

# City of Bozeman

## Supervisors Ethics Training 2012

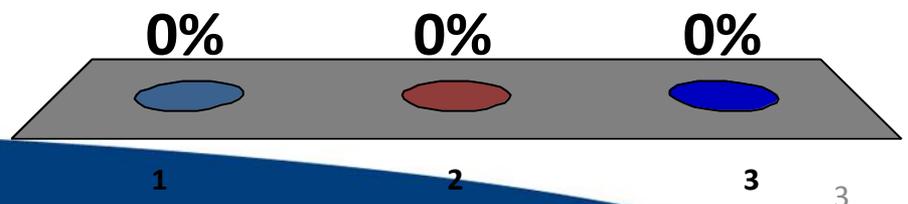
*Local Government Center  
Montana State University*  
[www.msulocalgov.org](http://www.msulocalgov.org)

# *2012 Ethics Training Agenda – 90 minutes*

- I. Research Results from Fall 2011  
Qualitative Research Spring 2012
  
- II. Ethics Scenarios and Discussion
  
- III. Small group discussion and Report out

# *Which of these statements best reflect how you feel about being part of this Ethics Training today?*

1. I'm happy to be here;  
I like attending the ethics trainings
2. I'm here because I have to come, but I usually learn something and it's not so bad
3. I'm here because I have to come and I'm not looking forward to it



*Were you honest in your response to the previous question?*

1. YES!

2. NO!



# *Quantitative Research from Fall 2011*

## **2008 City Charter, Bozeman, MT**

The city commission shall ...establish an **independent board of ethics** ...(and) provide **annual training** and education of city officials, city boards, and employees regarding the state and city ethics codes.

Art. VII Sec. 7.01(a)(b) Jan. 1, 2008

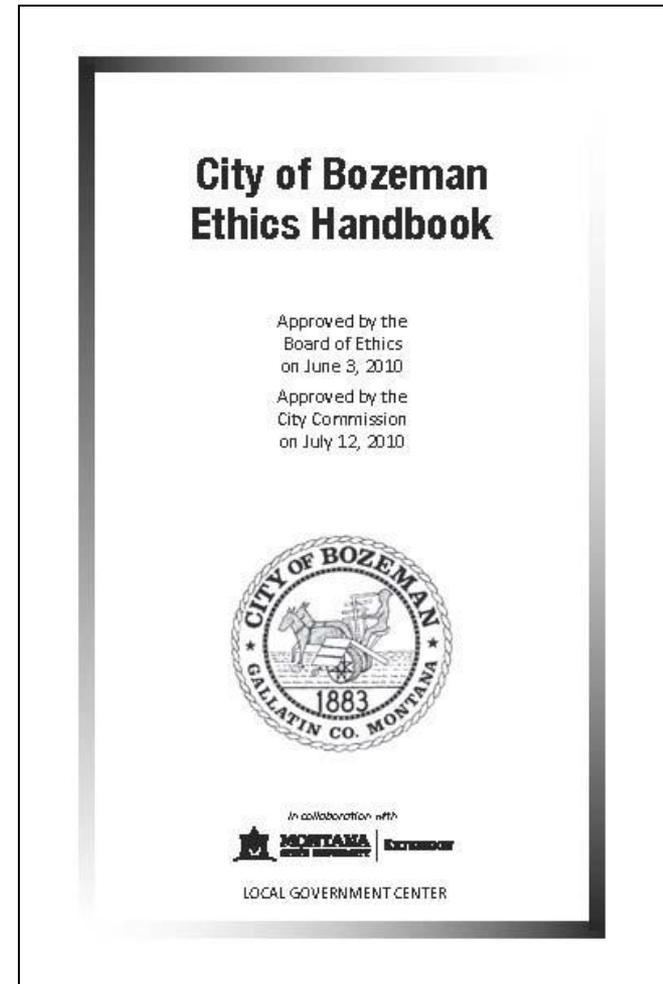
## *By the close of 2011*

Two series of trainings have taken place

- 2009 – “Live” in-person trainings to all employees, elected and appointed officials
- 2010/2011 – “On-line” training related to Bozeman’s specific Code of Ethics and the Montana State Code of Ethics

# *Ethics Handbook*

- 600 City employees, elected and appointed officials (City Council and Boards)



# *Independent Board of Ethics established*



**What are Ethics and Why are They Important for Local Governments?**

Ethics are commonly defined as the rules of conduct that govern how a society differentiates between good and bad, right and wrong. In practice, ethics guide individuals in identifying the correct course of action in how decisions are made.



