



TOWN OF NORWOOD PERSONNEL BOARD

#P-406 – PROFESSIONAL CONDUCT POLICY

1. Purpose and Scope

- 1.1 The purpose of this policy is to indicate conduct expected by employees of the Town of Norwood when conducting business with other employees, customers, vendors, and visitors, who interact with the Town on a daily basis. This policy extends to private conduct, to the extent the law has additional requirements on public employees.
- 1.2 Nothing in this policy limits or replaces rules of conduct described in Massachusetts General Laws Chapter 268A, and Massachusetts Regulations at 930 CMR 5.00 et. Seq. (Chapter 268A and Regulations are referred to in this policy as “Public Employee Ethics Laws”) regarding the conduct of a public employee, including Town employees as described in the law and regulations.
- 1.3 Nothing in this policy limits or replaces other Town policies that address employee conduct, such as the Town’s Workplace Violence Prevention Policy, Policy Against Harassment, and the Town’s Alcohol & Drug Policy, and other policies applicable to employee conduct. Go to www.norwoodma.gov, click Committee/Boards. Click Personnel Board. Click Town Personnel Policies to view these and other Town policies.

2. Applicability

- 2.1 This policy applies to all compensated positions, excluding elected officials and employees of the School Department. Employees whose positions are covered by Civil Service Law or a collective bargaining agreement are subject only to those portions of the policy which are not separately regulated by Civil Service Law or by a collective bargaining agreement.
- 2.1 To the extent permitted by law, individual employment agreements (new, updated or extensions) entered into after the effective date of this policy, with employees whose positions are subject to this policy, must follow all of the provisions of this policy.
- 2.2 This policy does not replace applicable law, including Public Employee Ethics Laws, but instead applies in addition to applicable law. In the event this policy conflicts in any way with laws governing employee conduct, the law will apply over this policy, to the extent that it is stricter.
- 2.3 This policy is intended to be consistent with any and all applicable laws. If any part of this policy is inconsistent with the law, that part of the policy shall be considered invalid, and the remaining provisions of the policy shall be construed so as to be consistent with the law.

3. Definitions

- 3.1 Please consult the Personnel Definitions Document (#D-100) regarding terms utilized throughout this policy.
- 3.2 Ethical – acting or behaving in accordance with commonly accepted standards for appropriate conduct.
- 3.3 Nominal Value – means monetary worth not exceeding twenty-five dollars (\$25.00).
- 3.4 Conflict of Interest – a situation in which an employee’s private interest conflicts or raises a reasonable question of conflict with his or her employee duties and responsibilities.
- 3.5 Commission - where used in this policy, “Commission” refers to the State Ethics Commission.
- 3.6 Disclosure - where used in this policy, “Disclosure” means a written statement on a form prescribed by the Commission, or in another writing that otherwise complies with Public Employee Ethic Laws, of all relevant facts as required by the circumstances and the provisions of the law, which disclosure will generally be public records for purposes of the law and shall be made and filed in accordance with regulations.
- 3.7 Employee – for purposes of provisions relating to state ethics laws, employee includes immediate family members or partners, or organizations in which the employee has a current or potential future financial interest.

4. Eligibility

This section intentionally left blank.

5. Policy

- 5.1 Employees must act with fundamental honesty and integrity in all Town dealings, comply with all laws/regulations that govern the Town, maintain an ethical and professional work environment and comply with all Town policies. Town employees are required to treat fellow employees, customers, vendors, and visitors with respect, dignity, honesty, fairness, and integrity.
- 5.2 As further described in Public Employee Ethics Laws, and among other requirements set forth in the law, Employees may not, directly or indirectly, ask, demand, exact, solicit, seek, accept, receive or agree to receive anything of value for themselves or for any other person or entity for or because of any official act performed or to be performed by the employee, to influence any official act performed or to be performed, to influence or attempt to influence any official act performed or to be performed, or to act in a manner which would cause a reasonable person to conclude that the employee could be influenced in such a manner.
- 5.3 Examples of conduct that is considered inappropriate and/or unprofessional under this policy may be physical and/or verbal and include, but are not limited to, the following:

