



# **ETHICS HANDBOOK**

A Statement of Maricopa County's Ethics Policy




## Preface

The symbol on the front cover-the - *itos ki* - is common to several of Central Arizona's Native American communities. It is the representation of the maze house (or *ki*), and symbolizes the difficult choices that each of us must make as we proceed through life.

As active participants in the delivery of important governmental services, we are routinely called upon to make decisions. Just as the many pathways of the *ki* are varied and difficult, our choices must yield good results while maintaining public interest values along the way. As we make these difficult decisions, each of us has an obligation to the citizens of Maricopa County to maintain the very highest ethical standards. Everyone, from volunteers to employees, to members of boards and commissions, must maintain unquestionable standards of integrity, truthfulness, honesty, fairness, and personal responsibility in the performance of our public functions.

The information in this handbook has been gathered in an effort to provide meaningful guidance to employees, elected and appointed officials, volunteers, and the members of appointed boards and commissions. Nothing in this handbook is intended to suggest that anyone should alter their personal beliefs. It is, however, meant to assist all of us in making the ethical decisions that face each of us every day. A personal commitment to sound, ethical decisions is essential to Maricopa County's continued long term success. Maintaining the County's reputation for integrity is a crucial factor in maintaining the public's trust, and each employee, elected and appointed official, volunteer, and member of an appointed board is a personal steward of that reputation.

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## Stewardship Statement

Ethical values are enduring tenants of Maricopa County in the conduct of its business. Therefore, ethical values are core to the County's business strategies and operating practices and are embodied in the Stewardship Statements that guide all Maricopa County employees in their daily responsibilities.

**S**hare information and empower others for the overall good of the County.

**T**rust and encourage others.

**E**xercise collaborative decision-making.

**W**illing to be a guardian of the public's trust.

**A**ct timely to obtain results.

**R**elentless dedication to providing total customer service.

**D**are to take prudent risks to promote continuous service.

**S**et examples of leadership daily.

**H**onor public service with integrity beyond reproach.

**I**nspire yourself and others to achieve the common vision.

**P**raise and recognize others and yourself for positive achievements.



## **Maricopa County's Ethics Policy**

All Maricopa County employees, elected and appointed officials, volunteers, and the members of appointed boards, committees, and commissions, shall maintain unquestionable standards of high personal integrity, truthfulness, honesty and fairness in the exercise of their official responsibilities. All individuals covered by this policy are expressly prohibited from accepting improper personal gain as a result of their position or in connection with information received by virtue of their service with Maricopa County.

All public servants shall carry out the public's business in a manner that benefits the public interest and the common good. They shall uphold the United States Constitution and the Constitution of the State of Arizona. They shall impartially carry out all Federal, State, and County laws and ordinances in an effort to foster respect for all levels of government. They shall not exceed their authority, breach the law, act dishonestly, nor directly or indirectly request others to do so. They shall observe the highest standards of ethical behavior and discharge faithfully their duties and responsibilities, regardless of personal considerations, and shall avoid circumstances that create an appearance of impropriety. They shall protect the County's assets and its reputation through professional and personal conduct that is above reproach. This means treating co-workers and all members of the public with respect, courtesy, fairness, honesty, and integrity.



## **The Headline Test**

A simple way to think about the complex ethical issues is to apply the "headline test". In other words, to consider how a person would feel about the conduct if it were accurately described on the front page of the newspaper. If the story would result in embarrassment, the conduct should be reconsidered.



## **Conflict of Interest**

A conflict of interest occurs when an employee, elected or appointed official, volunteer, or a member of an appointed board, committee, or commission: (1) Has a substantial interest in any decision, contract, sale, purchase, or invoice with Maricopa County (see Appendix, ARS § 38-502); (2) Solicits, accepts or agrees to accept, any compensation, favor, gift, promise or other items of value (whether tangible or intangible) in return for influencing, attempting to influence, rewarding or not rewarding an official action or decision; or, (3) Participates in a Maricopa County action while negotiating prospective employment with a person who has a financial interest in the negotiation.


Anyone who believes that they may have a conflict of interest, should:

- notify their immediate supervisor;
- make their interest known in the official record or minutes of the board, committee, or commission; or
- refrain from voting or participating in the matter.

Anyone who is unsure if they have a conflict of interest, should consult their immediate supervisor, manager, procurement officer, or human resource employment relations representative.

### **Appearance of Impropriety**

A situation can sometimes make it appear that a conflict of interest exists but does not meet the technical definition. The appearance of a conflict may be just as damaging to the County's reputation as an actual conflict. All individuals are



encouraged to avoid situations that create even the appearance of a conflict of interest.

