

**CODE OF CONDUCT
FOR
COMMONWEALTH OF MASSACHUSETTS
NAGE UNIT THREE
EMPLOYEES**

**CODE OF CONDUCT FOR COMMONWEALTH OF MASSACHUSETTS
NAGE UNIT THREE EMPLOYEES**

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**CODE OF CONDUCT
COMMONWEALTH OF MASSACHUSETTS
UNIT THREE**

"No responsibility of Government is more fundamental than the responsibility for maintaining the highest standards of ethical behavior by those who conduct the public business. There can be no dissent from the principle that all officials must act with unwavering integrity, absolute impartiality, and complete devotion to the public interest. This principle must be followed not only in reality but in appearance. For the basis of effective government is public confidence, and that confidence is endangered when ethical standards falter or appear to falter."

President John F. Kennedy
April 27, 1961

1. INTRODUCTION

This document constitutes a Handbook and Code of Conduct for all NAGE Unit 3 employees of the Commonwealth of Massachusetts. This Code is designed to give all employees full and fair notice of their professional and ethical obligations.

We can maintain that confidence only to the extent that all of our official activities and all of our contacts with the public reflect the highest ethical and moral standards. We must perform our duties with integrity and propriety. We must also do all in our power to ensure that none of our words or actions can be interpreted otherwise.

This code is written for your own protection. It strives to impart three fundamental messages:

- a. Every employee must scrupulously avoid any actual conduct which constitutes a conflict of interest or conduct which gives the reasonable basis for the impression of a conflict of interest between his/her private interests, usually financial, and the public interest. The public interest must always take precedence;
- b. Every employee is prohibited from either taking some action, or failing to perform some duty, which would personally benefit himself/herself or give preferential treatment to any citizen.
- c. Every employee is prohibited from taking any action which would result in illegal receipt of public or private funds.

Guidance-both on what we are expected to do and on what we are prohibited from doing-should help all of us understand generally what is expected of us. It should also help resolve particular situations we are faced with in our daily work.

Please read these rules carefully and abide by their spirit as well as their letter. Each of us can take pride in belonging to an organization which contributes so much to the growth, strength and quality of life of the Commonwealth.

2. DEFINITIONS:

As used in this Code, unless the context requires otherwise:

- a. "administrative inquiries" - means those occasions when an employee is required to respond to questions of importance to the agency/department when directed to do so by his/her Appointing Authority or that Authority's designee.
- b. "disciplinary action" - means any action taken by the Appointing Authority to discipline an employee, and when applicable in accordance with the provisions of the collective bargaining agreement or civil service law.
- c. "employee" - means any person in the Alliance on the current personnel roster of the agency/department. This shall include all bargaining unit workers; those who are on any form of leave of absence; workers who are serving suspension.
- d. "immediate family" - means the employee and his/her spouse and their parents, children, brothers and sisters.
- e. "nominal value" - means monetary worth not exceeding twenty-five dollars (\$25.00).
- f. "official action" - means any activity performed or required to be performed by an employee in the course of his/her official duties.

3. REGULATORY BASIS

This handbook and Code of Conduct is issued pursuant to the powers of the Secretary of Administration and Finance, as set forth in Chapter 7, Section 4 of the General Laws, and in accordance with, but not limited to M.G.L. Ch. 268A. Opinions of the Attorney General, Ethics Commissions Rulings and applicable management rights provisions of any relevant collective bargaining agreements.

4. GENERAL RULES

A. The Code Generally

1. Applicability of Code

The code applies to all NAGE Unit 3 employees including those on any type of leaves (e.g., leave without pay, military leave, civic-duty leave, etc.)

2. Scope of Code

This Code is not to be considered all-inclusive. The absence of a specific published rule of conduct does not mean or imply that any act of misconduct tending to discredit an employee is condoned or permissible or would not result in disciplinary action, up to and including termination.

3. Knowledge of Code

Each employee is required to know the Code of Conduct and rules contained herein; to seek information from his/her Appointing authority, the Appointing Authority's designee or personnel office in case of doubt or misunderstanding as to their application.

Decisions in personnel matters involving disciplinary action will be based on the assumption that each employee has familiarized himself/herself with this Code and that he or she is aware of the obligation to abide by it.

