



Employee  
**Code of Conduct**  
**H A N D B O O K**



# COURAGE to Do the Right Thing



This Employee Code of Conduct Handbook is intended to increase your awareness and understanding of the conduct required by the City of San Diego. It is a summary of ethics and conduct rules and regulations; however, it is not intended to be a substitute for those rules and regulations. Anyone who is uncertain whether a particular action (or inaction) is a policy violation, or believes a violation has or may have occurred, should contact their supervisor or the Human Resources Department. This Handbook also provides guidance for reporting suspected cases of fraud, waste, or abuse of City resources.

In this Handbook, you will find highlights of sections of the City's ethics rules, regulations, policies, and procedures. These include portions of the San Diego Charter, Municipal Code, Council Policies, Administrative Regulations, Personnel Regulations, and selected state laws concerning conduct, ethics, and integrity. These rules set standards to make sure all actions, decisions, and transactions made by City employees are fair and honest.

The rules summarized in this Handbook are applicable to all City employees, classified and unclassified. Individual City departments may also have their own ethics-related rules or policies for their employees; employees should be familiar with those additional standards of conduct.

Unclassified employees and elected officials are also bound by additional regulations set forth in the City's Ethics Ordinance (San Diego Municipal Code §§ 27.3501-27.3595). In general, the Ethics Ordinance governs such issues as the acceptance and reporting of gifts, the disclosure of economic interests, conflicts of interest, and post-employment restrictions. This Handbook does not address the provisions of the Ethics Ordinance. Questions concerning the Ethics Ordinance should be directed to the Ethics Commission at 619-533-3476 or [ethicscommission@sandiego.gov](mailto:ethicscommission@sandiego.gov).



Employee  
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HANDBOOK

## Disclaimer

This Employee Code of Conduct Handbook contains information about employment policies and practices of the City of San Diego. We expect each employee to read this Handbook carefully, as it is a valuable reference for understanding the City's policies and procedures.

This Handbook contains comments regarding some of the important City policies and procedures. The comments are not intended to modify or replace the actual City policy or procedure. Therefore, to the extent any comments are inconsistent with a City policy or procedure, the City policy or procedure prevails.

*Revised May 20, 2024*



## Vision

Opportunity in every neighborhood, excellent service for every San Diegan.

## Mission

Every day we serve our communities to make San Diego not just a *fine* city, but a *great* city.

## Operating Principles

### *Customer Service*

- We value our residents, customers, and employees by designing solutions and services that put people first.

### *Empowerment & Engagement*

- We value a “Culture of Yes” where we empower employees to creatively solve problems and offer solutions.

### *Equity & Inclusion*

- We value equity by taking intentional action to create equal access to opportunity and resources.

### *Trust & Transparency*

- We value transparency by using data to make better-informed decisions, answer questions, and build trust with the public.

## Priority Areas

### *Create Homes for All of Us*

- Ensuring every San Diegan has access to secure, affordable housing.

### *Protect & Enrich Every Neighborhood*

- Connecting communities to safe public spaces that offer opportunities to learn, grow, and thrive.

### *Advance Mobility & Infrastructure*

- Offering high-quality infrastructure and mobility options that are efficient, safe, and convenient.

### *Champion Sustainability*

- Creating livable, sustainable communities for all San Diegans, now and in the future

### *Foster Regional Prosperity*

- Promoting economic growth and opportunity in every community for every San Diegan.



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# I. ETHICS-RELATED REGULATIONS AND POLICIES

## A. Obligation to Citizens

Employees must always be mindful of the public trust in the use of staff, property and funds under their care and, by efficient operation and diligent economy, must conserve them. Every City employee is expected to uphold the public interest, as opposed to personal or group interests. City employees have an obligation to the citizens, the people's elected representatives, fellow employees and management to cooperate in accomplishing the goals of the City, their individual departments, and work units. Acceptance of the expressed will of the people is the responsibility of all City employees. [[Personnel Manual, Index Code G-1.](#)]

**Comment:** A democratic government can function properly only when citizens have confidence in how its government is run. Public trust is built, in large part, upon the perception citizens have regarding City officials and employees. Once public confidence is lost, it is difficult to reestablish. Thus, employees must never compromise their honesty or integrity for personal gain or advancement and must remain sensitive to the values of the public they serve.

## B. Honesty and Integrity

City employees must engage in ethical behavior and practices. Each employee is responsible for both actual and perceived conflicts of interest that may arise as a result of their actions. [[Administrative Regulation \(A.R.\) 95.60, section 4.1](#); [Personnel Manual, Index Code G-1](#); [San Diego Municipal Code \(SDMC\) §22.0709.](#)]

**Comment:** City employees are in a unique position to influence the public's confidence and trust in City government. They not only provide services to the public, but are also very visible representatives of the City. All employees must help earn the public's trust by conducting themselves in an ethical, courteous, and respectful manner during the performance of their official City duties. When in doubt, City employees are expected to seek the advice of their supervisor, the Human Resources Department, or other appropriate official.