Example: Aaron, while participating on a selection panel to purchase services for Maricopa County, is offered employment by Select Services Corporation, a company that has been listed as a potential subcontractor for one of the companies that is competing for the bid. Can Aaron accept the offer of employment?


Answer: No. Although not a direct conflict of interest, Aaron is in a position that may influence the outcome of the bid for his own benefit. Aaron may not actually do so, but the appearance of impropriety is just as damaging to Maricopa County. Aaron should either decline the offer of employment or remove himself from the selection panel.

### **Gifts From Outside Sources**

It has long been Maricopa County's policy that employees may not accept any gifts or favors that would lead toward favoritism or the appearance of favoritism. (See Appendix, Maricopa County Employee Merit System Rule 11.) Similarly, Arizona law prohibits County employees and members of boards, committees, and commissions from receiving anything of value or any compensation other than their normal salary for any service rendered in connection with that person's duties with Maricopa County. (See Appendix, ARS § 38-505.)

As a general rule, an employee should refuse any gift or favor which may reasonably be interpreted to be offered in order to influence a County decision. An employee's compensation for performing his or her public duties should be





limited to salaries, fringe benefits, and the personal satisfaction that is derived from doing a good job.

There are some examples of gifts that are permissible:

- a personal gift from a friend or family member.
- winning or receiving a promotional gift from a community business, where the opportunity to win/receive the gift is open to the community in general.
- gifts of nominal value.
- normal and customary hospitality in a social setting.


While the individual employee is the first to decide whether to accept a gift, each individual must recognize that others will ultimately decide if the acceptance of the gift created an "appearance of favoritism." As always, the "headline test" provides a simple, but useful, guide.

Example: Carl administers a contract with Select Services Corporation. Select Services Corporation offers Carl two airplane tickets, can he accept the tickets?

Answer: No. The company that is offering Carl the tickets is a company that holds a County contract that Carl must impartially administer. By accepting the tickets, Carl's impartiality may be compromised or appear to be compromised.

## **Gifts Between Employees**

The same basic rule applies to gifts between employees. An employee generally should not give a gift to another employee unless the employees have a personal relationship outside of the work environment that justifies the gift, i.e., family or close personal friendship. Gifts from subordinate employees to their supervisors are discouraged due to the inherent appearance of impropriety.



These general limitations should not, of course, be taken out of context or misused. These guidelines are not intended to interfere with normal, customary hospitality or personal friendships. Furthermore, they should not be used as a retaliatory tool or to achieve a private, personal agenda or political purpose.


Example: Donna would like to get a promotion. In the hope of getting her supervisor demoted, she reports that her supervisor has received a set of inexpensive goblets from a sales representative who Donna also knows has been a long time personal friend of the supervisor. Has Donna acted appropriately?

Answer: No. The gift is from a personal friend and is of a "nominal" value. More importantly, Donna's motivation for reporting the gift was not proper. Allegations of improper activities are not to be made in order to get a promotion.

Example: Edward would like to take his employees to lunch in appreciation for their hard work in completing an annual strategic planning document. Can Edward do this?

Answer: Yes. The lunch is being given to mark an infrequent event the completion of an annual project. The lunch is also being provided by a supervisor to all the employees who participated in the project and thus ensures fair and equitable treatment.

Example: Francis needs her home remodeled. One of her subordinates is well known within the workplace as a great carpenter. Can Francis ask the employee to fix her home?



Answer: No. Francis' request creates an appearance of impropriety because the employee is placed in an inherently coercive situation where the employee will likely feel pressured to complete the work at less than fair market value.

## **Honoraria**


An honoraria is traditionally regarded as a payment for making a presentation or the authoring of an article or publication. An honoraria may be accepted only if the speech, presentation, article, or publication is not related to an individual's official duties with Maricopa County.

It is generally not permissible to accept honoraria when it is offered by a person who:

- is regulated by the department;
- does business with the department directly;
- attempts to lobby or to influence departmental action or positions on rules, regulations, etc.;
- is involved in litigation adverse to Maricopa County;
- has received or applied for funds from the County.

## **Voting Conflicts**

A voting conflict occurs when a member of a board, commission, or selection committee is in a position to vote on an issue or employment that will involve a conflict of interest. If this occurs, the individual should abstain and remove him or herself from participation in the discussion pertaining to the item and not vote or attempt to influence the vote. If the issue does not present a conflict of interest but creates an appearance of impropriety, the individual should, at a minimum, disclose the nature of the concern to the other members of the body prior to the vote. Failure to do so jeopardizes the public perception of the outcome of their vote.



Example: Greg is a member of a committee to select a landscaping maintenance company. Greg owns stock in a landscaping company. This company has submitted a bid. Can Greg participate in the discussion and vote on the selection of a company?