4. Effect of Code

Employees whose conduct does not conform to the rules and guidelines contained in this Code may be subject to disciplinary action, up to and including termination. Any disciplinary action taken will conform to civil service law and/or the provisions of the collective bargaining agreement.

5. Distribution of Code

Each Appointing Authority or his/her designee will see that each employee receives a copy of this Code. Employees will acknowledge receipt of the Code by signing the attached Receipt of Code of Conduct Form (Form CC-3) in the space provided. In each instance, the signed Receipt Form will be returned to the employee's Appointing Authority or his/her designee within ten days of receipt, and filed in the employee's personnel folder. The employee's signature on the Receipt Form is notice of his/her obligation to familiarize himself/herself with the contents of the Code of Conduct and to abide by it. (An audio tape of the Code shall be made available at no cost to any employee who reasonably requires it.)

Each Appointing authority or his/her designee will be responsible for providing accurate information and guidance to his/her employees with regard to the specifics of the Code and may from time to time offer training sessions on the Code to his/her employees as the need arises.

6. Effective Date of Code

The effective date of the Code shall be ten days after the Code of Conduct is distributed and the Code of Conduct Receipt Form is received by the employee.

B. Conformance to Laws

Employees shall obey the laws of the United States and the Commonwealth of Massachusetts. Any employee who is convicted of a crime relating to his/her employment shall be subject to discipline.

Any employee who has been indicted or arrested for a serious crime, supported by a judicial finding or probable cause in a preliminary hearing when the nature of the charge with its attendant publicity reasonably gives rise to legitimate fear for the safety of other employees, the property of the Commonwealth, or jeopardizes the public trust in the ethical standards of agency/departmental employees or undermines trust in the integrity of the Commonwealth's system of tax administration or the administration of other laws of the Commonwealth, may also be subject to suspension without pay or other employee benefits, pending resolution of the case.

If the employee is found guilty, pleads *nolo contendere*, has his/her case continued without a finding, is granted immunity from prosecution or has his/her case filed, further disciplinary action, including termination, may be taken. If the employee is found not guilty, or the case is *nolle prosequi* or dismissed, the employee shall be immediately reinstated to employment retroactive to the date of suspension without loss of wages or other employee benefits.

C. Conformance to Policies, Procedures and Directives

Employees shall comply with all of the policies and operating procedures of the agency/department in which they work. This requirement includes, but is not limited to, all

agency/departmental policies and procedures. Employees shall respond forthrightly and promptly to the work-related directives of their supervisors.

D. Conduct, Attitude and Demeanor

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 in the Commonwealth as a whole. They must not only perform their duties in a wholly impartial manner, but must avoid any conduct which gives the reasonable basis for the impression of acting otherwise.

Specifically, all employees shall avoid any action which may result in or create the reasonable basis for the impression of:

- a. using public office for private gain;
- b. giving preferential treatment to any citizen;
- c. making work-related decisions contrary to agency/departmental policy;
- d. using one's official position to harass or intimidate any person or entity outside the course of official duties.

E. Administrative Inquiries

Employees must respond promptly and fully to Administrative inquiries when directed to do so.

F. State Ethics Commission Financial Disclosure Requirements

Employees who are required to file a "Statement of Financial Disclosure" with the State Ethics Commission, under the provisions of M.G.L. Ch. 268B, shall do so in a timely manner as prescribed by the State Ethics Commission. The State Ethics Commission will notify each employee who is required to file such a statement.

5. CONFLICT OF INTEREST

The necessity for the fair and impartial administration of state government and the enforcement of its laws makes the avoidance of any conflict of interest of primary importance. A conflict of interest is a situation in which an employee's private interest, usually financial, conflicts or raises a reasonable question of conflict with his/her official duties and responsibilities.

Chapter 268A of the General Laws provides criminal and civil penalties for conflict of interest violations. The following three general categories of prohibitions are to be used as guidelines for your information. (Chapter 268A of the General Laws offers specific details.)

1. No employee may request or receive, in any manner whatsoever, compensation or anything else of value, except from the Commonwealth: (a) for performance of his/her duties; or (b) for influencing or appearing to influence such performance.
2. No employee may participate in any official action relating to any entity in which the employee or a

member of his/her immediate family has a financial interest.

