PROVIDENCE ETHICS COMMISSION

Susann G. Mark
Chair

M. Zachary Mezera
Vice-Chair

Tony Affigne
Jose Batista
Vanessa Crum
Dawn Robertson

Natalya A. Buckler
Municipal Integrity Officer

July 14, 2017

The Honorable Sabina Matos
Acting Council President
Providence City Council
City Hall
25 Dorrance Street
Room 310
Providence, RI 02903

Dear Acting Council President Matos:

Pursuant to Section 17-33(i)(2)(i) of the Code of Ordinances, the Providence Ethics Commission submits the within Annual Report of the Providence Ethics Commission for Fiscal Year 2017 to you and to Mayor Jorge O. Elorza.

Thank you again for your leadership on these important issues.

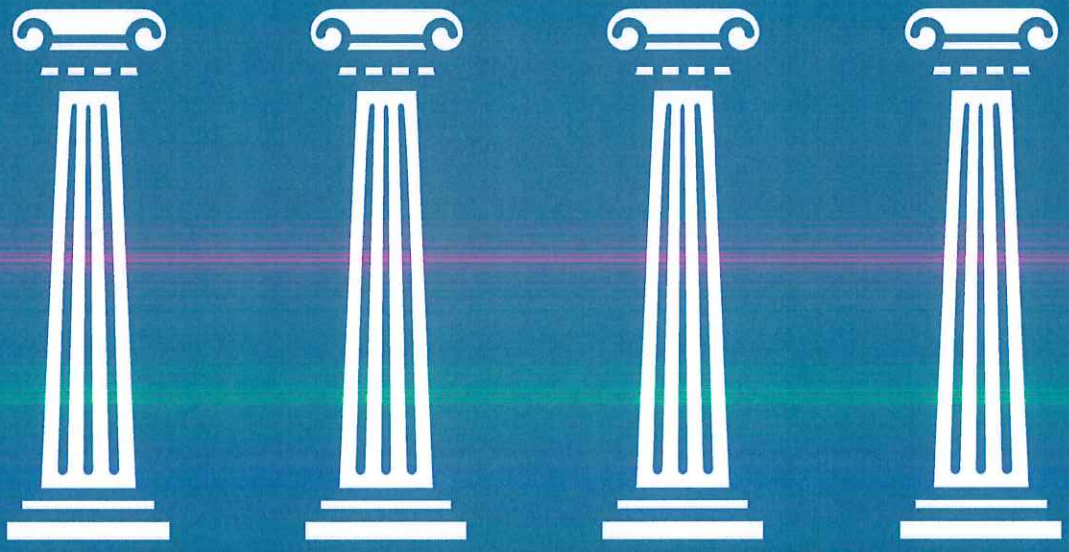
Very truly yours,

Susann G. Mark
Chair, Providence Ethics Commission

IN CITY COUNCIL
JUL 20 2017
READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.
CLERK

CITY OF PROVIDENCE, RHODE ISLAND

ANNUAL REPORT
OF THE PROVIDENCE ETHICS COMMISSION
FISCAL YEAR 2017



INTRODUCTION:

In accordance with Section 17-33(i)(2)(i) of the Providence Code of Ordinances, the Providence Ethics Commission (the "Commission") submits the within annual report (the "2017 Report") to the Providence City Council and Mayor Jorge O. Elorza. The 2017 Report provides a brief overview of the Commission's current composition and leadership and recent efforts to develop rules and regulations, conduct investigative activities, and facilitate educational activities in coordination with the Municipal Integrity Officer (the "MIO"), Kate Sabatini.

COMMISSION COMPOSITION AND LEADERSHIP:

Consistent with Section 17-33(i)(1)(a), the Commission is comprised of three (3) members appointed by Mayor Elorza, three (3) members appointed by the Providence City Council, and one (1) member, who serves as the Commission's chairperson, appointed by majority vote of the other six members.

The Commission is presently comprised of the following members, with the following terms[1]:

Susann G. Mark, Chair—*Term expires, July 1, 2019*
Tony Affigne—*Term expires, February 4, 2019*
Jose Batista—*Term expires, February 4, 2018*
Vanessa Crum—*Term expires, February 4, 2017*
Dawn Robertson—*Term expires, February 5, 2021*
M. Zachary Mezera—*Term expires, February 5, 2019*
Vacant (resignation of Elsa Dure)—*Term expires, February 5, 2018*

[1] In accordance with Section 17-33(i)(1)(b), members of the Commission serve four-year terms, except for the first members appointed by the Mayor and the City Council, who serve two-year terms, and the second members appointed by the Mayor and the City Council, who serve three-year terms. This schedule for staggering terms is reflected in the terms of the current membership.