Answer: No. Greg cannot participate in a vote regarding a transaction in which he may benefit-even indirectly. Greg should identify his conflict and remove himself from the selection process. If Greg cannot remove himself from the voting body (i.e., elected officials acting in their official capacity), he must abstain from voting.

## **Fair and Equitable Treatment**

As public servants, each of us must perform our duties and responsibilities in a fair and equitable manner. This means:

- not exceeding the authority of your official role to assist private entities or individuals in their dealings with Maricopa County where this would result in preferential treatment to any person or organization;
- not granting or making available any special consideration, treatment, advantage, favor, service, or thing of value beyond that which is commonly granted to the public at large, unless specifically authorized by statute, ordinance, or regulation;
- not permitting anyone to be placed under any kind of personal obligation that could lead to expectations of official favors;
- not treating any individual more or less favorably because of their race, color, creed, religion, national origin, age, sex, disability, political affiliation, or the exercise of rights secured by the First Amendment of the United States Constitution;

- giving open and equal access to consideration for appointments to employment, boards and commissions, and other voluntary positions based on the merits of the individual;
- not harassing other employees or the public;
- not using any position for private gain or gain at the expense of other employees.

Example: Helen's friend needs a building permit quickly. Can Helen process her friend's permit ahead of those already waiting?


Answer: No. No one should be given preferential treatment because of personal friendship.

## **Nepotism**

Nepotism is the employment, promotion, appointment, or supervision of a relative, whether qualified or not, to a position with Maricopa County. However, an individual who is otherwise qualified, should not be denied employment or appointment by Maricopa County solely because he or she is related to a County employee or appointee (who would not be supervising his or her activities). An employee's spouse, domestic partner, mother, father, sister, brother, son, daughter, in-laws, aunts, uncles, grandparents, grandchildren and custodial person are defined as "relatives."

Nepotism arises when an individual is involved, directly or indirectly, in the hiring, appointment, promotion or supervision of a relative. No employee or appointee shall:

- participate in any County matter affecting, directly or indirectly, the financial interests of a relative;


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- directly or indirectly, advocate, participate in, or cause the employment, appointment, reappointment, evaluation, promotion, transfer, determination of compensation or discipline of a relative;
  - exercise direct or indirect jurisdiction, supervision or direction of a relative;
  - have a relative serve on the same appointive board, committee, or commission;
  - exercise contract management authority where a relative is employed by or has contracts or development agreements with persons doing County work over which the public servant has or exercises contract management authority;
  - use or permit the use of his or her position to assist a relative in securing contracts or development agreements with persons or departments, for whom the public servant exercises contracting authority.

Example: Irving's sister, Jane, applies for a position that reports to her brother, can Irving hire her?

Answer: No. Irving cannot either hire or supervise a relative. Jane should apply for a position for which she is qualified that does not report to a relative.

## **Use of Public Property**

A Maricopa County employee or appointee should not, directly or indirectly, use or allow the use of County property (including leased property) for anything other than official activities. Maricopa County is not permitted to use its personnel, equipment, materials, buildings, or other resources for the purpose of influencing the outcome of elections. (See Appendix, ARS § 11-410.) Each individual



has a duty to protect and conserve County property, including equipment, supplies, and other property entrusted to them. This includes:

- computer equipment (computer, printers, scanners);
- telecommunications equipment (phones, cellular phones, pagers, radios);
- motor vehicles (or travel reimbursement);
- fax machines;
- office supplies;
- mail systems (internal, external, voice or electronic);
- paid employee work time;
- audio-visual equipment (cameras, VCRs, TVs, tape recorders);
- copy machines.

### **Voice and Electronic Mail**


Electronic and voice mail are to be used only for official business and are to be used in a respectful and professional manner. Electronic mail is considered a Public Record and may be subject to disclosure under Arizona's Public Records Law. (Please refer to County Administrative Policy A1608 for more detail.)

### **Voice and Electronic Mail Addendum**

(Revised August 2001)

In addition to the use of e-mail in the performance of their job duties, employees may make limited, incidental personal use of e-mail under the following circumstances:

- Scheduling of personal appointments as an effective extension of one's overall time management during the workday (lunches, meetings, etc.).

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- Sharing of personal events with the work unit as pre-approved by the department and planning of work-related social events where the intent is to enhance employee morale (employee birthdays, marriages, births, etc.)
  - Other limited, incidental uses that do not violate County policy and are pre-approved by the department.
  - "Limited" as used in this subsection means limited in number of times the e-mail system is used for such purposes, limited in content to the personal use categories specified herein, and limited as to the amount of time spent drafting and reviewing e-mails.

Users have no personal right of privacy in the content of the message or equipment, and the County may monitor such use without prior notice.