3. No employee may participate in any official action relating to any individual with whom or entity in which the employee has a substantial personal interest.

Employees have an obligation to avoid scrupulously the potential conflicts of interest which exist in their employment. They have a duty to disclose and report promptly the existence or possible existence of a conflict of interest to their agency head or his/her designee. They should request from their supervisor the transfer from their caseload of any case which involves their immediate family, close friend or any person with whom or entity in which they have some personal or financial involvement.

In addition, they have a right under law to have any question relating to a possible conflict of interest confidentially reviewed and decided by the State Ethics Commission. Information regarding the filing of a conflict of interest request with the State Ethics Commission is available from the agency head or his/her designee or from the Ethics Commission directly.

In addition to the sanctions referred to above, M.G.L. Ch. 268A, Sec. 23 also prescribes and describes certain "Standards of Conduct." Violations of these standards are subject to appropriate disciplinary action. All employees are required to abide by the spirit as well as the letter of these standards, which provide as follows:

"No current or former officer or employee of a state, county or municipal agency shall:

- (1) accept other employment which will impair his/her independence of judgement in the exercise of his official duties;
- (2) use or attempt to use his/her official position to secure unwarranted privileges or exemptions for himself/herself or others;
- (3) by his/her conduct give reasonable basis for the impression that any person can improperly influence or unduly enjoy his/her favor in the performance of his/her official duties, or that s/he is unduly affected by the kinship, rank, position or influence of any party or person."

"No current or former officer of employee of a state, county or municipal agency shall:

- (1) accept employment or engage in any business or professional activity which will require him/her to disclose confidential information which s/he has gained by reason of his/her official position or authority;
- (2) improperly disclose materials or data within the exemptions to the definition of public records as defined by Section Seven of Chapter Four of the General Laws, and were acquired by him/her in the course of his/her official duties nor use such information to further his/her personal interests." (See Massachusetts General Laws, Chapter 268A, Section 23.)

These rules with respect to conflicts of interest are in addition to, and supplement, state policies and agency/departmental rules, regulations and operating procedures that may otherwise apply to the official actions of employees.

(In the event that the Appointing Authority, or his/her designee, approves a particular activity and the Ethics Commission subsequently determines that such activity is a conflict of interest, the appointing authority will not discipline the employee for such activity. However, only the Ethics Commission, and formerly the Attorney General, have the authority to issue an opinion interpreting M.G.L. Ch. 268A, which

is binding.)

6. GIFTS AND GRATUITIES FROM OUTSIDE SOURCES

A. General Limitations

Employees shall not solicit or accept, directly or indirectly, any gift, gratuity, favor, entertainment, loan or any other thing of monetary value, from a person who or entity which, the employee knows or has reason to know:

- (1) Has, or is seeking to obtain, contractual or other business or financial relations with his/her agency/department;
- (2) Conducts business or other activities which are regulated or monitored by the agency/department, except as permitted by this section or by agency/departmental directives; or
- (3) Has interests that may be or give the reasonable impression of being substantially affected by the performance or nonperformance of the employee's official duties.

B. Exceptions

The restrictions set forth in paragraph A of this section do not apply to:

- (1) Obvious family or personal relationships when the circumstances make it clear that those relationships, rather than the business or the persons concerned, are the motivating factors behind any gift or gratuity.
- (2) 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, agency/departmental employees are specifically prohibited from accepting free food or other gratuity except non-alcoholic beverages (coffee, tea, etc.), while on official business, from persons with whom they have contact in the performance of their official duties.
- (3) 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 his/her official duties. However, if dealing with such banks or financial institutions is unavoidable, the employee must disclose such dealings to the Appointing Authority in writing prior to engaging in such dealings.
- (4) The acceptance of unsolicited advertising or promotional material, such as pens, pencils, note pads, calendars, and other items of nominal value.
- (5) The acceptance of an award or gift of nominal value for a speech, 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 such organization falls within paragraph A above.
- (6) Acceptance of reimbursement, in cash or in kind, for travel, subsistence and other expenses incident to attendance at meetings, provided such attendance and reimbursement is approved by the Appointing Authority or his designee. Such reimbursement can be made directly to the employee. An employee on official business may not be reimbursed, and payment may not be made on his or her behalf, for excessive (e.g., reimbursement which exceeds actual

costs) personal living expenses, gifts, entertainment, travel or other benefits. At no time shall an employee accept reimbursement from both the Commonwealth and another source for the same expenses.