- 5.3.a Asking or requiring another individual to act unethically or violate the Town's Professional Conduct Policy or the law;
 - 5.3.b Disparaging or misrepresenting the Town or any Town employee;
 - 5.3.c Engaging in gambling, such as sports' pools, card games, games of chance, and raffles while conducting Town business or representing the Town;
 - 5.3.d Discriminating against others on the basis of race, sex, sexual orientation, age, handicap, religion or national origin in the course of your employment;
 - 5.3.e Engaging in any behaviors that are harassing, including sexual harassment or offensive comments or jokes;
 - 5.3.f Consuming and/or using alcohol, non-prescribed narcotics or controlled substances during work time, or reporting to work under the influence of alcohol, intoxication, non-prescribed narcotics or controlled substances in any form. You should inform Human Resources or your supervisor at the start of the workday if you are taking medication that might impair your work performance, in order that proper accommodations can be considered and made where reasonable.
- 5.4 Employees shall obey the laws of the United States and the Commonwealth of Massachusetts. Any employee who is convicted of a crime relating to their employment or impacting their employment, or crimes which may disqualify them from holding necessary certifications or licenses, may be subject to disciplinary action, up to and including termination. Employees are, where applicable, subject to meeting CORI background screening requirements, subject to Town requirements and applicable law, including the law governing CORI.
- 5.5 Employees shall comply with all of the policies and operating procedures of the department in which they work and the Town of Norwood. Employees shall respond forthright to the work-related directives of their supervisor.
- 5.6 Employees are expected to conduct themselves in their official relations with the public and with their fellow employees in a manner which will enhance public respect for, and confidence in, the employee and the Town as a whole. Employees must not only perform their duties in a wholly impartial manner, but must avoid any conduct which gives a reasonable basis for the impression of acting otherwise. Specifically, all employees shall avoid any action which may result in or create a reasonable basis for the impression of:
- 5.6.a Using public office for private gain;
 - 5.6.b Giving preferential treatment to any citizen;
 - 5.6.c Making work-related decisions contrary to departmental/town policy; and,
 - 5.6.d Using one's official position to harass or intimidate any person or entity.
- 5.7 The necessity for the fair and impartial administration of town government and the enforcement of its policies/bylaws/regulations makes the avoidance of any conflict of interest of primary importance.
- 5.8 No municipal employee shall, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly receive or request compensation from anyone other

than the or town or municipal agency in relation to any particular matter in which the same town is a party or has a direct and substantial interest.

- 5.9 No person shall knowingly, otherwise than as provided by law for the proper discharge of official duties, directly or indirectly give, promise or offer such compensation.
- 5.10 No municipal employee shall, otherwise than in the proper discharge of his official duties, act as agent or attorney for anyone other than the city or town or municipal agency in prosecuting any claim against the town, or as agent or attorney for anyone in connection with any particular matter in which the same town is a party or has a direct and substantial interest.
- 5.11 All employees shall, to the extent necessary to comply with M.G.L. c. 268B, section 5, file the necessary statements of financial interest on an annual basis.
- 5.12 Gifts, Gratuities, Benefits and Items of Value.
- 5.12.a General Rule: Employees shall not solicit or accept, directly or indirectly, any gift or benefit, including any gratuity, favor, entertainment, loan, or any other item of value, from a person who or entity which the employee knows or has a reason to know:
- 5.12.a.i Has or is seeking to obtain contractual or other business or financial relations with his/her department or the Town;
 - 5.12.a.ii Conducts business or other activities which are regulated or monitored by the department or the Town, except as permitted by statute or regulation;
 - 5.12.a.iii Has interests that may be substantially affected by the employee's performance or nonperformance of his/her duties or has the appearance of being substantially affected; or
 - 5.12.a.iv Seeks to influence the employee in performance of his official acts or any act within their official responsibility.
- 5.12.b Exceptions - the restrictions set forth in Section 4.6 do not apply to the following gifts provided that such gift or benefit has not been solicited by the public employee, and is not for any of the purposes identified as prohibited above, and/or in the State Public Employee Ethics Laws.:
- 5.12.b.i *De Minimis* Gifts. Anything with a value of less than \$ 25, other than cash. *De minimis* gifts include multiple gifts or benefits given or offered to a public employee within a calendar year by one person or by an organized group of persons having a common interest in a particular matter or legislation before that public employee, if the aggregated value is less than \$ 25;
 - 5.12.b.ii *Inheritance*. Anything received by intestate inheritance;
 - 5.12.b.iii *Gifts from Immediate Family and Relatives*. Anything received by a public employee from a member of the public employee's immediate