COMMISSION DUTIES AND POWERS:

The primary duties and powers of the Commission are to render advisory opinions, investigate allegations of violations of the Providence Code of Ethics, and work in collaboration with the MIO to provide education, training, and guidance to employees and officials with respect to their ethical obligations. Section 17-33(i)(2)(a),(b), and (f).

The Commission is also required to promulgate rules and regulations as necessary to carry out the provisions of the ordinance, with advice from the Solicitor's office and consent from the City Council. Section 17-33(i)(2)(e).

ADVISORY OPINIONS

Upon written requests from Providence employees or officials, the Commission shall render advisory opinions as to the application or interpretation of the Providence Code of Ethics to the requesting employee or official, given a particular set of facts or circumstances. Section 17-33(i)(2)(a). Commission Regulation 2016-1 establishes a process for the requesting and rendering of advisory opinions.

To date, the Commission has not received any requests for advisory opinions.

INVESTIGATIONS

Pursuant to Section 17-33(i)(2)(b), the Commission shall investigate situations of which it becomes aware that may potentially violate the Providence Code of Ethics, and shall render probable cause determinations in those circumstances.

At its January 6, 2016 meeting, the Commission promulgated a regulation to establish a process for investigating complaints of violations of the Providence Code of Ethics. On May 24, 2017, the regulation was approved by the Providence City Council as Regulation 2016-2. It is attached to this 2017 Report as **Exhibit A**.

At its April 6, 2016 meeting, the Commission promulgated a regulation to establish a process for initiating investigations of allegations of violations of the Providence Code of Ethics in the absence of a formal complaint. On May 24, 2017, the regulation was approved by the Providence City Council as Regulation 2016-3. It is attached to this 2017 Report as **Exhibit B**.

As of the date of this 2017 Report, the Commission has received one (1) complaint, which it dismissed upon a determination that the facts alleged in the complaint did not constitute a knowing and willful violation of the Providence Code of Ethics. See Section 17-33(h)(1).

The Commission has not initiated any investigations in the absence of a complaint.

EDUCATIONAL ACTIVITIES:

In conjunction with the MIO Kate Sabatini,[2] the Commission has continued to monitor a toll-free telephone hotline and has maintained a Plain English Ethics Guide for City of Providence Employees and Officials ("Ethics Handbook"), as well as an ethics webpage on the City of Providence website.

The Ethics Handbook provides guidance on and a brief overview of the Providence Code of Ethics and the Rhode Island Code of Ethics in Government for both City of Providence employees and officials. It is attached to this 2017 Report as **Exhibit C**.

The Commission has also received regular updates from the MIO regarding other education and training initiatives, which include the following:

- Ethics trainings provided as part of monthly new hire orientation;
- Ethics welcome packages and acknowledgment forms for new employees and appointed officials;
- Ethics trainings for boards, commissions, and departments, upon request.

The Commission believes education to be one of its top priorities and looks forward to continued work with the MIO to ensure that City of Providence employees and officials are equipped with the necessary resources to understand, appreciate, and adhere to their ethical obligations.

[2] Kate Sabatini resigned as the City's Municipal Integrity Officer, effective July 1, 2017. Natalya (Natasha) Buckler was confirmed as the City's Municipal Integrity Officer on July 6, 2017.

SEAL OF THE CITY OF PROVIDENCE
WHAT CHEER?
FOUNDED 1636
INCORPORATED 1832

Exhibit A

PROVIDENCE ETHICS COMMISSION

Susann G. Mark
Chair

Daniel E. Chaika
Vice-Chair

Jose Batista
Vanessa Crum
Ethan Gyles
Elsa Dure
M. Zachary Mezera

Kathryn M. Sabatini
Municipal Integrity Officer

January 8, 2016

The Honorable Luis A. Aponte
Council President
Providence City Council
City Hall
25 Dorrance Street
Room 310
Providence, RI 02903

Dear Council President Aponte:

Enclosed, please find a regulation pertaining to the Providence Ethics Commission's complaint process for the City Council's consideration, approved by the Commission during its January 6, 2016 meeting.

Pursuant to Section 17-33(i)(2)(b) of the Code of Ordinances, the Providence Ethics Commission has the authority to investigate potential violations of the Providence Code of Ethics and to render probable cause determinations. The Commission seeks to adopt the enclosed regulation to establish clear procedures for the complaint process. In accordance with Section 17-33(i)(2)(e), the Commission sought the advice of the City Solicitor in drafting this regulation and now seeks the Council's consent to promulgate it.