Example: Jeff's supervisor has authorized him to attend a class qualifying for tuition reimbursement. One of the requirements for the class is to provide a 10 page paper. Can Jeff type his paper on County time and equipment?

Answer: Yes and no. As part of Maricopa County's tuition reimbursement policy, an employee may use County equipment-but on their own time and with their supervisor's prior approval, to complete work for an approved class only. This limited use of County equipment for training purposes is an investment in upgrading an employee's skills.

Example: Jennifer's daughter gets out of school at 3:00 p.m. and no one is home to make sure she is safe. Can Jennifer call and check on her daughter?

Answer: Yes. Use of County equipment and time is allowed for local calls of a short duration with family members or health care providers that can only be





made during work hours, as long as the privilege is not abused. Telephone calls should be made on a work break where practical. All long distance calls should be made with a long distance carrier calling card at the employee's own expense.

## **Disclosure of County Information**


Maricopa County information should only be disclosed in accordance with the following:

- all documents, statements, registrations, reports, agreements, and contracts obtained in the regular course of County duties and responsibilities must be maintained in accordance with Federal, State, and County record retention requirements;
- all documents, statements, registrations, reports, agreements, and contracts that are not confidential must be made available in a timely manner, for public inspection and copying during regular business hours, subject to reasonably established fees.

## **Non-Disclosure of Confidential Information**

No current or former employee may:

- use or disclose confidential information for personal gain, benefit, or convenience;
- engage in any business or professional activity that could reasonably require or induce any employee to disclose confidential or non-public information;
- disclose confidential or non-public information to any person not entitled or authorized to receive the information by ordinance or law;
- intentionally conceal a record that is required by law to be released.



(Please refer to County Administrative Policies A2014, and A2101-2106 for answers to additional questions regarding the public disclosure of information or consult with the County Attorney's Division of County Counsel.)

Example: Ken's department is in the process of selecting a contract vendor. One of the contractors is a friend of Ken's and calls to find out who bid and for how much. May Ken give this information to his friend before it is disclosed to the public?


Answer: No. The information is confidential until a vendor is selected. Ken may not give this information to anyone. Ken should refer the person to Materials Management to answer any permissible questions. In the event of a request for other records, Ken should refer this call to his department's designated Records Manager or Records Custodian.

## **Dedicated Service**

All employees of Maricopa County are required to:

- dedicate their full idea and energy potential to the performance of their position;
- work faithfully to implement the objectives and ordinances directed by the elected representatives of Maricopa County;
- adhere to the rules of work and performance standards established for each position; and
- work in full cooperation with other County public servants unless prohibited by law or by the confidential nature of one's work.

Laura is working on a construction project that has unearthed ancient artifacts. Laura personally believes that the artifacts will provide no useful information



and that excavating this site is a waste of time. The County's policy is to excavate the site. Can Laura decide to continue construction at the site without excavating?


Answer: No. Laura is obligated to follow the policies set forth by the County. Laura should not let her personal opinions interfere with the faithful execution of her duties.

## **Political Activity**

### **Permitted Political Activity**

Public employees are permitted to participate in most political activities on their own time. Merit-covered employees and unclassified employees appointed by the County Administrative Officer shall be subject to the same rules regarding political activity, and may:

- express political opinions, publicly or privately as long as they are not in a County uniform, the opinions do not impair the fair and impartial discharge of their official duties, and they do not purport to speak on behalf of Maricopa County but rather express an opinion solely as a private citizen;
- attend meetings for the purpose of becoming better informed on an issue or candidate; register and cast a vote;
- sign a political nomination or recall petition;
- make contributions to candidates, political parties or campaign committees;
- circulate candidate nomination or recall petitions;
- engage in activities to advocate the election or defeat of candidates;

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- solicit or encourage contributions to be made directly to a political candidate or campaign committee;
  - campaign for themselves and hold unpaid, non-partisan, public office, including school or community college board positions;
  - campaign for or against ballot issues, referendum questions, constitutional amendments, municipal ordinances etc., except where a conflict of interest is created;
  - display bumper stickers, posters, or pamphlets on their private property concerning candidates or issues;
  - in the course of their official duties, contact and lobby city, town, state, or federal political bodies only as directed or approved by the County Administrative Officer's Office of Government Relations.

(For more information on political activity, see the Maricopa County Employee Merit System Rules, Maricopa County Law Enforcement Officers Merit System Rules, or contact the Office of Government Relations.)

