



REGIONAL TRANSPORTATION COMMISSION

Metropolitan Planning • Public Transportation & Operations • Engineering & Construction
Metropolitan Planning Organization of Washoe County, Nevada

March 15, 2019

AGENDA ITEM 3.6

TO: Regional Transportation Commission

FROM: Angela Reich, SPHR
Director of Administrative
Services



Lee G. Gibson, AICP
Executive Director

SUBJECT: Personnel Rules and Management Policies

RECOMMENDATION

Approve modification of RTC Management Policy P-27 Code of Ethical Standards to update the policy and align it with current laws.

SUMMARY

The foregoing recommendation continues the process of reviewing and updating the Personnel Rules and Management Policies of the RTC to improve clarity, reduce redundancy and to align them with current laws and management practices.

FISCAL IMPACT

There is no fiscal impact related to this Board action.

PREVIOUS ACTIONS BY BOARD

November 17, 1994 Approved changes to RTC Management Policy P-27 Code of Ethical Standards.

Attachments

RTC Management Policy P-27
Date Approved: December 14, 1989
Date Revised: November 17, 1994
Date Revised: March 15, 2019
Approved:

MANAGEMENT POLICY

SUBJECT: CODE OF ETHICAL STANDARDS

PURPOSE

The Regional Transportation Commission (RTC) recognizes that holding public office and/or employment is a public trust. To preserve that trust, RTC demands the highest code of conduct and ethical standards of its public officers and employees. The purpose of this policy is to define and establish the standards of ethical conduct that are required of those public officers and employees so as to encourage and require professional integrity in the performance of their duties.

Every public officer and employee has a continuing responsibility to ask questions, seek guidance, report suspected violations, and express concerns regarding compliance with this policy.

POLICY

Ethical Standards

As a basic level of expected conduct, RTC public officers and employees shall comply with the following:

- They will conduct themselves with honesty and integrity in the course of performing their duties and responsibilities.
- They will act with care and diligence in the course of their employment.
- They will treat everyone, including coworkers, subordinates, supervisors, customers and the public, with the utmost professionalism and courtesy.
- They will comply with all applicable federal, state, and local laws.
- They will comply with any lawful and reasonable direction given by someone in the employee's agency who has authority to give the direction.
- They will maintain appropriate confidentiality.
- They will disclose, and take reasonable steps to avoid, any actual or potential conflict of interest in connection with their employment.
- They will use RTC resources for RTC purposes and in RTC's best interests.
- They will not provide false or misleading information in response to a request for information that is made for official purposes in connection with their employment.

RTC Management Policy P-27
Code of Ethical Standards

- They will, at all times, act in a way that upholds the values and the integrity and good reputation of RTC.
- They will comply with any other conduct requirement that is prescribed by the RTC.

Consistent with the provisions of NRS 281A.400 and NRS 281.230, RTC officers and employees shall comply with the following:

- No public officer or employee shall not seek or accept any gift, service, favor, employment, engagement, compensation or economic opportunity for the public officer or employee or any person to whom the public officer or employee has a commitment in a private capacity, which would tend improperly to influence a reasonable person in his/her position to depart from the faithful and impartial discharge of his/her public duties.

Exception: Gifts of a nominal or insubstantial financial value, including casual and inexpensive gifts that would not tend to improperly influence a reasonable person or give rise to an appearance of impropriety, are not prohibited under this policy.