In local government, the role of ethics is significant in maintaining public trust, fairness, and the appearance of fairness in all government action. Many local governments, including Bozeman, have created laws that outline a Code of Ethics that specify the conduct of all government actions, be it employees, elected or appointed officials, to ensure that all dealings are conducted fairly and in an unbiased manner in both appearance and fact. In general, a Code of Ethics, as is the case for Bozeman, is designed to guarantee that procedural requirements are followed so that all government actions are not only fair, but also appear to be fair. The goal of any ethics-related statute and program is to preserve the public's confidence and trust in government.

**City of Bozeman Code of Ethics Handbook**

An Ethics Handbook is now available for the public, employees, public officials and staff. (See link below.) This ethics handbook was produced by the city of Bozeman Board of Ethics in conjunction with the Local Government Center to educate citizens and train employees and public officials in best practices and legal requirements. In addition, this handbook details specific ethical requirements and provides guidance on obtaining information and filing complaints. The City Code of Ethics provides legal requirements outlining conduct and best practices as detailed in the Code of Ethics within the Bozeman Municipal Code.

**What is the Process to Seek Advice About the City Code of Ethics?**

If a city employee or official has a question about a potential ethics issue, impropriety, or violation, depending on the employee's or official's position and the nature of the issue, he/she should consult with his/her supervisor, Human Resources Department, or seek the advice of the City Attorney. Any member of the public may also request a formal or informal City Attorney opinion with respect to the ethical conduct of an employee or official. In some circumstances, the City Attorney may exercise discretion regarding whether to issue such an opinion.

**What is the Board of Ethics and What Are its Responsibilities?**

The City Code of Ethics details the responsibilities of a three-member Board of Ethics. The Board is made up of individuals who are residents of the city but not "elected officials of the city, full-time appointed city officials whether exempt or non-exempt, or city employees". Board members are appointed by the City Commission to staggered terms and do not receive compensation. The responsibilities of the Board are to:

- Evaluate all aspects of the City Code of Ethics to ensure the public and all public servants have a reasonable opportunity and are encouraged to participate;
- Develop a plan to educate public servants about their rights, duties and responsibilities;
- Submit an annual report of summary decisions, opinions and recommended actions regarding ethical practices or policies;
- Arrange for an annual workshop or training program for all board members; and
- Conduct hearings as needed.
- The Board does not have authority to reverse or modify a prior action of the Mayor, governing body or an officer or employee of the City but may refer a matter to the City Attorney for review and consideration for appropriate action. The Board was created to ensure the public and all public servants have a reasonable opportunity and are encouraged to participate in any process for regularly evaluating the City Code of Ethics.



**Additional Links**

- 2010-2011 Board of Ethics Report
- City of Bozeman Ethics Handbook (code citations to be updated shortly)
- City Code of Ethics
- Bozeman City Charter
- Financial Disclosure Form (fillable)
- Resource - Local Government Center, Montana State University
- Resource - Ethics Resource Center (ERC)
- National Government Ethics Survey from ERC
- National Business Ethics Survey from ERC

Research Paper: *What is Good and What is Right: Ethics in Montana Municipal Government* by Elizabeth J. Webb, Montana State University, Doctorate student  
2/13/12 Presentation from Ms. Webb on the results of her research

Research Paper: *The Effectiveness of Online Ethics Training Programs: A Case Study of the City of Bozeman Ethics Program* by Joseph Piro, Montana State University Graduate student



*Has it made any difference?*



## **Bozeman: 37,280 population**

- ✓ Annual ethics training for employees, elected, appointed officials
- ✓ Code of Ethics – State and City-specific
- ✓ Ethics Handbook
- ✓ Evaluation of ethical behavior (city core values) as part of performance evaluation
- ✓ Whistle-blower policy defined; mechanism to report ethical violations defined
- ✓ Mechanism to discipline employees and independent Board of Ethics established
- ✓ Ethics resource staff identified for guidance

## **Kalispell: 19, 927 population**

- ✓ Periodic training as needed. Group discussions in work areas as impacted.
- ✓ Code of Ethics – State
- ✓ Ethics covered in personnel handbook
- ✓ As part of performance evaluation if issues are present
  