### **Prohibited Political Activity**

Some limitations on political activity are necessary in order to ensure the proper and unbiased functioning of Maricopa County government. The following political activities are prohibited:

- the use of any threat, intimidation or coercion including threats of discrimination, reprisal, force or any other adverse consequences including the loss of any benefit, reward, promotion, advancement or compensation to cause other County employees to make political contributions;

- any personal campaign activities while carrying out official duties;
- any campaign activities on Maricopa County property or while wearing a uniform normally identified with Maricopa County.
- use of Maricopa County property or resources for political activities.

(For more information on political activity, see the Maricopa County Employee Merit System Rules or the Maricopa County Law Enforcement Officers Merit System Rules.)

Example: Mark works for the Sheriff's office and is politically active on a current referendum issue. He wants people to listen to him so he wears his uniform at a public meeting and encourages everyone to vote for the issue. Is this proper?

Answer: No. Political activities shall be conducted on an employee's own time and not while in an identifiable County uniform. Mark should change out of his uniform into his personal clothing before attending the meeting.

## **Political Candidacy**

A public employee, whether merit-covered or unclassified, may not be a candidate for nomination or election to any public office which is either paid or partisan. Upon the filing for nomination papers or making a formal public declaration of candidacy, an employee shall be required to submit a letter of resignation.



## Use of Paid Work Time

All employees are expected to use paid work time in a full and honest effort to perform their official duties and responsibilities. Employees are expected to:


- begin and end work at assigned times;
- adhere to lunch and break time limitations;
- be productive, courteous, considerate, and prompt in conducting business during work times.

What is not an appropriate use of a subordinate's time? A public servant should not encourage, direct, coerce, request or authorize a subordinate to use paid work time to perform activities other than those required in the performance of official duties.

Example: Nellie always punches in (and starts) work six minutes after the start of her shift because she knows that she will be paid from the top of the hour. She always clocks out (and leaves) about six minutes before the end of her shift to "beat the rush" at closing time. Is this permissible?

Answer: No. Nellie's practice effectively steals a quarter hour per shift of productive time that Maricopa County's citizens should be receiving from her. Furthermore, employees on flexible work schedules or "teleworking" arrangements should diligently ensure that a full 40 hours per week are devoted to their county job.

Example: Oliver is a member of a professional association. The meetings are in the middle of Oliver's work day. May he attend on paid work time?




Answer: Maybe. If Maricopa County directly benefits from Oliver's attendance, he may attend on paid work time. Oliver must first obtain supervisory approval and his County duties must not suffer. If his attendance benefits Oliver personally more than Maricopa County, he may not attend on County time. Oliver may attend on his own leave time and at his own expense, however.

## **Incompatible Employment**

Employees shall notify their appointing authority in writing of any outside employment. An employee or appointee must not engage in outside employment or other activities that are not compatible with the full and proper discharge of the employee's County responsibilities or that tend to impair the individual's capacity to perform his or her County duties. An employee or appointee should not accept outside employment that:

- involves using County working time, facilities, equipment or supplies, a badge, uniform, or the prestige of duties and responsibilities for the County for private gain or advantage;
- involves the receipt or acceptance of any money or other consideration from anyone for the performance of an act that the employee would be required or expected to perform in the regular course of the County employment;
- involves the performance of an act that may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by the employee;
- involves the use of Maricopa County information for private benefit;

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- involves an activity that would routinely place the employee in an adversarial relationship with his department;
  - involves time demands that would render the performance of the employee's duties less efficient.

Example: Peg serves as a property value appraiser for Maricopa County. Peg also wishes to accept a second part-time employment as a consultant assisting property owners in challenging Maricopa County's appraisals of their property. Can Peg accept the second job?


Answer: No. Peg's second job would be incompatible with her primary County employment because her second job would, among other difficulties, routinely place her in an adversarial position with her own department.

## **Post-Employment Restrictions**

A former Maricopa County employee shall not act, or appear to act, after leaving public service, in such a manner as to take improper advantage of previous public service. An individual should not:

- use a former County position to obtain special or preferential treatment in any transaction with Maricopa County either on the individual's own behalf or on behalf of another;
- for twenty-four (24) months following the date on which the individual ceases to be a County public servant, take advantage of confidential or non-public information obtained during the course of the individual's official duties and responsibilities.






If, during the twenty-four (24) months immediately preceding separation from County service, an individual was engaged in the negotiation, management, or administration of a County contract with a company that later becomes the individual's employer, the company may not assign the employee to work on the County contract. This is particularly true where the business or professional activity will require the individual to disclose confidential information that was gained by reason of the individual's previous official position.

### **Post-Employment Waiver**

The above post-employment restrictions, except with regard to contracts where a former Maricopa County employee participated personally or substantially in the selection process, may be waived by the Maricopa County Board of Supervisors if:

- the individual has outstanding or otherwise unavailable qualifications; and
- the individual is acting with respect to a particular matter that requires such qualifications; and
- the public interest would be served by the individual's continued participation.