7. OUTSIDE EMPLOYMENT AND BUSINESS ACTIVITY

A. Introduction: Principles

The Commonwealth seeks to give employees the maximum freedom possible to engage in outside employment or business activities consistent with the Commonwealth's responsibilities. However, the extremely sensitive mission of the Commonwealth and its employees necessitates certain restrictions. Employees may engage in outside employment or business activity provided such activity is not prohibited by this Code or by any statute, regulation or departmental order.

An activity that is permissible for the occupant of one position may very well not be permissible for the occupant of another position. Therefore, in considering each case on its individual merits, the employee must satisfy the following principles:

- (1) The outside activity would not place the employee in a situation where there is a conflict, or in a situation which gives the reasonable basis for the impression of a conflict, between his or her private interests and his or her official duties and responsibilities (see Section 5, above, "Conflict of Interest," for additional guidance).
- (2) The outside activity would not result in use, dissemination or disclosure to others of confidential information obtained in connection with the employee's departmental duties or position.
- (3) The nature of the employment or business activity or the hours to be devoted to such activity would not impair the employee's availability, capacity of efficiency for the performance of his/her official duties as an employee of the Commonwealth.
- (4) Employees shall not engage directly or indirectly in financial transactions as a result of, or primarily relying on, information obtained through their employment. In particular, they shall not use confidential information obtained in the course of their employment with the Commonwealth to obtain benefits, financial or otherwise, for themselves, their families or others.

B. Activities Which Do Not Require Prior Notice

(1) Introduction

Employees are generally not required to submit written notice before engaging in outside activities which are not considered to be employment or business. Although it is not feasible to cover every specific activity of this nature, the general categories discussed below are furnished as basic guidelines.

(2) General Examples

- (a) Membership and uncompensated services (including holding of office) in civic, scout, religious, educational, fraternal, social, community, veterans, or charitable organizations.
- (b) Services as a notary public or justice of the peace (except notarization of tax returns).
- (c) Rental of employee-owned property, real or personal, to the extent such property is not rented to the Commonwealth of Massachusetts or any agency or subdivision thereof, or the

lessee is not a subject of the employee's official duties.

- (d) Minor services and odd jobs for friends, relatives, or neighbors. These include a wide variety of activities, including: repair or maintenance work such as painting, yard work, carpentry, or services such as babysitting and carools involving payment for transportation.
- (e) Temporary (thirty days or less) assistance in a family enterprise, in the event of an emergency, such as the death or serious illness/accident to a member of the family engaged in that business.
- (f) However, no employee shall without appropriate disclaimer stating that the employee does not speak for the agency/department, take an active part or become an advocate on behalf of a professional society in any conflict between such society and the agency/department.

8. A. False Statements

Proper functioning of the government requires that the agency/department, the courts, other state agencies and the public be able to rely fully on the truthfulness of government employees in matters of official interest. An employee will be subject to disciplinary action up to and including termination for intentionally making false or misleading verbal or written statements in matters of official interest.

B. Recommending Professional Assistance

Employees may not recommend or suggest, specifically or by implication, to anyone that he/she obtain the services of any particular accountant, attorney or firm of accountants or attorneys, or any other professional or business organization in connection with official business which involves or may involve the agency/department.

C. Public Records

All requests for public records should be directed to the Appointing Authority or his/her designee who shall determine whether the requested documents are public records in accordance with M.G.L. Ch. 4, Sec. 7, cl. 26.

D. Drugs and Alcohol

While on duty no employee shall consume or use alcohol, intoxicants, narcotics, or controlled substances in any form. Similarly, no employee shall report for work under the influence of intoxicants, narcotics or controlled substances in any form. The only exception to this rule is the use of medication when prescribed for the treatment of the employee by a registered physician or dentist.

E. Departmental Identification Cards, Badges, Etc.

Agency/departmental identification cards, badges and other identification or access cards or documents are for use only in establishing identity, authority or access in connection with official duties.