- ✓ Mechanism to discipline employees

# *After 2+ years...*

## **Significant differences between Bozeman and Kalispell in:**

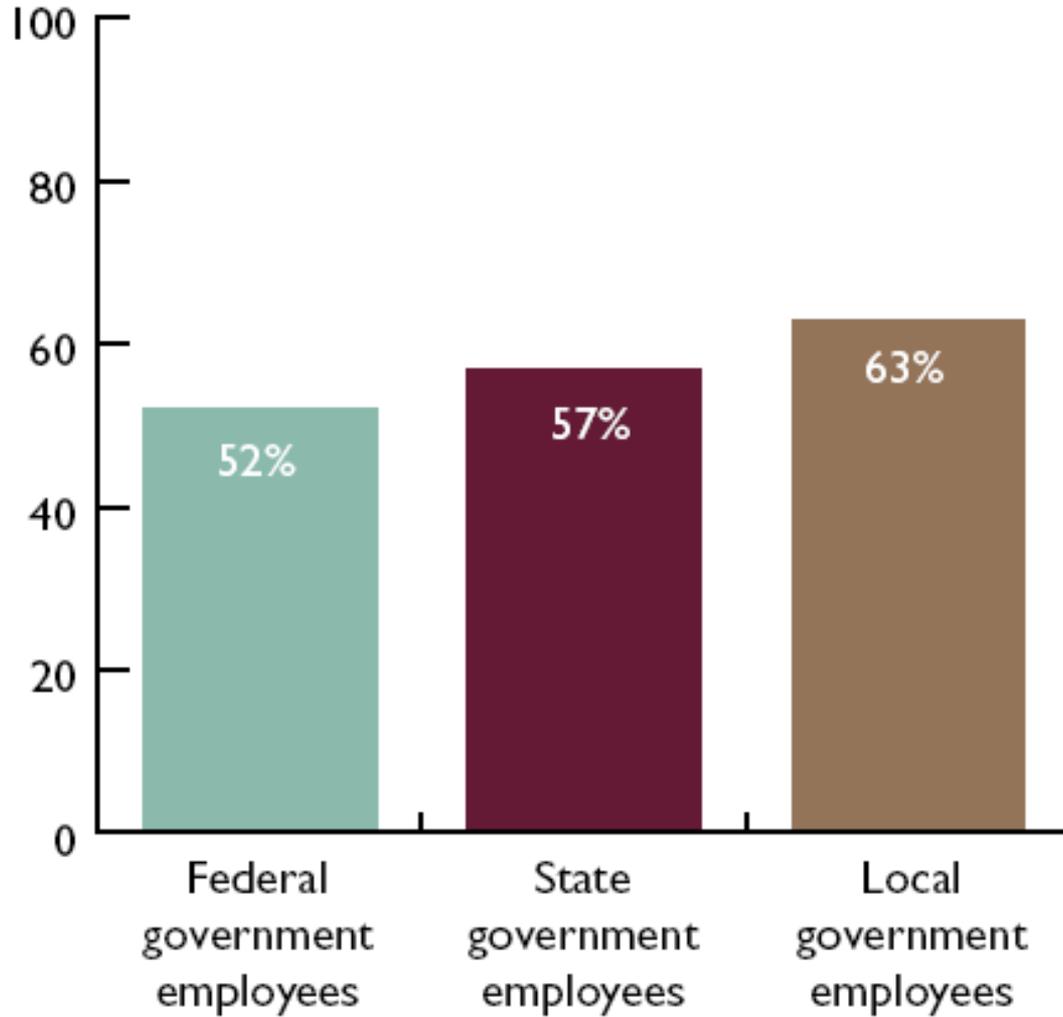
- **Ethics Code Awareness** (policy guides employees in decision-making; have read the code; understand the code; know the city's ethical expectations; know that policies exist)
- **Ethics Resources** (resources are available; easy to get help; staff are available)
- **Ethics Program Effectiveness** (program is effective; confidential manner; increased trust in city; city concerned about ethical standards)

## *After 2+ years...*

### **No significant difference between Bozeman and Kalispell in:**

- Observations of misconduct
- Reporting of misconduct
- Other measures of perceptions of ethical culture (ethical decision-making process, informal ethical norms, ethical leadership)