Example: Quincy resigns from a position with the Maricopa County Public Health Department and accepts employment with a private sector firm that is providing services to the Maricopa County Treasurer's Office. Can Quincy participate in providing the service to the Treasurer's Office?



Answer: Yes. So long as Quincy does not use confidential information to which he had access during his County employment, Quincy may work for the private sector firm in providing services to the Treasurer's Office. If there is a possibility that the use of some information to which Quincy had access during his previous County employment could be beneficial to Maricopa County in performing the duties of his new job, Quincy (in concert with his new employer) should request a post-employment waiver from the Maricopa County Board of Supervisors.

## **Employee Concerns**

If an employee believes that the provisions of this Handbook are not being followed, he or she should report the concern to their supervisor. If an employee still does not believe that the issue is being adequately addressed, he or she may use the process outlined in the Employee Concerns Resolution Procedure to seek additional review. In the event that the subject of your concern (if left unaddressed) will cause imminent and substantial harm, you should immediately contact the Maricopa County Employee Ombudsman (at 506-1417), the Human Resources Director (at 506-3233), or the County Administrative Officer (at 506-3571).



## **Citizen Concerns**

If an individual (other than an employee) believes that the provisions of this Handbook are not being followed, he or she should report the concern to the Maricopa County Human Resources Director by calling 506-3233 during regular business hours, calling the 24-hour ASK/HR Hotline at 506-8948, or by writing to:

Maricopa County Human Resources Director  
County Administration Building  
301 West Jefferson, Suite 240  
Phoenix, Arizona 85003

The Human Resources Director will not conduct investigations that would more properly be referred to law enforcement agencies. The Human Resources Director will, however, review matters referred from members of the public involving the use of county resources or employee behavior. The Human Resources Director may make appropriate recommendations to the County Administrative Officer and the Board of Supervisors. The Human Resources Director shall have no enforcement power, only the authority to make findings and recommendations.



## **Acknowledgements**

### **Management Team Stewardship Committee**

Wes Baysinger, Chair  
Chris Bradley  
Tom Buick  
Helen Dusick  
Norma Johnson  
Mary Lee Madison  
Chris Pinuelas  
Barbara Rees  
David Smith  
Sandi Wilson

### **Employee Focus Group**

Mary Lee Madison, Facilitator; Norma Johnson, Facilitator; Chuck Brokschmidt; Helen Sandoval; Barbara Roberts; Richard Trujillo; Rhonda Hallal; Lawrence Vasquez; Peggy Moroney; Sandi Wilson; Vickie Nelson; Esther Winter; Barbara Roach; Mary Yorgensen.

Lisa Young, Editor

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## Appendices


### Selected Provisions from the Arizona Revised Statutes

#### **Section 11-410. Use of county resources or employees to influence elections; prohibitions**

- A. A county shall not use its personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections. Notwithstanding this section, a county may distribute informational reports on a proposed bond election as provided in § 35-454. Nothing in this section precludes a county from reporting on official actions of the county board of supervisors.
- B. Employees of a county shall not use the authority of their positions to influence the vote or political activities of any subordinate employee.
- C. Nothing contained in this section shall be construed as denying the civil and political liberties of any employee guaranteed by the United States and Arizona Constitutions.

#### **Section 38-481. Employment of relatives; violation; classification; definition**

- A. It is unlawful, unless otherwise expressly provided by law, for an executive, legislative, ministerial or judicial officer to appoint or vote for appointment of any person related to him by affinity or consanguinity within the third degree to any clerkship, office, position, employment or duty in any department of the state, district, county, city or municipal government of which such executive, legislative, ministerial or judicial officer is a member, when the salary, wages or compensation of such appointee is to be paid from public funds or fees of such




office, or to appoint, vote for or agree to appoint, or to work for, suggest, arrange or be a party to the appointment of any person in consideration of the appointment of a person related to him within the degree provided by this section.

- B. Any executive, legislative, ministerial or judicial officer who violates any provision of this section is guilty of a class 2 misdemeanor.
- C. The designation executive, legislative, ministerial or judicial officer includes all officials of the state, or of any county or incorporated city within the state, holding office either by election or appointment, and the heads of the departments of state, county or incorporated cities, officers and boards or managers of the universities.

### **Section 38-502. Definitions**

In this article, unless the context otherwise requires:

- 1. "Compensation" means money, a tangible thing of value or a financial benefit.
- 2. "Employee" means all persons who are not public officers and who are employed on a full-time, part-time or contract basis by an incorporated city or town, a political subdivision or the state or any of its departments, commissions, agencies, bodies or boards for remuneration.
- 3. "Make known" means the filing of a paper which is signed by a public officer or employee and which fully discloses a substantial interest or the filing of a copy of the official minutes of a public agency which fully discloses a substantial interest. The filing shall be in the special file established pursuant to section 38-509.