- No public officer or employee shall use his/her position with the RTC to secure or grant unwarranted privileges, preferences, exemptions, or advantages for him/herself, any business entity in which s/he has a significant pecuniary interest, or any other person whom s/he has a commitment in a private capacity.
- No public officer or employee shall participate as an agent of government in the negotiation or execution of a contract between the government and the public officer or employee, any business entity in which s/he has a significant pecuniary interest, or any person to whom the public officer or employee has a commitment in a private capacity.
- No public officer or employee shall accept any salary, retainer, augmentation, expense allowance, or other compensation from any private source for him/herself or any person to whom the public officer or employee has a commitment in a private capacity, for the performance of his/her duties as an officer or employee.
- If a public officer or employee acquires, through his/her public duties or relationships, any information which by law or practice is not at the time available to people generally, s/he shall not use such information to further his/her own significant pecuniary interests or the pecuniary interests of any other person or business entity.
- No public officer or employee shall suppress any governmental report or other official document because it might tend to affect unfavorably his/her own significant pecuniary interest or any other person to whom s/he has a commitment in a private capacity.
- No public officer or employee shall use governmental time, property, equipment, or other facility to benefit his/her significant personal or pecuniary interest or any person to whom s/he has a commitment in a private capacity.
- No public officer or employee shall attempt to benefit a significant personal or pecuniary interest(s) for him/herself or any person to whom the public officer or employee has a commitment in a private capacity through influence of a subordinate.

RTC Management Policy P-27
Code of Ethical Standards

- No public officer or employee shall seek other employment or contracts for him/herself or any person to whom the public officer or employee has a commitment in a private capacity through the use of his/her officer position.
- Pursuant to NRS 281.230, a public officer or employee shall not, in any manner, directly or indirectly, receive any commission, personal profit or compensation of any kind resulting from any contract or other transaction in which the RTC is in any way interested or affected except:
 - A member of any board, commission, or similar body who is engaged in the profession, occupation, or business regulated by the board, commission, or body may, in the ordinary course of his/her business, bid on or enter into a contract with any governmental agency, except the board, commission, or body of which s/he is a member, if s/he has not taken part in developing the contract plans or specifications and s/he will not be personally involved in opening, considering, or accepting offers.
 - A public officer or employee, other than an officer or employee described in a. above, may bid on or enter into a contract with a governmental agency if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, s/he has not taken part in developing the contract plans or specifications, and s/he will not be personally involved in opening, considering, or accepting offers.

Pursuant to federal requirements imposed on RTC as a condition for the receipt of federal funding (see e.g. Annual FTA Master Agreement), RTC officers and employees shall comply with the following:

- Each RTC public officer and employee must conduct himself or herself in a manner that prevents or eliminates actual, apparent, or potential conflicts of interest. Such a conflict of interest arises when an RTC public officer, employee, or relative of those individuals, or an organization employing or in business with any of the foregoing, has a direct or indirect present or potential financial interest or other significant interest in a participant in the project whose work is supported by federal funding.
- No RTC public officer or employee with a real or apparent, direct or indirect conflict of interest may engage in any activity involving a present or potential participant in the project whose work is supported by federal funding. This includes the selection, procurement, award, management, or administration of a third party agreement in which the RTC public officer or employee has a present or potential financial or other significant interest.

Disclosure of Conflicts of Interest and Possible Abstention from Voting

RTC public officers and employees shall not approve, disapprove, vote, abstain from voting or otherwise act upon a matter in which the public officer or employee has a conflict of interest without disclosing information concerning the conflict. NRS 281A.420. The disclosure must be made at the time the matter is considered.

RTC Commissioners must disclose conflicts of interest in public to the RTC Chair and other members of the Commission and may be required to abstain from voting. NRS 281A.420. RTC Commissioners should contact RTC's Chief Counsel or Director of Legal Services for guidance.

RTC employees must disclose conflicts of interest to their supervisor, department director, or the Director of Administrative Services.

Reporting & Prohibition Against Retaliation

If you have any questions about whether conduct that you are contemplating may violate this Policy or whether conduct that you have observed does violate this Policy, immediately contact your supervisor, your department director, or the Director of Administrative Services. If you believe that a relationship/situation may or does violate this Policy, you must immediately contact your supervisor, your department director, or the Director of Administrative Services.

The RTC will determine if an actual conflict of interest exists. If a conflict is determined to exist, the RTC will take whatever preventative/corrective action it deems to be appropriate.

Retaliation against employees who use these reporting mechanisms to raise genuine concerns will not be tolerated.

Violations

Any violation of this Policy by an RTC employee may result in disciplinary action up to and including termination of employment.

