, waste or abuse or other dishonest conduct, including reports from employees or other individuals, either through EthicsPoint, the Ethics Officer or to higher level management.
3. Management does not have the authority to determine the merits of a report of suspected fraud. The Ethics Officer will make a determination with the assistance of the Human Resources Director and/or City Management.
4. The identity of an employee or complainant who reports suspected fraud will be protected to the full extent allowed by law.
5. Suspected improprieties and/or misconduct concerning an employee's ethical conduct should be reported through EthicsPoint, to the Department Director or the Ethics officer.

### **CONFIDENTIALITY**

In the course of one's work, an employee may have access to information about the City, employees, or vendors, which is confidential. The City requires all employees to protect the integrity and confidentiality of such information by safeguarding it and accepting responsibility for its security and proper use.

#### **A. Examples of Precautionary Measures**

1. Discuss work matters only with other City employees who have a specific business reason to know or have access to such information.
2. Do not discuss confidential work or customer-related matters in public places.
3. Monitor and supervise visitors to City offices to ensure they do not have access to confidential information.
4. Secure confidential information in desk drawers and cabinets at the end of every business day.



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5. Take steps to protect the confidentiality of electronic confidential information by limiting access, for example, by the use of passwords.

If at any time you are uncertain as to whether you can divulge certain information or how you should secure it, please consult with the Human Resources Department. Confidential information which employees are exposed to shall remain the property of the City. Such information cannot be disclosed or used on behalf of anyone else except the City, during your employment or afterwards. All documents and materials received in connection with your employment must be returned upon the termination of your employment, regardless of the reason.

Employees who are found violating the City's policy on confidentiality will be subject to disciplinary action, up to and including termination of employment. The City reserves the right to take any legal action necessary to enforce its proprietary interest in any confidential information and to protect such information from unauthorized disclosure.

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### **B. Confidentiality of Medical Information**

The City strives to protect the privacy of its employees' medical information. To accomplish this, the City and its managers and employees are required to follow these guidelines regarding the confidentiality of medical information.

1. All medical information concerning employees will be maintained in separate, confidential medical files that are stored separately from regular personnel records in the Human Resources Department. Only authorized employees will have access to such files. Access will be provided solely on a need-to-know basis and in accordance with applicable law.
2. Employees with access to medical information of other employees are instructed that such information is absolutely confidential and will not be discussed with or disclosed to any other employee or person unless such discussion or disclosure is necessary as part of the employee's job duties or when discussing the information with the employee that is the subject of the information and with the subject employee's invitation.
3. Any employee who is found to have violated the Confidentiality of Medical Information policy



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or has been found to have released such information without authorization, will be subject to disciplinary action, up to and including immediate termination from employment. Employees also should be aware that a violation of medical information confidentiality may also subject the employee to civil and criminal liability under state and federal laws.

### **SOCIAL MEDIA**

Social media is a powerful communication tool that has a significant impact on organizational and professional reputations. The purpose of this policy is to provide guidelines for employees participating in personal social media rather than to enumerate the use of social media by the City as an institution. Social Media is defined as media designed to be disseminated through social interaction, created using highly accessible and scalable publishing techniques. Examples include but are not limited to Facebook, Twitter, LinkedIn, Instagram, Snapchat, Pinterest, Reddit and YouTube.

Employees have the right to speak out as private citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or mission of the City. An employee speaks as a private citizen when the social media activity is not part of the City employee's job, but rather, the employee is speaking on their own behalf. Further, protected social media activity must be on a matter of public concern, which can include speech on matters of political, social or other concern to the community. In determining whether speech is on a matter of public concern, the City Manager and City Attorney will look at the form, content, and context of a statement. Personal grievances or posts that do not involve matters of public concern are not protected under the First Amendment.

The City generally will not restrict or regulate employees' off-duty social media activity. However, if the City Manager believes that an employee's social media will cause an actual and unreasonable disruption to the City's mission or operations, the City reserves the right to limit such speech within its authority under the law. Accordingly, the City has the right to monitor its employees' social media sites and protect its interests.