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4. "Official records" means the minutes or papers, records and documents maintained by a public agency for the specific purpose of receiving disclosures of substantial interests required to be made known by this article.
  5. "Political subdivision" means all political subdivisions of the state and county, including all school districts.
  6. "Public agency" means:
    - (a) All courts.
    - (b) Any department, agency, board, commission, institution, instrumentality or legislative or administrative body of the state, a county, an incorporated town or city and any other political subdivision.
    - (c) The state, county and incorporated cities or towns and any other political subdivisions.
  7. "Public competitive bidding" means the method of purchasing defined in title 41, chapter 4, article 3, or procedures substantially equivalent to such method of purchasing, or as provided by local charter or ordinance.
  8. "Public officer" means all elected and appointed officers of a public agency established by charter, ordinance, resolution, state constitution or statute.
  9. "Relative" means the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.
  10. "Remote interest" means:
    - (a) That of a nonsalaried officer of a nonprofit corporation.
    - (b) That of a landlord or tenant of the contracting party.
    - (c) That of an attorney of a contracting party.
    - (d) That of a member of a nonprofit cooperative marketing association.

- (e) The ownership of less than three per cent of the shares of a corporation for profit, provided the total annual income from dividends, including the value of stock dividends, from the corporation does not exceed five per cent of the total annual income of such officer or employee and any other payments made to him by the corporation do not exceed five per cent of his total annual income.
- (f) That of a public officer or employee in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.
- (g) That of a recipient of public services generally provided by the incorporated city or town, political subdivision or state department, commission, agency, body or board of which he is a public officer or employee, on the same terms and conditions as if he were not an officer or employee.
- (h) That of a public school board member when the relative involved is not a dependent, as defined in section 43-1001, or a spouse.
- (i) That of a public officer or employee, or that of a relative of a public officer or employee, unless the contract or decision involved would confer a direct economic benefit or detriment upon the officer, employee or his relative, of any of the following:
  - (i) Another political subdivision.
  - (ii) A public agency of another political subdivision.
  - (iii) A public agency except if it is the same governmental entity.
- (j) That of a member of a trade, business, occupation, profession or class of persons consisting of at least ten members which is no greater than the interest of the other members of that trade, business, occupation, profession or class of persons.

11. "Substantial interest" means any pecuniary or proprietary interest, either direct or indirect, other than a remote interest.



**Section 38-503. Conflict of interest; exemptions; employment prohibition**

- A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.
- B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.
- C. Notwithstanding the provisions of subsections A and B of this section, no public officer or employee of a public agency shall supply to such public agency any equipment, material, supplies or services, unless pursuant to an award or contract let after public competitive bidding, except that:
  - 1. A school district governing board may purchase, as provided in sections 15-213 and 15-323, supplies, materials and equipment from a school board member.
  - 2. Political subdivisions other than school districts may purchase through their governing bodies, without using public competitive bidding procedures, supplies, materials and equipment not exceeding three hundred dollars in cost in any single transaction, not to exceed a total of one thousand dollars annually, from a member of the governing body if the policy for such purchases is approved annually.
- D. Notwithstanding subsections A and B of this section and as provided in sections 15-421 and 15-1441, the governing board of a school district or a community college district may not employ a person who is a member of the governing board or who is the spouse of a member of the governing board.



**Section 38-504. Prohibited acts**

- A. No public officer or employee may represent another person for compensation before a public agency by which he is or was employed within the preceding twelve months or on which he serves or served within the preceding twelve months concerning any matter with which such officer or employee was directly concerned and in which he personally participated during his employment or service by a substantial and material exercise of administrative discretion.
- B. During the period of his employment or service and for two years thereafter, no public officer or employee may disclose or use for his personal profit, without appropriate authorization, any information acquired by him in the course of his official duties which has been clearly designated to him as confidential when such confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary to the proper conduct of government business. No public officer or employee shall disclose or use, without appropriate authorization, any information acquired by him in the course of his official duties which is declared confidential by law.
- C. No public officer or employee may use or attempt to use his official position to secure any valuable thing or valuable benefit for himself that would not ordinarily accrue to him in the performance of his official duties, which thing or benefit is of such character as to manifest a substantial and improper influence upon him with respect to his duties.