Thank you again for your leadership on these important issues.

Very truly yours,

Susann G. Mark

Susann G. Mark
Chair, Providence Ethics Commission

IN CITY COUNCIL
MAY 24 20[illegible]
READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED AND APPROVED
CLERK

CITY OF PROVIDENCE, RHODE ISLAND

Regulation 2016-2. Complaints.

(a) ~~Filing of Complaint. Complaints of violations of Section 17-33 of the Code of~~ Ordinances of the City of Providence (the "Code of Ethics") shall be made by submitting a complaint on the Providence Ethics Commission's complaint form ("Complaint") to the Municipal Integrity Officer, Law Department, 444 Westminster Street, Suite 220, Providence, RI 02903. The Municipal Integrity Officer will keep a record of the Complaint and the date received and will then forward it to an Assistant City Solicitor designated by the City Solicitor to review and advise as to whether an ethics violation has occurred. (The designated Assistant City Solicitor may be referenced in this regulation as the "Investigator.")

(b) Initial Screening of Complaints. The Investigator shall conduct an initial screening of all Complaints in the following manner:

i. Each Complaint filed shall be reviewed as to form. If there is a form defect, the Complaint shall be returned to the person who filed it (the "Complainant") for corrections. If not refiled within twenty (20) days of mailing the defective Complaint to the Complainant, the Complaint shall not be processed as filed.

ii. Complaints which are in proper form shall be presented to the Ethics Commission at its next meeting for initial determinations. Notwithstanding any defects as to form or failure of the Complainant to refile, if the Investigator determines that the facts stated in a defective Complaint are sufficient to allege a violation of the Code of Ethics, the matter shall be brought to the Ethics Commission for an initial determination at its next meeting.

iii. The City Solicitor's office shall file quarterly reports with the Municipal Integrity Officer on the number of Complaints received, including the number of defective Complaints.

(c) Initial Determination of Complaint.

i. At the meeting for an initial determination, the Ethics Commission shall review the Complaint and decide whether or not the facts alleged, if true, are sufficient to constitute a violation of the Code of Ethics. The Commissioners will not review any additional information or engage in any fact finding. The Commissioners are to examine the facts alleged within the Complaint, without making any judgment as to credibility or examination of any collateral information.

ii. If the Ethics Commission determines that the Complaint fails to allege facts sufficient to constitute a violation of the Code of Ethics, the Complaint shall be dismissed and the individual against whom the Complaint has been filed ("Respondent") and Complainant shall be mailed a written notification of the dismissal within three (3) working days.

iii. If the Commission determines that the Complaint alleges facts sufficient to constitute a violation of the Code of Ethics, the Commission shall open an investigation. The Respondent and Complainant shall also be sent written notification regarding such initial determination by the Commission within three (3) working days thereafter and advising both parties of the opportunity to provide evidence to the Investigator regarding the allegations in the Complaint.

iv. The Ethics Commission shall conduct these proceedings in executive session, consistent with R.I. Gen. Laws § 42-46-5(a).

(d) Investigation of Complaints. Following a determination that the Complaint alleges facts sufficient to constitute a violation of the Code of Ethics, an investigation will proceed in the following manner:

i. The Investigator will contact the Complainant within twenty-five (25) days after the authorization of an investigation, to request additional information regarding the allegations in the Complaint.

ii. The Respondent may file a response under oath and submit other evidence in opposition to the allegations in the Complaint within twenty (20) days of the notification provided in (c)(iii).

iii. The Investigator will provide a report to the Commission's legal counsel within sixty (60) days after receipt of the Complaint by the Investigator, stating the Investigator's conclusion as to whether or not there is sufficient evidence to support a finding of Probable Cause that the Code of Ethics has been violated as alleged.

The Ethics Commission may also authorize an investigation into allegations that appear to constitute a violation of the Code of Ethics, in the absence of a Complaint.

(e) Role of Commission legal counsel. Upon the receipt of the Investigator's report, the Ethics Commission's legal counsel shall undertake the following:

i. Review the report and prepare a written recommendation for the Ethics Commission, indicating whether legal counsel concurs or disagrees with the conclusion of the Investigator; and

ii. Forward the Investigator's Report and legal counsel's recommendation to the Ethics Commission for review and disposition at a Probable Cause proceeding; and

iii. In case of a Complaint deemed by legal counsel to have allegations of serious criminal conduct, upon advice to the Chair of the Ethics Commission, forward the Complaint to the City Solicitor for referral to the Attorney General for prosecution.