## More State and Local Government Employees Observe Misconduct



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**Bozeman 36%**  
**Kalispell 31%**

## *Results – lowest mean scores*

- Bozeman Employees **leaned negative** about whether the city is willing to do the right thing no matter the financial costs
- Bozeman Employees also **leaned negative** about whether the city rewards employees for ethical behavior
- Employees from both cities were close to **neutral** about personnel decisions (hiring and promotions) reflecting ethical principles.
- Bozeman Employees were **neutral** about whether the Ethics Program is effective
- Bozeman Employees were **neutral** about whether moral concerns are given top priority by the City's top leaders
- If I were to have an ethical concern, I know I would be supported by the City; Bozeman rated this as close to **neutral**

# *Bozeman Ethics Trainings*

## **2009:**

Live trainings on City Specific Code and State Code of Ethics

## **2010/2011:**

On line training specific to the Code of Ethics (City and State)

## **2012:**

Move away from the Code alone (defines what you cannot do) towards decision-making and City culture

How do I make the right decision in this case?

Who should I involve?

How do we strengthen ethics within the City of Bozeman?

What do we want from our Ethics Program?

# *Qualitative Research 2012*

- Today's clicker results will be saved (anonymous)
- Flip Chart pages collected
- Quotes from reporting out

**No identifying information** will be logged – age, gender, race, department, years with the City, **nor** date of the specific training for use with quotes

# *Ethics Scenario Warm-ups*

## *Green Light/Red Light*

For the following slides:

1 = Green

2 = Red

- Green means “go,” it’s OK, this is not an ethical issue.
- Red means “stop,” this is not ethical behavior!

You are a supervisor in the Public Works Department. Your neighbor is upset that a branch from your tree at home is dangling into their yard and rubbing on their fence. You don't own a chain saw, but know that trimming this limb will only take minutes and your neighbor will stop complaining about it to the City. You decide to take one of the City's chain saws home overnight to take care of the problem. It's good for the saw to be used occasionally anyway.

# 1. Green Light

# 2. Red Light



# P. 5 Ethics Handbook

## 2.03.500

City officials and employees are entrusted with public resources including equipment and access to information. The temptation to use resources and knowledge for personal gain can be significant, especially when equipment, such as a vehicle, is entrusted to an employee. The City Code of Ethics clearly states employees and officials are **not permitted the use of city-owned vehicles, equipment, material, or the use of other city resources for personal use.**

Randy, an employee under your supervision, works 8-5 daily, is a good worker and has been with the City for 5 years. In the past 6 months, Randy has developed a habit of leaving work every Friday at 4:00 pm. He tells you that his work has been completed for the week. Randy reports a full 8 hours of work for Friday on his time sheet. He asks you, as his supervisor, to sign off on his time sheet.

1. Green Light

2. Red Light



# P 4 Ethics Handbook

## Standards of Conduct

### 2.03.490

Standards of conduct refer to the basic legal rules that apply to all employees and officials. These rules are designed to provide practical day-to-day guidance for employees and officials as they fulfill their public duties. This section of the City Code of Ethics states that officials or employees must:

- **Act morally and honestly** in discharging their responsibilities;
- Discharge their duties impartially and fairly;
- Devote necessary time and effort; and
- Not use their position to secure any financial interest or personal interest, improperly influence any other official or employee in the performance of official duties, or act in a private capacity on matters they are directly responsible for

You are a City employee and serve on the board of a local non-profit. On most days, you eat lunch at your desk in your office. You use your cell phone to make calls regarding your charitable work during your lunch hour.

1. Green Light

2. Red Light



# P. 5 Ethics Handbook

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You supervise the employees who collect City garbage. Every week, the same house has garbage strewn all over the alley, and every week, your crew members get out of the truck to clean it up. A sympathetic neighbor greets them outside one morning with steaming cups of coffee and warm bagels as a way to say thank-you. Your crew members ask you if it is OK to accept the coffee and bagels.

1. Green Light

2. Red Light



# P 6 Ethics Handbook

## 2.03.540

Gifts are undeniably a major topic of discussion for employees and officials. Questions invariably arise as to whether it is a violation of the City Code of Ethics to accept a tin of holiday cookies or even a free cup of coffee. **No official or employee shall accept a gift, gratuity, or favor from any person or entity, except as authorized by law.**

An employee under your supervision complained to you about “off color” jokes being made by fellow employees in the department. The jokes are offensive to this employee and distracting from the work environment. Now whenever the employee enters the break room, other employees grow silent and won’t look or speak to them.