**Section 38-505. Additional income prohibited for services**

- A. No public officer or employee may receive or agree to receive directly or indirectly compensation other than as provided by law for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is pending before the public agency of which he is a public officer or employee.
- B. This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

**Section 38-506. Remedies**

- A. In addition to any other remedies provided by law, any contract entered into by a public agency in violation of this article is voidable at the instance of the public agency.
- B. Any person affected by a decision of a public agency may commence a civil suit in the superior court for the purpose of enforcing the civil provisions of this article. The court may order such equitable relief as it deems appropriate in the circumstances including the remedies provided in this section.
- C. The court may in its discretion order payment of costs, including reasonable attorney's fees, to the prevailing party in an action brought under subsection B.



## **Arizona Constitution Article 9, Section 7**

Neither the State, nor any county, city, town, municipality, or other subdivision of the State shall ever give or loan its credit in the aid of, or make any donation or grant, by subsidy or otherwise, to any individual, association, or corporation, or become a subscriber to, or a shareholder in, any company or corporation, or become a joint owner with any person, company, or corporation, except as to such ownerships as may accrue to the State by operation or provision of law.

### **MARICOPA COUNTY EMPLOYEE MERIT RULE 11 - CODE OF ETHICS**


#### 11.01 CONDUCT AND REQUIREMENTS IN GENERAL

- A. The maintenance of high standards of honesty, integrity, impartiality and conduct by county employees is essential to assure the proper performance of county business and the maintenance of confidence by citizens in their county government.
- B. Employees shall conduct themselves in such a manner that the work of the county is effectively accomplished; they shall be courteous, considerate and prompt in dealing with and serving the public and shall conduct themselves in a manner that will not bring discredit or embarrassment to the county.
- C. Employees shall observe the applicable laws and regulations governing participation in political activities and conflict of interest, and shall avoid any discrimination because of race, color, religion, national origin, sex, political affiliations, age or disability. Employees shall economically utilize, protect and conserve property of Maricopa County entrusted to them. They shall conduct all their official activities in a manner which is above reproach and free from any indiscretions or acceptance of gratuities or favors which cast doubt or suspicion upon themselves or the county department which employs them.



11.02 SPECIFIC CONDUCT AND RESPONSIBILITIES

- A. County employees shall not use their official position for personal gain. Public influence and confidential or "inside" information must never be used for personal advantage.
- B. Conflict of interest laws (ARS § 38-501 et seq.) must be scrupulously observed. Employees must disclose their interest, if any, in the official records of the employing department and shall not participate in or vote for any contract, sale, purchase, or service in which they have an interest.
- C. Classified employees shall not act in a private capacity which may be construed by the public to be an official act without prior written approval of their appointing authority.
- D. An employee shall not accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, entertainment, or loan which is or may appear to be designed to, in any manner, influence official conduct, particularly from a person who is seeking to obtain contractual or other business or financial arrangements with the employing department, or who has interests that might be substantially affected by the performance or non-performance of the employee's duty. This provision does not prohibit:
  - 1. Acceptance by an employee of food and refreshments of insignificant value on infrequent occasions in the course of a meeting, conference, or other occasion where the employee is properly in attendance.
  - 2. Solicitation or acceptance by an employee of loans from banks or other financial institutions on customary terms to finance proper personal activities of the employee.
  - 3. Acceptance of unsolicited advertising or promotional material such as pens, pencils, calendars and other items of nominal value.

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- E. The employee shall not directly or indirectly use or allow the use of county property of any kind, including property leased to the county, for other than officially approved activities. All employees have a duty to protect and conserve county property, including equipment, supplies and other property entrusted or issued to them.
  - F. Employees must never permit themselves to be placed under any kind of personal obligation which could lead any person to expect official favors.
  - G. Employees' official acts must reflect impartiality. All official decisions and actions must be determined by impersonal considerations, free from any favoritism, prejudice, personal ambition or partisan demands.
  - H. No person shall be employed in a position in a reporting line of supervision to a relative of his or her family. In the event an appointing authority determines a relative has been placed in a reporting line of supervision, an appropriate course of action will be determined in consultation with the Director. An employee's spouse, domestic partner, mother, father, sister, brother, son, daughter, in-laws, aunts, uncles, grandparents, grandchildren and custodial person are defined as "relatives" for this purpose.
  - I. Employees shall notify the appointing authority in writing of any outside employment. Employees shall not engage in outside employment or other outside activity which is not compatible with the full and proper discharge of duties and responsibilities of their county employment, or which tends to impair their capacity to perform their county duties and responsibilities in an acceptable manner.



# **Maricopa County Board of Supervisors**

Fulton Brock, District 1  
Don Stapley, District 2  
Andrew Kunasek, District 3  
Max Wilson, District 4  
Mary Rose Wilcox, District 5

David Smith, County Administrative Officer

If an ADA accommodation could assist  
you in more fully utilizing this handbook,  
please contact the Human  
Resources Department at 602/506-3233  
or TTD at 602/506-1908