(f) Probable cause proceedings. Unless good cause is shown to extend the time, the Respondent shall be given at least two weeks' notice prior to the scheduled Probable Cause proceeding. Probable Cause proceedings before the Ethics Commission will

consist of the review of the Investigator's report and legal counsel's recommendation, as well as presentations to the Ethics Commission by the Investigator, its legal counsel and Respondent (and/or Respondent's attorney). The Ethics Commission shall have the power to compel attendance of witnesses at such proceeding for examination under oath and to require the production of evidence prior to and at such proceeding. Respondent or Respondent's attorney may submit a written statement, present legal arguments, and introduce oral and written evidence in response to the allegations. The Ethics Commission shall conduct these proceedings in executive session, consistent with R.I. Gen. Laws § 42-46-5(a).

Within ninety (90) days following the completion of the Probable Cause proceedings, the Ethics Commission shall report its findings in open session and will thereafter issue written findings. If a majority of all of the members of the Ethics Commission determines that there is Probable Cause to believe that the Code of Ethics has been violated, the Ethics Commission shall take one or more of the following actions:

i. Refer the matter to the City Solicitor for review and potential prosecution in the Providence Municipal Court, and request a report from the City Solicitor as to actions taken within sixty (60) days of referral;
ii. In the case of matters involving employees within the personnel system established by Article IX of the Providence City Charter, also refer the matter to the human resources department for appropriate disciplinary action;
iii. In the case of matters involving sworn personnel of the public safety department, also refer the matter to the Commissioner of Public Safety for appropriate disciplinary action;
iv. In the case of matters involving employees or officials (other than sworn personnel of the public safety department) not subject to the personnel system established by Article IX of the Charter, also refer the matter to the appointing authority, for appropriate disciplinary action.

The Ethics Commission's written findings regarding its Probable Cause determinations will be forwarded to both the Complainant and the Respondent.

(g) Informal Disposition.

i. At any time subsequent to the referral by the Ethics Commission's legal counsel for a Probable Cause proceeding, the Ethics Commission, with the concurrence of the Respondent and Respondent's attorney, may seek an informal disposition through an agreed settlement, consent order, or other informal resolution of the pending Complaint.
ii. At the direction of the Ethics Commission, the Ethics Commission's legal counsel may meet with the Respondent and Respondent's counsel for an informal conference to seek such informal disposition. This conference shall not be recorded or transcribed and no statements made by any person at such

conference shall be used as evidence in any subsequent proceeding of the Ethics Commission.

iii. An informal disposition must receive the approval of a majority of the members of the Ethics Commission in order to become effective. The approved informal disposition of the Complaint shall become a public record. The Complainant shall be notified of the date on which the Ethics Commission will consider the proposed informal disposition, shall be notified of any actions taken by the Ethics Commission regarding the informal disposition, and shall be provided with a copy of any approved informal disposition agreement and/or order.

(h) State Ethics Code violations. If, in addition to finding Probable Cause to believe that the Code of Ethics has been violated, the Ethics Commission becomes aware of any circumstance or situation which appears to violate or may potentially violate the state code of ethics, R.I.G.L. 36-14-1 *et seq.*, the Ethics Commission shall also report the matter to the Rhode Island Ethics Commission.

If the Ethics Commission learns that the Rhode Island Ethics Commission is investigating a complaint arising out of the same set of facts contained in a Complaint currently pending before the Ethics Commission, the Ethics Commission shall determine whether to proceed with its investigation or stay its proceedings pending the outcome of the matter before the Rhode Island Ethics Commission.

(i) Criminal violations. If, in the process of investigating any Complaints, the Ethics Commission becomes aware of any circumstance or situation that appears to constitute a crime, the Ethics Commission shall also report the matter to the Attorney General's office. Upon reporting the matter to the Attorney General, the Ethics Commission shall determine whether to proceed with its investigation or stay its proceedings pending resolution of any criminal matter.

(j) Limitation Period on Filing of Complaint. Any Complaint shall be filed with the Ethics Commission no later than five (5) years from the date of the alleged violation of the Code of Ethics.

(k) Commission Records. Following the Commission's Initial Determination, as set forth in (c), the Complaint is a public document. All other requests for Commission records will be fulfilled in accordance with the Access to Public Records Act, R.I. Gen. Laws § 38-2-1 *et seq.*

The Chair of the Ethics Commission has authority, on the basis of good cause shown, to extend any of the time periods contained in this Regulation.