1. Green Light

2. Red Light



# P 10 Ethics Handbook

## 2.03.470.A.8 – Definition of Improper Governmental Action

## 2.03.590 – Reporting of Improper Governmental Action

The City refers to “whistle blowing” as the “reporting of improper governmental conduct or action.” Every official or employee must refrain from improper governmental action. An improper governmental action includes any action taken by an official or employee during the performance of their duties that **violates the standards of conduct in the City Code of Ethics or Montana state law**, or is intended to harass, intimidate, or **retaliate** against any other employee, official, or any member of the public. This principle is critical: No official or employee shall **retaliate** against any employee, official or member of the public regarding an allegation of improper governmental action.

A citizen has come into the City offices every day for a week. She asks trivial questions, requests City documents, and holds up the line for people with real needs. Your staff complain about this citizen on a regular basis. On Friday, one of your employees has had it, and declares, “you may not come back here for the next 30 days and then only if you have a specific problem we can help you with!”

1. Green Light

2. Red Light



# P 10 Ethics Handbook

## 2.03.510

The City Code of Ethics further states that “**each member of the public shall be treated courteously, impartially and fairly.** All employees and officials shall in the exercise of their official duties refrain from taking any **action**, making of any **statement**, or authoring any **document** that is intended to **harass, intimidate, or retaliate** against any member of the public”.

# *First Scenario*

A Police Lieutenant is also the owner of a small local business. The Lieutenant spends time every shift managing the business and spending hours on the cell phone. The Lieutenant also uses the cell phone to make business calls while responding to emergencies and while on emergency scenes.

As the Lieutenant, if you have not missed any deadlines or faltered operationally, are you obligated to change your behavior?

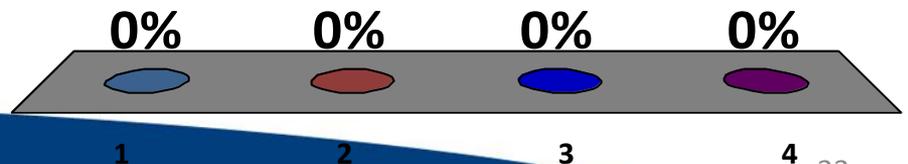
1. YES

2. NO



# As a fellow officer, what would you do?

1. Report the issue to the Lieutenant's Supervisor.
2. Talk to the Lieutenant about the situation.
3. Do nothing, things are working out fine.
4. Do something else not listed here



# *Small Group Discussion*

Talk about this scenario in a group of 4-5 people. Feel free to refer to the Ethics Handbook for guidance.

- What should the Lieutenant do?
- What should a fellow officer do?
- How would you handle this situation?
- Is this an ethical issue?

## Ethics Handbook sections:

- Standards of Conduct
- Use of City Resources for Personal Gain
- Conflict of Interest

# *Second Scenario*

A City Health Inspector has a reputation for being a fair and dedicated public servant. He has worked for the City over 10 years and is active in the local community theater group. “Steve” is on the fund raising committee for this group to help with sets and costumes. Local businesses contribute and are recognized as donors. Since his work brings him in contact with local eateries, Steve is happy to spread the word and give them an opportunity to donate, if they choose.

After the most recent production, Steve’s supervisor, “Sally,” tells him that she has received anonymous complaints from local businesses. They felt that if they didn’t donate, they might receive an unfavorable health inspection. Steve was shocked as he felt that he had not put any pressure on the businesses to donate; he had only let them know of the opportunity. He strongly believes he did not misuse his position in any way. “This is ridiculous, I try to help out and this is what I get.”

# Should Steve have asked local eateries to donate to the show?

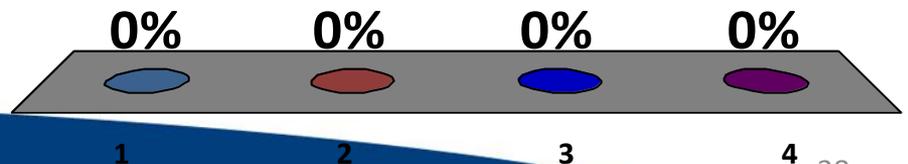
1. YES

2. NO



# What should Sally do to handle the situation?

1. Enter into a progressive discipline process with Steve
2. Blow it off, local businesses complain to the City all the time
3. Discuss the situation with Steve and use it as a teaching experience
4. Go over the ethics policy with Steve and put a note in his file



# *Small Group Discussion*

Talk about this scenario in a group of 4-5 people. Feel free to refer to the Ethics Handbook for guidance.