Employees are responsible for the safeguarding and proper use of agency/departmental identification cards, badges and access cards, for promptly reporting their loss and for surrendering them on termination of employment or demand by proper agency/departmental authorities.

Cards, badges or documents, or an employee's official position or status, are not to be used to exert influence or obtain, either directly or indirectly, personal privileges, favors or rewards for themselves or others. Photo identification badges must be worn while at work in an agency which requires them to be worn.

F. Political Activities

Employees are prohibited from using their office or official duties to interfere with, affect or influence the results of a nomination or election for public office. No employee shall use his/her official authority directly or indirectly to coerce, attempt to coerce, command, advise or prevent any person or body to pay, lend or contribute anything of value to any party candidate or political committee.

No employee shall solicit or accept funds or anything of value for any party, political committee, agency, person or organization for political purposes.

Employees are not prohibited from contributing to the campaign committee or organization for nomination or election of any individual running for public office or to any committee, agency, or organization for political purposes.

Employees are prohibited from campaigning for political office for themselves or others during normal working hours. Employees are prohibited from being a candidate for federal, state or full-time municipal office while on active duty. Such employees must obtain a leave of absence to run for such offices.

Employees are prohibited from wearing a political or campaign button while on official agency/departmental business.

Employees shall abide by the provisions of the following paragraph from M.G.L. Ch. 268A, Section 11 which provides:

"This section shall not prohibit a state or county employee from holding an elective or appointive office in a city, town or district nor in any way prohibit such an employee from performing the duties of or receiving the compensation provided for such office. No such elected or appointed official may vote or act on any matter which is within the purview of the agency by which he/she is employed or over which such employee has official responsibility."

G. Firearms and Deadly Weapons

An employee shall not carry firearms or other dangerous weapons on his/her person during the performance of official duties or on work premises except as specifically authorized by the agency/departmental head or his/her designee. An employee authorized to carry a firearm is forbidden to display it unnecessarily in public.

H. Testimonial Dinners

Employees are prohibited from selling or accepting payment for tickets, admissions or contributions, for a testimonial dinner or function or any affair having a purpose similar to a testimonial dinner or function held on behalf of any employee of his/her agency/department. No employee shall participate in or accept contributions for or from any testimonial dinner or function or any affair having a similar purpose, held on his or her behalf while he or she is an employee if such dinner,

function or affair is sponsored by a person or organization which is regulated by or has official business with the employee's department or agency.

This section shall not prohibit the collection sums of nominal value to cover the cost of small celebrations or other small events (such as birthday or holiday parties) held within agency/departmental offices, with permission of the Appointing Authority.

I. News Media and Publicity

To ensure that the Agency/Department speaks with one informed voice on the many sensitive matters that come before it, no news media release concerning official business is to be issued by a employee unless first approved by the Appointing Authority.

All contacts concerning official departmental business with the media must be approved in advance by the Appointing Authority or his/her designee. All requests for information or documents from news media should be referred to, and all correspondence to the news media must be mailed from Appointing Authority or follow specific guidelines for the handling of such material established that Office.

J. Professional or Scholarly Publications

All employees are encouraged to publish articles in professional and scholarly journals. However, to protect the integrity of departmental letter rulings and other official documents of the Department/Agency and to ensure a clear and consistent policy within the Agency/Department, all publications authored by employees must bear the following caveat:

This article represents the opinions and conclusions of its author(s) and not necessarily those of the Department/Agency where the author(s) are employed.

Also, copies of all such articles published should be made available to the Appointing Authority.

K. Legislative Requests and Inquiries

All requests or inquiries from public officials or their staffs must be referred to the Appointing/Authority agency/departmental head or his or her designee before any action is taken, unless employees are directed to handle such requests otherwise by the agency/department head or his or her designee.

**CODE OF CONDUCT
FOR
COMMONWEALTH OF MASSACHUSETTS
NAGE UNIT THREE**

*** * * RECEIPT * * ***

I hereby acknowledge that I have received a copy of the Employee Code of Conduct for the Commonwealth of Massachusetts NAGE UNIT 3 Employees. I also acknowledge that it is my responsibility as an employee of the Commonwealth to read this CODE OF CONDUCT and to comply with its terms and conditions.

Signature

Date

Name in print