SEAL OF THE CITY OF PROVIDENCE
WILLIAM CHEERY
FOUNDED 1636
INCORPORATED 1832

Exhibit B

CITY OF PROVIDENCE, RHODE ISLAND

Susann G. Mark
Chairwoman

Daniel E. Chaika
Vice-Chairman

PROVIDENCE ETHICS COMMISSION

Jose Batista
Vanessa Crum
Elsa Dure
Ethan Gyles
M. Zachary Mezera

Kathryn M. Sabatini
Municipal Integrity Officer

April 14, 2016

The Honorable Luis A. Aponte
Council President
Providence City Council
City Hall
25 Dorrance Street
Room 310
Providence, RI 02903

Dear Council President Aponte:

Enclosed, please find a regulation pertaining to the Providence Ethics Commission's Regulation 2016-3, "Commission Initiation of Investigation", approved by the Commission during its April 6, 2016 meeting.

Pursuant to Section 17-33(i)(2) of the Code of Ordinances, the Providence Ethics Commission has the authority to investigate potential violations of the Providence Code of Ethics and to render probable cause determinations. The Commission seeks to adopt the enclosed regulation to establish clear procedures for the complaint process period. In accordance with Section 17-33(i)(2)(e), the Commission sought the advice of the City Solicitor in drafting this regulation and now seeks the Council's consent to promulgate it.

Thank you again for your leadership on these important issues.

Very truly yours,

Susann G. Mark

Susann G. Mark
Chair, Providence Ethics Commission

IN CITY COUNCIL
MAY 24 2017
READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED AND APPROVED
CLERK

Regulation 2016-3. Commission Initiation of Investigation.

(a) Filing of Complaint. In furtherance of the obligation of the Providence Ethics Commission (the "Commission") under Section 17-33(i)(2) of the Providence Code of Ordinances to investigate any circumstance or situation of which the Commission becomes aware that appears to violate or may potentially violate the Providence Code of Ethics (the "Code"), any member of the Commission or of its staff having information that establishes a reasonable basis for believing that a municipal official or employee, or a former municipal official or employee, has violated the Code is hereby empowered to file a Complaint with the Commission, setting forth the basis for such belief. The Complaint shall be on the form referred to in Subsection (a) of Regulation 2016-2, except that such Complaint shall also include a description of the manner in which the person filing the Complaint was provided or became aware of the circumstances or situation that appears to constitute a violation of the Code.

(b) Handling of Complaint. The Complaint shall be filed with the Municipal Integrity Officer. Upon filing, the Complaint shall be handled in the same manner as a Complaint filed with the Municipal Integrity Official pursuant to Subsection (a) of Regulation 2016-2, except that notices to the "Complainant" shall be omitted. The Commission's legal counsel will report the filing to the Commission members in Executive Session at the next scheduled Commission meeting.