- Should Steve have asked local eateries to donate to the show?
- Is there a way he could solicit funds for the theater group without pressuring for donations?
- What should Sally do to handle the situation?

## P 5 Ethics Handbook

### 2.03.470.A.10

Many of the rules established in the City Code of Ethics provide general principles required of an employee or official while others provide specific direction. The conflict of interest section in the City Code of Ethics provides both. Specific rules required of an employee or official when confronted with a potential conflict, and general principles, which can provide guidance if a situation is not covered by a specific rule. **A conflict of interest can be either financial or personal.** In general, no city official or employee shall have any financial or **personal interest** in any transaction with the City without full public disclosure.

A personal interest is any interest that would affect the action of the individual other than a financial interest.

# *Third Scenario*

Tom works for the City Planning Department and just learned that a developer from Colorado plans to develop a top of the line subdivision, zoned residential, on 200 acres near the edge of town. The developer indicated that he will petition to have the property annexed to the City. He gives Tom a \$50 gift certificate to the Bistro, saying he knows that City employees don't get many thanks for the hard work they do.

Abutting the property are 20 acres of vacant parcel zoned commercial. The value will skyrocket once the proposal for development becomes public knowledge. Tom's wife works as a realtor. The 20 acre parcel has been on the market for a year. The next day, Tom receives an email from a reliable source that the developer has defaulted on 3 commercial loans in Colorado.

# Is it ethical for Tom to tell his wife about the developer's plans?

1. YES

2. NO



Is there an ethical issue if Tom's wife purchases the commercial property if she heard about it from a source other than Tom?

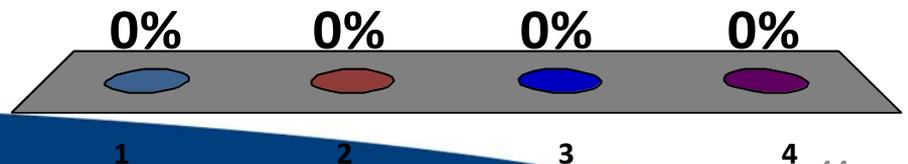
1. YES

2. NO



# What should Tom do about the information he received in the email?

1. Tell his supervisor
2. Tell his wife
3. Do nothing, it isn't relevant
4. Do something else that isn't listed here



# *Small Group Discussion*

Talk about this scenario in a group of 4-5 people. Feel free to refer to the Ethics Handbook for guidance.

- Is it ethical for Tom to tell his wife about his meeting with the developer?
- Can Tom's wife purchase the property? Does it matter who she heard about it from?
- What should Tom do with the information in the email?
- What would you do?

## P 5 Ethics Handbook

### 2.03.520 - Conflict of Interest

#### 2.03.470.A.6 – Definition of Financial Interest

In general, no city official or employee shall have any **financial or personal interest in any transaction with the City** without full public disclosure (further detailed in Section 11 of this handbook).

A financial interest is defined as any interest (such as ownership, a contractual relationship, or a business relationship), which will result in a monetary or other material benefit that has a value of more than fifteen dollars, other than salary or compensation, for services to the city (2.01.020.G).

# *Final Small Group Discussion*

Choose someone from your group as a spokesperson to report back to the larger group. Use the flip chart paper to log your group responses.

1. Talk about how your group perceives the ethics “culture” within the City of Bozeman. Does your group perceive it as weak, strong, or somewhere in between. Why?
2. What steps would you take to strengthen ethical behavior within the City of Bozeman?
3. As a supervisor and leader within the City, what role do you serve or should you serve in creating the ethical culture of the City? How can the City Leadership assist in creating a stronger culture?
4. As a City employee, what do you want out of the Ethics Policy, Board of Ethics and the Ethics Trainings?

# Today's ethics training was a good use of my time

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly Disagree

I learned something today about ethics that I will be able to use in my job with the City.

1. Strongly Agree
2. Agree
3. Neutral
4. Disagree
5. Strongly Disagree

*Thank you!*

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