



Subject/Title

**Conflict of Interest Policy for City, Secondary and Other
Employment Relationships**

Date Effective

May 5, 1999

Revision Date Effective

July 11, 2005

Code Number

HR 13


Pamela A. Syfert

City Manager

Human Resources

Responsible Key Business

Objective:

To avoid any actual or apparent conflict in the discharge of duties which may interfere with efficient City operations, either in off-duty employment and/or in personal work while on duty.

Policy:

1. This policy applies to all City employees. In addition to this policy, the City Manager, Assistant City Manager(s), and Key Business Executives are subject to the Code of Ethics for City Officials set forth in Article III of the Code of the City of Charlotte.
2. The purpose of this policy is to make employees aware that they are not to take part in off-duty employment that is in conflict with their City work. Also, employees are not to gain access to, or try to obtain off-duty employment while performing their jobs.
3. An employee cannot work in a job outside of his/her City job if that job either (a) is in conflict with his/her City job, or (b) appears to be in conflict with his/her City job, or (c) has a negative effect on his/her City job.
4. Employees must notify their Key Business Executive, or his/her designee, of off-duty employment when that off-duty work is similar to the employee's City work, or if it could be in conflict with the employee's City work. Under these circumstances, notification must take place before any off-duty work is performed.
5. Employees in management positions designated by the City Manager are prohibited from receiving compensation from "non-City" organizations which receive City funds, for consulting or other services provided to those organizations.
6. Employees not in management positions designated by the City Manager may have off-duty employment as an hourly-paid employee with a business which contracts with the City except as set forth in paragraph 7 (following) of this policy.
7. Employees not in management positions designated by the City Manager who are performing off-duty work for a business that contracts with the City may be in violation of this policy and the law upon which it is based if (a) the off-duty work is performed to any significant degree on City-related work, or (b) compensation is not on an hourly basis, (c) compensation for off-duty City-related work is different from other off-duty work performed for that

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employer. The Key Business Executive must request an opinion of the City Attorney if any of the conditions (a) through (c) exist.

8. No employee shall have or acquire a direct or indirect interest in any contract or agreement with the City. An employee will have a direct or in-direct interest in a contract between the City and any firm if the employee or any member of the employee's immediate household: is an officer or director of the firm or owns or controls more than 5% of the ownership of the firm as a shareholder, member, partner, sole proprietor, or in any other manner of exercising beneficial ownership of the firm. A firm includes any legal entity, such as, but not limited to, a corporation, partnership, association, or sole proprietorship.
9. If an employee's interest in a contract or agreement with the City is based on an immediate family member's involvement as defined in paragraph 8 (above) of this policy, and the totality of the circumstances regarding the employee's and his/her immediate household member's role in the agreement does not result either (1) an actual conflict, or (2) the reasonable appearance of a conflict, the City Manager can determine that entering into the contract or agreement will not cause a violation of this policy. The City Manager's decision will be made after consultation with the Human Resources Director. It is the responsibility of the employee's Key Business Executive, or his/her designee, to bring the potential conflict to the attention of the Human Resources Director or the City Manager.
10. No employee may be required to perform off-duty work as a condition of employment with the City. No employee may request or require any other employee to perform off-duty work as a condition of employment with the City.
11. During scheduled work hours, an employee may perform only those duties of his/her City employment, and may not perform personal or private work for him/herself or anyone else during scheduled work hours.
12. Each Key Business Executive is authorized to adopt a separate administrative policy applying to that unit that is more restrictive than this policy. Employees should seek advice from their Key Business Unit when in doubt about the policy or when a situation arises that may be a conflict of interest.
13. Each Key Business Executive is responsible for assuring that all employees in the department are aware of this policy.
14. Violations of this policy will be considered under the City policy governing employee misconduct, and appropriate action will be taken against the employee, up to and including termination.

FORMER POLICY REPEALED

This policy, in conjunction with Administrative Policy HR12, "Gifts and Favors", replaces Administrative Policy 2.11, "Conflict of Interest".