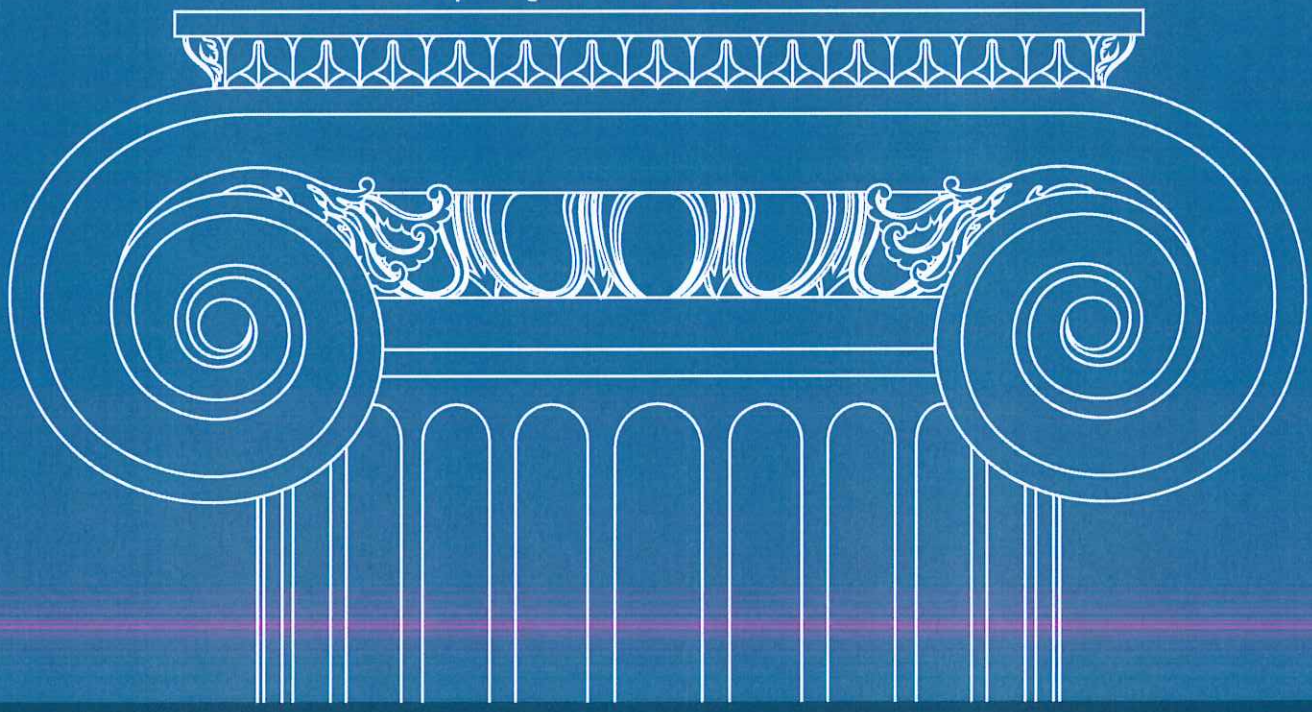
SEAL OF THE CITY OF PROVIDENCE
WHAT CHEER?
FOUNDED 1636
INCORPORATED 1832

Exhibit C

A Plain English

ETHICS GUIDE

for City of Providence
Employees and Officials



Foreword

This handbook is designed to provide a brief overview of the City of Providence's Code of Ethics, which may be found in Section 17-33 of the City's Code of Ordinances.

This handbook also provides a very brief overview of the Rhode Island Code of Ethics in Government, with which all City of Providence employees and officials also must comply. City of Providence employees and officials are strongly encouraged to consult the educational materials prepared by the Rhode Island Ethics Commission for further guidance.

This handbook is not meant to serve as formal advice or to be a substitute for legal counsel. Employees and officials should consult the full texts of both codes of ethics when they have a specific question and/or should seek further advice and guidance when necessary.

Employees and officials are highly encouraged to consult the Guidance section at the end of this handbook.

PROHIBITED CONDUCT UNDER THE PROVIDENCE CODE

Current Employees:

MISUSE OF CITY PROPERTY

You may not use City owned property for your personal benefit, profit, or convenience. [*Code § 17-33(c)(2)*]

Example: Using department copier and paper to reproduce the little league schedule for your own convenience is improper.

Please note that there are specific ordinances and/or departmental policies that address use of City vehicles, City cell phones, and other City property. It is important to check with your department for details regarding these policies. However, in the absence of such an ordinance or departmental policy, this provision applies.

You may not sell, buy, or use any document that fraudulently bears the City seal. [*Code § 17-33(c)(3)*]

Example: Your new neighbor blasts loud music from his stereo each night. You decide to send him a letter bearing the City seal informing him that he is violating the noise ordinance. This is unethical.

MISUSE OF CITY POSITION

You may not force (by threats, discipline, discrimination, etc.) an employee to deal with a particular business. [*Code § 17-33(c)(1)*]

Example: Threatening to fire an employee in charge of ordering paper supplies if he/she does not order from Killing Trees Happily, Inc. is improper.

You may not use your position for the purpose of gaining a benefit for yourself or someone else. [*Code § 17-33(c)(5)*]

> Example: You are an inspector for the Department of Inspections and Standards. You call a local restaurant asking for a dinner reservation for Saturday. You are told that there are no reservations available. You tell them who you are and remind them that their restaurant is scheduled to be inspected in the next couple of weeks and ask them to double-check. This is a misuse of your position.

You may not disclose confidential or privileged information gained through your employment with the City. [*Code § 17-33(c)(6)*]

> Example: Working with the retirement board, you review Sheriff Rosco P. Coltrane's medical records and discover that he suffers from a terrible case of scurvy due to his disgust with fruits and vegetables. You may not disclose this information to the Dukes or other persons.