Whether social media activity creates an actual and unreasonable disruption is a fact-specific analysis that depends on a number of factors including, the employee's position with the City, the type of social media activity, the social media platform used and who was witness to such activity. Additional



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factors include:

- The need for harmony in the office or workplace
- Whether the City’s responsibilities require a close working relationship to exist between the employee and co-workers when the speech in question has caused or would cause the relationship to deteriorate.
- The time, place, and manner of the speech
- The context in which the dispute arose
- The degree of public interest in the speech
- Whether the speech impeded the employee’s ability to perform his or her duties

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The City Manager and City Attorney are the sole decision makers on whether the speech could create an actual and unreasonable disruption to the City. Below are examples where City employees’ social media activity based on a matter of public concern would nevertheless create an actual and unreasonable disruption:

1. A Department Director posts on social media details about the security system of City facilities and vehicles.
2. A City police officer posts on social media that he believes, based on unverified rumor, that an investigation of a drowning incident has been tainted by corruption and the special prosecutor investigating the drowning had a and a conflict of interest because she had been involved in a quid pro quo with the department to exonerate a family member that was under investigation by the department for a separate criminal case. All of these rumors were found to be unverified.
3. A lifeguard at the City’s recreational facility posts on social media an unverified rumor that the City has begun employing lifeguards and swim instructors without CPR and First Aid certifications.
4. A City employee with management or public-facing duties posts disparaging racial comments about a segment of the population.

Employees with a questions as to whether specific social media postings are a matter of public interest and/or will create an actual and unreasonable disruption in violation of this policy, you are responsible for asking your supervisor or HR prior to engaging in the political-social media activity. The fact that an employee did not understand that his or her social media activity would create



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an actual and unreasonable disruption is not a valid defense and will not insulate the employee from discipline under this policy.

### A. Provisions

1. Employees may only access their personal social media sites during designated meal times and/or scheduled breaks. Employees may not otherwise post, work or access their personal social media sites during business hours. Employees are prohibited from using City devices to access their social media accounts.
2. Employees who post material on social networking, ~~and other~~ Internet sites, blogs, or other public forums must take extreme caution not to appear to be representing the City in any manner. Employees are prohibited from posting, disclosing or otherwise discussing confidential or proprietary information about the City and its employees and should not utilize the City of New Braunfels logos. Employees should avoid posting about City-related topics; when ~~an employee~~ posts on social media about City-related matters, ~~he or she~~ they must identify their views as their own and not the City's. Employee's personal social media accounts may be subject to open records law when they relate to City business.
3. Employees are prohibited from harassing, bullying, defaming, or demeaning coworkers through online posts.
4. Employees are prohibited from making any statements and/or comments that disparage any race, color, religion, sex, age, genetic information, veteran status, disability, national origin, or any other unlawful classification of anyone who works at the City or anyone who the employee interacts with during the course of their employment. In addition, the City prohibits disparaging commentary about gender identity and sexual orientation.

Employees who violate any section of this policy may be subject to disciplinary action up to and including termination. Any user having personal knowledge of misuse or violation(s) of this policy who fail to report such violation(s) to his or her supervisor or the Human Resources Department in a timely manner may be subject to disciplinary action up to and including termination.

## SOLICITATION



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It is the policy of the City of New Braunfels to limit solicitation and distribution of literature by employees and/or vendors in the workplace. Any solicitation by employees and/or vendors in the workplace is subject to Human Resources Department approval.

Solicitations within the community on behalf of the City must have the prior approval of the City Manager or designee.

### **POLITICAL ACTIVITY**

The City desires to maintain a high level of accountability and high standards of professionalism while respecting the rights of employees outside the workplace. This Policy is designed to maintain those goals.

#### **A. Political Participation**

Section 12.03 of the New Braunfels City Charter and Section 2-5 [c] of the City Code of Ordinances contain provisions dealing with political activity by City employees, and employees should familiarize themselves with those rules. Generally, the Charter and Code provide the following:

1. During work hours, while in the performance of official job duties, whether or not on City property, or while otherwise in a City uniform or while wearing a City logo or emblem, employees shall not perform or be involved in political campaigning or related activities.
2. No employee shall solicit or assist in the soliciting of any assessment subscription, or contribution for any political party or political purpose from any subordinate employee, whether in a municipal election or otherwise.
3. Employees have the right to speak out as private citizens on matters of public concern, so long as the speech does not unduly disrupt the operations or mission of the City. An employee speaks as a private citizen when their political speech is not part of their job, but rather, the employee is speaking on their own behalf, and political speech is inherently on a matter of public concern.
4. The City generally will not restrict or regulate employees' off-duty political participation. However, during municipal elections, if the City Manager believes that an employee's public political speech or conduct will cause an actual and unreasonable disruption to the City's