family or from a great grandparent, great grandchild, grandparent, grandchild, uncle, aunt, niece, nephew, cousin, step-parent, stepchild of the public employee or of the employee's spouse and given for reasons unrelated to the public employee's official position or duties;

- 5.12.b.iv *Informational material.* Informational material relevant to a public employee's official functions and intended for use by the public employee in the exercise of official duties or solicited for the purpose of promulgating, administering and enforcing agency regulations, such as books, pamphlets, reports, documents, periodicals, or other information that is recorded in a written, audio, electronic, or visual format;
- 5.12.b.v *Professional Organization Membership Fees.* Reduced or waived membership or other fees offered by a professional organization if the only requirements for membership relate to professional qualifications;
- 5.12.b.vi *General Discounts.* A rebate, discount or promotional item available to the general public or to a class consisting of all public employees from a city or town, county or state on the same terms as offered to the general public;
- 5.12.b.vii *Display Items for Meritorious Public Service.* An item intended for display and given by a civic, charitable, professional, religious, or fraternal organization in recognition of meritorious public service that has no or de minimis resale value. Such items shall include but not be limited to trophies, plaques, bowls, and certificates;
- 5.12.b.viii *Honoraria.* Honoraria not exceeding \$ 250 for participating in a legitimate speaking engagement provided that:
 - 5.12.b.viii.1 delivering the speech is not part of the public employee's official duties;
 - 5.12.b.viii.2 public resources are not used in the preparation of the speech;
 - 5.12.b.viii.3 public time is not taken for the preparation or delivery of the speech; and
 - 5.12.b.viii.4 neither the sponsor of the address nor the source of the honorarium is a person or entity with whom the public employee has had or reasonably expects to have dealings in his official duties;
 - 5.12.b.viii.5 the public employee makes a prior written disclosure.
- 5.12.b.ix *Honorary Degrees.* An honorary degree from a public or private educational institution given for meritorious public service or achievement provided that the degree does not include a monetary award of substantial value. The public employee who is receiving the degree may also accept meals and entertainment given to him and to

guests accompanying the public employee in accordance with the criteria and policies of the educational institution;

- 5.12.b.x *Gifts between Employees.* Gifts appropriate to the occasion given to a public employee by another public employee at a state, county, or municipal agency in recognition of infrequent and irregularly occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or upon occasions that terminate a professional working relationship, such as retirement, transfer, or resignation;
- 5.12.b.xi *Ceremonial Functions.* Free or discounted admission of substantial value to a widely attended event open to the general public, when the free or discounted admission is provided to the public employee directly by the organization or committee and not through an intermediary who has purchased admission to the event and where the public employee is expected to perform a ceremonial function directly related to his official position.
- 5.12.c The acceptance of food or refreshments of nominal value on infrequent occasions in the ordinary course of a breakfast, luncheon, dinner, or other meeting attended for educational, informational or other similar purpose. However, employees, while on official business, are specifically prohibited from accepting free food or other gratuity, except non-alcoholic beverages (coffee, tea, etc.), from persons with whom they have contact in the performance of their duties. Employees are not permitted to accept standing offers of meals or refreshments, nor are they permitted to accept several instances of offers of food or refreshments from the same person or entity which, in the aggregate, would exceed the definition of nominal value during a calendar year.
- 5.12.d The acceptance of loans from banks or other financial institutions on customary terms to finance proper and usual activities of employees, such as home mortgage loans, automobile loans, personal loans, etc., provided that the employee does not deal with that institution in the course of their official duties. However, if dealing with such banks or financial institutions is unavoidable, the employee must make all appropriate disclosures as set forth in State Ethics Commissions regulation 930 CMR 5.00 et. Seq., and in accordance with the requirements of these regulations, shall notify the Town Clerk's office, in writing, prior to engaging in such dealings.
- 5.12.e The acceptance of unsolicited advertising or promotional materials such as pens, pencils, note pads, calendars, and other items of nominal value may be permitted, subject to law and regulations.
- 5.12.f The acceptance of an award or gift of nominal value for participation in a conference, or some public contribution or achievement given by a charitable, religious, professional, social, fraternal, educational, recreational, public service or civic organization. If more than one award or gift is given, the aggregate value must be nominal.