RTC Management Policy P-27
Date Approved: December 14, 1989
Date Revised: November 17, 1994
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MANAGEMENT POLICY

SUBJECT: CODE OF ETHICAL STANDARDS

PURPOSE

Because it is imperative that officials and employees of the Regional Transportation Commission maintain the highest possible standards of ethical conduct in their transaction of public business, such standards must be clearly defined and published. In order to help RTC employees and officials understand actions that might be construed as inappropriate, the following Code of Ethical Standards has been adapted from Nevada Revised Statutes, Chapter 281.481 and includes standards set by the Federal Transit Administration.

1.1 Relationships

In all procurement matters relating to RTC, no RTC employee, official, contractor, or agent, including any member of an evaluation committee for an RTC project, shall participate in the selection, award or administration of a contract between the RTC and a private business if a conflict of interest, real or apparent, would be involved. Such a conflict would exist when an employee, officer, or agent of RTC; any member of his/her immediate family; his or her partner; or an organization which employs, or is about to employ, any of the above; has a financial or other interest in the firm selected for award of the contract. Unless specifically prohibited by law, an RTC official or employee, as such, is not precluded from making a bid on an RTC contract if the contracting process is controlled by rules of open competitive bidding, the sources of supply are limited, he or she has not taken part in developing the contract plans or specifications, and he or she will not be personally involved in opening, considering, or accepting offers, and he or she will not in any way participate in administering the contract.

No RTC official, employee, agent or contractor may accept any salary, retainer, augmentation, expense allowance or other compensation from any private source for the performance of his or her duties as an RTC official or employee.

CODE OF ETHICAL STANDARDS

Page 2

If an RTC official or employee acquires, through his or her public duties or relationships, any information which by law or practice is not at the time available to people generally, he or she may not use the information to further the pecuniary interests of himself or herself or any other person or business entity.

No RTC official or employee may suppress any governmental report or other document because it might tend to affect unfavorably his or her financial interests.

No RTC official or employee may approve, disapprove, vote, abstain from voting, or otherwise act upon any matter in which he or she has a financial interest without disclosing the full nature and extent of his or her interest. Such a disclosure must be made before the time when he or she is to perform the duty or concurrently with that performance. For an RTC Commissioner or the Executive Director, disclosure shall be made to the RTC Chairman and other Commissioners. For all other employees, disclosures shall be made to the Executive Director.

1.2 Gifts and Gratuities

It is RTC's policy that no official or employee of RTC or its contractors shall seek or accept, directly or indirectly, any gift, service, favor, employment, engagement, compensation or economic opportunity from a contractor, potential contractor, or subcontractor which would tend improperly to influence a reasonable person in his or her position to depart from the faithful and impartial discharge of his or her public duties.

No RTC official or employee may use his or her position to secure or grant unwarranted privilege, preferences, exemptions, or advantages for himself or herself, any member of his or her immediate household, any business entity in which he or she has a financial interest, or any other person.

1.3 Violations

Violation of RTC's ethics policy by any employee shall subject the individual to disciplinary action up to and including termination as determined by the Executive Director of RTC. Violation of this policy by the Executive Director, a member of the Commission, officer or agent of RTC shall subject the individual to disciplinary action or sanction as determined by the RTC. Violation of this policy by contractors or their agents may be considered a breach of contract and shall subject such contractor or agent to action up to and including cancellation of contract and suspension and debarment from contracting with RTC. Violation of this policy by bidders or potential contractors

CODE OF ETHICAL STANDARDS

Page 3

may be considered to make such bidders or proposer ineligible to bid or render a bid or proposal non-responsive.

1.4 Organizational Conflict of Interest

It shall be RTC's policy in soliciting and contracting for goods and services to prevent any real or apparent organizational conflicts of interest which could arise when the nature of work to be performed under a proposed contract would result in an unfair competitive advantage to the contractor in the award of future work. It shall not be a bid or proposal requirement that a prospective vendor or contractor have prior contracts with RTC. This shall not be construed, however, to prevent or limit the use of two-step bidding.

Employee questions regarding this policy should be directed to the employee's immediate supervisor