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mission or operations, the City reserves the right to limit such participation within its authority under the law.

a. Whether an employee's municipal political activity creates an actual and unreasonable disruption is a fact-specific analysis that depends on a number of factors including, the employee's position with the City, the type of political activity, and where the political activity occurred and who was witness to such activity. The City Manager and City Attorney are the sole decision makers on whether municipal political activity creates an actual or unreasonable disruption to the City. Below are examples where City employees' municipal political speech would likely create an actual and unreasonable disruption:

i. A Council appointee or other City employee with Council-facing duties, liked the Facebook page of a councilmember's opponent and was seen volunteering over the weekend, handing out yard signs and campaign materials for the opponent. Such political activities interfere with the employee's interactions with the Council and negatively impact an employee's ability to do their job.

ii. A Department Director announces that he will not support a new political proposition recently approved by voters, which is set to be implemented by his department. Such political speech interferes with the Director's workplace duties and undermines public trust and confidence that the political proposition will be implemented and enforced in good faith.

b. ~~If you~~ Employees have with a questions as to whether a specific municipal political activities will create an actual and unreasonable disruption in violation of this policy, ~~you~~ they are responsible for asking ~~your~~ their supervisor or HR prior to engaging in the political activity. The fact that an employee did not understand that his or her political activity would create an actual and unreasonable disruption is not a valid defense and will not insulate the employee from discipline under this policy. ~~An employee may place campaign signs on premises owned by the employee; place bumper stickers on personal vehicles except those vehicles supported in whole or in part by a car allowance provided by the City; and attend a political rally or functions of a municipal candidate provided that the employee does not actively participate in the rally or function and not on City time.~~

3.5 For all other non-municipal elections, including county, state or national elections, an employee is not limited in his or her off-duty participation or support. [Please reference



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Endorsements as City Employees].

4-6. In addition to the above Charter and Code provisions, no employee shall:

- a. Coerce an employee to participate in, or to refrain from participating in, a political campaign.
- b. Require an employee to contribute to any political fund, render any political service, or support or oppose any political election. Employees may not be punished in any way for refusing to do so.

### B. Endorsements as City Employees

1. Employees are prohibited from using their official capacities as City employees to influence, interfere with, or affect the results of an election. An employee shall not list his/her position or occupation with the City in an endorsement of a candidate for public office, or while addressing political gatherings in support of, or in opposition to, a partisan candidate or political proposition on a ballot where the employee's position or occupation is listed.
2. Employees shall not engage in any activity that could be construed as giving City sanction to any candidate for public office or for or against any political proposition.
3. Employees shall not use City equipment, including computers, printers, cell phones, telephones and e-mails, to engage in any political activity.
4. With regard to City bond elections, a City employee may use City equipment or appear in City uniform or while wearing an article of clothing containing a City logo or emblem, to explain the use of the bond proceeds or the projects to be funded with the bond proceeds. However, a City employee shall refrain from stating that citizens should vote in favor of, or against, the bond propositions. While on duty, employees must also refrain from using words that are supportive or derogatory of such propositions.

### C. Candidates for Political Offices, Including New Braunfels City Council

1. A City employee who enters a race for any political office, including New Braunfels City Council, shall notify his/her Manager/Supervisor or Department Director and the City Manager. A City employee can become a candidate for public office so long as his or her candidacy does not interfere with the employee's duties and responsibilities associated with



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his/her employment. The City Manager will be the sole decision-maker in determining whether a City employee's candidacy interferes with his or her employment.

2. A City employee elected to any political office, including New Braunfels City Council, shall report this fact to his/her Department Director and the City Manager. The City Manager may review the situation and the employee's election to determine if actual or potential conflicts of interest or other reasons exist that could require the employee to resign or be terminated.

### **COUNCIL COMMUNICATION**

At the City Manager's discretion, he/she will set parameters and expectations regarding direct or indirect communication between staff and City Council members.