- 5.13 Gifts and Benefits Requiring Disclosure or Prohibited
Other gifts or benefits may in some instances be permissible, but will also require “Disclosure”. Please see the Public Employee Ethics Laws for a description. Otherwise, gifts and benefits are impermissible.
- 5.14 Questions about whether a gift or benefit is permissible or must be disclosed, or any other instances that may violated this policy, should be directed to the HR Department.
- 5.15 Department Heads are required to act consistent with this policy and ensure this policy is implemented consistently within their department.
- 5.16 In the event of an error or violation of this policy, either intentional or unintentional, Human Resources must be immediately informed. Human Resources will identify and make the proper correction(s). A violation of this policy, whether intentional or unintentional, will not change this policy, nor set a precedent in any future application of this policy.

6. Provisions

- 6.1 Procedures / Investigations
- 6.1.a A violation of any aspect of this policy can damage the integrity and harm the reputation of the Town of Norwood and all employees, and may additionally place the employee in violation of Massachusetts law. The Town is fully committed to reviewing and/or investigating, as necessary, any and all reported incidents. Employees who become aware of inappropriate conduct should report it to their Department Head or HR Director.
- 6.1.b When management becomes aware of an incident, they shall document the incident as soon as possible and forward said information to their supervisor.
- 6.1.c A decision to deal administratively with the employee and/or to have the employee consult with EAP shall be made as promptly as possible by the Human Resources Director, and management should continue an on-going review.
- 6.2 Employees may have separate reporting requirements under the Massachusetts Ethics Law, which are in addition to those described in this policy. Employees must be aware of these reporting requirements, and when and under what circumstances Massachusetts State Ethics law requires employees to make such law.
- 6.3 Resources
- 6.3.a Training/Presentations – Upon request, and as needed, the Human Resources Department will coordinate presentations to management that will discuss this policy. Such training/discussions should explain both appropriate and inappropriate conduct that may help to minimize the risks of violation.
- 6.3.b Employee Assistance Program – The Town of Norwood also provides an Employee Assistance Program (EAP) that can be utilized by both Managers and employees in dealing with and preventing workplace violence. The EAP can be contacted on 1-800-333-6624.

6.4 **Actual or Potential Conflicts of Interest, Violations of this Policy, or Violations of the Law:** Employees should immediately report and make inquiry about questionable items, gifts, benefits, or matters. Inquiries can be made with the Town or employees may go directly to the HR Department or to the Ethics Commission on 1-888-485-4766 (Attorney of the Day).

7. Applicable Laws / Statutes

A number of laws are implicated by this policy, which outline unacceptable or unethical conduct in the workplace. These include, but are not limited to, any number of criminal and civil laws prohibiting unethical conduct, such as Massachusetts General Laws Chapter 268A, and Massachusetts Regulations at 930 CMR 5.00 et. Seq. (Chapter 268A and Regulations are referred to in this policy as “State Public Employee Ethics Laws”), as well as any criminal or civil laws in the areas of anti-stalking laws, anti-bullying laws, OSHA, anti-discrimination, Civil Rights, etc.

The following document associated with and attached to this policy may change to meet the needs of the Town or new requirements of law. The HR Director may make the necessary document changes without changing the intent or content of this policy. Please consult the Human Resources Department for the most current version:

#D-120 – Professional Conduct Policy Acknowledgement Form

PERSONNEL BOARD

For the Personnel Board: David E. Hajjar
David E. Hajjar, chairman
Anne Haley, vice-chair
Willard Krasnow
Patterson Riley
Jack E. Taylor

10 / 15 / 14