MISUSE OF CITY TIME

You may not knowingly employ someone who does not show up for work; shows up for work, but does not perform his/her duties; or gets paid an amount of money grossly disproportionate to the tasks he/she does perform. [*Code § 17-33(c)(7)*]

You may not conduct outside business, including non-compensated business, during the regular hours of your City position. [*Code § 17-33(c)(8)*]

> Example: You are scheduled to attend your child's PTA meeting at 3:00 p.m., but your regular business hours do not end until 4:30 p.m. In order to attend, you should discharge personal time, or, if it is available, discuss compensation time with your supervisor.

IMPROPERLY OBTAINING A CITY POSITION

You may not, either directly or indirectly, give, promise, or pay any money, service, or other thing of value to anyone for the purpose of obtaining a promotion or employment with the City. [*Code § 17-33(c)(4)*]

Example: It is unethical to offer to babysit your supervisor's bratty kids for an entire month for the purpose of getting a promotion.

REPRESENTING AND ADVISING OTHER PERSONS OR ENTITIES IN CONNECTION WITH A CITY MATTER

You may not represent, advise, consult, or assist any person or entity in connection with a matter:

in which the City/municipal agency is a party or has a direct substantial interest; and

in which you participated personally and substantially in your capacity as a City official/employee; and

which involved a specific party/parties at the time of your participation; and

which is the same matter in which you participated as a City official/employee [*Code § 17-33(c)(9)-(10)*]

Example: As a member of the zoning board, you voted on Dr. Jeckyll's application for a use variance to operate a lab in a residential area. Dr. Jeckyll's application was denied and he appeals to Superior Court, naming the zoning board as a party. It would be unethical to represent, advise, consult, or assist Dr. Jeckyll with his appeal of the zoning decision.

Former Employees:

REPRESENTING, ADVISING, OR CONSULTING

For a period of one (1) year after leaving City service, a former employee/official of the City cannot represent, advise, consult, or assist any person or entity in connection with a matter:

in which the City/municipal agency is a party or has a direct substantial interest; and

in which you participated personally and substantially in your capacity as a City official/employee; and

which involved a specific party/parties at the time of your participation; and

which is the same matter in which you participated as a City official/employee. [*Code § 17-33(d)(1-2)*]

CONTRACTS, GRANTS, AND SUBSIDIES

A former employee/official of the City who participated personally and substantially in a negotiation or supervised a negotiation, of a municipal contract, grant, or subsidy cannot accept employment with a party to the contract or the recipient of the grant or subsidy for a period of one (1) year after the contract is signed or the grant or subsidy is awarded. [*Code § 17-33(d)(3)*]

CONFIDENTIAL INFORMATION

A former employee/official of the city cannot disclose confidential or privileged information acquired during service as employee/official, unless authorized by law. [*Code § 17-33(d)(4)*]

CAMPAIGN ETHICS

An employee of the City cannot take an active part in political management or campaigns during duty hours. [*Code § 17-33(e)(1)*]

An employee of the City, while wearing a uniform required for his or her employment, cannot solicit support for any candidate or request that an individual contribute any time, money, or other things of value to a candidate, political party, or political measure. [*Code § 17-33(e)(2)*]

> It is important to note that the term "employee" does not include elected officials. [*Code § 17-33(b)(5)*]

It is unlawful for any person to solicit political contributions from employees of the City during the employee's hours of employment. [*Code § 17-33(e)(3)*]

It is unlawful for any person to solicit or knowingly accept any campaign contribution in a City facility. [*Code § 17-33(e)(4)*]

AIDING AND ABETTING

No person shall knowingly and intentionally provide assistance to or otherwise aid or abet any other person in violating any provision of this ordinance. [*Code § 17-33(f)*]

SUSPENSION OR DISMISSAL FOR FELONIES RELATED TO EMPLOYMENT

Upon being formally charged with a felony directly related to his or her employment, a City employee may be suspended with or without pay, or transferred to another position. [*Code § 17-33(g)*]

A City employee shall be dismissed immediately upon conviction of or plea of nolo contendre to a felony related to his or her employment. [*Code § 17-33(g)*]

PENALTIES AND ENFORCEMENT

A violation of the City's Code of Ethics can have serious consequences, including loss of employment, civil fines, and incarceration.

REVOLVING DOOR

The City's and State's codes of ethics both contain revolving door provisions—provisions that address moving from one position within the City to another. The following is a brief overview of both:

Municipal elected officials and school committee members may not seek or accept employment within any municipal agency of the municipality in which they serve, other than that held at the time of election, while in office and for a period of one (1) year after leaving office.

However, a municipal elected official or school committee member may seek election to any other elective office.

Elected and appointed officials may not accept appointment or election to positions that carry any financial benefit that requires approval by the body of which they are a member, while serving as a member of that body and for a period of one (1) year thereafter.

RHODE ISLAND CODE OF ETHICS IN GOVERNMENT

All City of Providence employees and officials are also subject to the provisions of the Rhode Island Code of Ethics in Government.

Just as with your obligations under the City's Code of Ethics, your obligations under the Rhode Island Code of Ethics are yours and yours alone.

As such, you are strongly encouraged to consult the Rhode Island Ethics Commission website, *www.ethics.ri.gov*, for the most up-to-date guidance, resources, and materials.

CONFLICTS OF INTEREST

Most, if not all, of the provisions of the Rhode Island Code of Ethics in Government are concerned with conflicts of interest and variations on that same theme.

Under the Code, an official or employee cannot participate in matters where he or she has a conflict of interest in the performance of his or her duties.

When do you have a conflict of interest?

You have a conflict of interest if it is reasonably foreseeable that a decision you are helping to make as part of your public duties:

1. Will result in a financial benefit or detriment to:

    a. You,
    b. Your family or household member,
    c. Your outside employer,
    d. Or your business associate.*

2. OR, even if there is no financial impact, if a family member, household member, employer, or business associate is a party to, or is participating in, the matter being discussed.

* A business associate is any person or entity with whom you are joined to achieve a common financial objective. Your business associates are not only your business partners but also people you have hired as attorneys, accountants, realtors, contractors, etc. Your business associates are also any businesses or organizations, even if not-for-profit, for which you are an officer or director.

What to do if you have a conflict of interest?

Merely having a conflict of interest is not a violation of the Rhode Island Code of Ethics. It is what you do after you identify a conflict of interest that matters.

If you identify a conflict of interest, you must take the following steps:

1. Recuse: meaning, do not participate in any aspect of the work or decision-making relating to the matter; and

2. Complete a Statement of Conflict of Interest form, and

   a. Present the original to your supervisor, and
   b. Send a copy to the Rhode Island Ethics Commission; and

3. Inform your supervisor: if it is necessary that another person handle the matter, you cannot reassign it yourself. Rather, you must inform your supervisor so that he or she can reassign it.

Avoid the appearance of impropriety.

Even if you do not believe that you have a conflict of interest, as defined by the State's Code of Ethics, but you believe nonetheless that your participation in the matter would create an appearance of impropriety, you should still recuse and follow the procedures outlined above.

GIFTS AND OTHER VARIATIONS ON CONFLICTS OF INTEREST

Perhaps the most common variation on the conflict of interest theme is the prohibition pertaining to gifts.

You may not accept from an interested person*:

1. A gift of cash, debt forbearance, or debt forgiveness in any amount; or
2. A gift of goods or services having either a market value or actual cost greater than $25; or
3. Multiple gifts in one calendar year having an aggregate market value or actual cost of greater than $75.

* An interested person is a person, business, or representative that has a direct financial interest in a decision that you participate in making.

There are limited exceptions to these gift prohibitions. When in doubt, consult materials prepared by the Rhode Island Ethics Commission and/or seek additional advice.

Additional conduct covered by the Rhode Island Code of Ethics in Government:

- Nepotism and Favoritism
- Honoraria
- Outside Employment
- Acting as Agent or Attorney
- Appearances before your own Agency
- Revolving Door
- Contracts with State or Local Government
- Transactions with Subordinates

The overview provided in this handbook is by no means meant to be exhaustive. Rather, it is intended to bring issues to your attention for your own independent and further exploration.

You are strongly encouraged to familiarize yourself with the resources available on the Rhode Island Ethics Commission website: *www.ethics.ri.gov*.

GUIDANCE

If you have questions regarding the application of the City's Code of Ethics to you or to a particular situation or set of facts with which you are confronted, you may wish to do any of the following:

- Consult with your Board's or Commission's counsel (if applicable).
- Contact the City's Municipal Integrity Officer for informal, confidential advice.
- Submit a request in writing to the Providence Ethics Commission for a formal advisory opinion.

For questions regarding the application of the State's Code of Ethics to you or to a particular set of facts with which you are confronted, you may wish to do any of the following:

- Consult with your Board's or Commission's counsel (if applicable).
- Contact the City's Municipal Integrity Officer for informal, confidential advice.
- Contact the Rhode Island Ethics Commission for informal advice.
- Submit a request in writing to the Rhode Island Ethics Commission for a formal advisory opinion.

For More Information

NATASHA BUCKLER
Municipal Integrity Officer
444 Westminster Street Suite 220
Providence, Rhode Island 02903
(401) 680-5333