## C. Maintaining Public Trust and Confidence

An employee's conduct in both their official and private affairs should be above reproach to ensure that their public position is not used or perceived as being used for personal gain. [[A.R. 95.60, section 4.2](#); [Personnel Manual, Index Code G-1](#)]

**Comment:** Employees should conduct themselves in a way that maintains public confidence in their performance and public trust in the government they represent. Even the appearance of impropriety must be avoided.

## D. Use of City Resources

City employees are prohibited from using, for private gain or advantage, their City time, City facilities, equipment, or supplies. [[Council Policy 000-04](#); [A.R. 45.50](#); [A.R. 95.60, section 4.6](#); [Personnel Manual, Index Code A-3.](#)]

The City's recognized employee organizations (American Federation of State, County and Municipal Employees Local 127; International Association of Firefighters Local 145; San Diego Deputy City Attorney Association; San Diego Police Officers Association; San Diego Municipal Employees Association; and Teamsters Local 911) may access City work locations and use City time, facilities, equipment, and other resources only to the extent permitted through an unexpired Memorandum of Understanding or administrative procedure. Such access and use must be limited to activities directly relating to the employer/employee relationship and not internal employee organization business, such as soliciting membership, campaigning for office organization meetings, or elections, and must not interfere with the efficiency, safety, or security of City operations. [[Council Policy 300-06](#); [MOUs with City's Recognized Employee Organizations](#)]

**Comment:** Public respect for City government is weakened when City-owned facilities, equipment, or supplies are used by City employees for personal use or gain, including the advancement of an outside business or business activity. Such inappropriate use of City resources hurts fellow employees and the City as a whole. Taking City goods or resources for private use is stealing, and as such, employees may be terminated and criminally prosecuted for doing so. Some examples of prohibited use of resources include (but are not limited to) the use of official City stationary, badge, uniform, business cards, e-mail address, etc., in connection with any outside employment. The City name, seal, or logo may not be used in advertising or promotion of an employee's outside employment or business.

Holders of City procurement cards must abide by governing policies and procedures. Procurement cards are to be used only for official City business,





and may not be used to make unauthorized or personal purchases. Use of a City-issued procurement card by anyone other than the cardholder is prohibited.

## E. Responsibility of Public Service

Each City employee is required to uphold the U.S. and California Constitutions, and comply with federal, state, and local laws and regulations. In addition, each City employee is expected to conduct themselves in a manner that is consistent with the City's core values and the goals and values of the department in which they work. Employees must perform their duties in a manner that will bring honor and credit to City government in accordance with the highest moral and ethical standards. [[A.R. 95.60, section 4.2, Personnel Manual, Index Code G-1](#)]

**Comment:** City employees have civic trust by virtue of their positions; their primary concern must be the public interest. Employees must maintain the highest standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties. Each employee must make every effort to assure their public position is not used, or perceived as being used, for personal gain.

## F. Statement of Economic Interests

Each City employee who is required to file a [Statement of Economic Interests](#) (Form 700) must disclose on the form all information required by the Political Reform Act and the applicable Conflict of Interest Code approved by the City Council. [[Council Policy 000-04](#)]

**Comment:** For additional information concerning who is required to file a Statement of Economic Interests or filing deadlines, contact the City Clerk's Office at (619) 533-4000. Unclassified City employees who have questions about how to complete their Statements of Economic Interests should contact the Ethics Commission at (619) 533-3476.

## G. Improper Use of Position

A City employee must not use the prestige or influence of their position with the City to secure any privileges or exemptions for themselves or others. [[Council Policy 000-04](#); [A.R. 95.60, section 4.6](#)]

**Comment:** Examples of an employee's improper use of position include (but are not limited to):

- The use of their office or staff to seek employment or conduct outside business.
- The use of their position to obtain private

gain or advantage for themselves, a relative, or an entity in which they have a present or potential financial interest.

- The disclosure or use of confidential information that is generally not available to the public for an employee's own, or another person's, financial benefit.
- Participation in transactions that the employee may substantially influence if they know a relative, friend, or associate has a financial interest in those transactions.

## H. Conflict of Interest

An employee must not engage in any business or transaction, and must not have a financial or personal interest (direct or indirect), that is incompatible with their official duties or would impair their independence, judgment, or action in the performance of those duties. [[Council Policy 000-04](#); [A.R. 95.60, section 4.3](#)]

### City Contracts

When the City is a party, and an employee has a direct or indirect interest in a contract or sale, that employee is prohibited from exercising any discretionary powers or making recommendations for or on behalf of a City department in the contract or sale. [[Cal. Gov't Code §87100](#); [A.R. 95.60, section 4.8](#)]

### Personal Investments

A City employee is not permitted to make personal investments in enterprises over which official decisions or recommendations may be made by the same employee or which will otherwise create a conflict of interest for that employee. If an employee knows of an enterprise or matter coming before their department, that employee must disqualify themselves from any participation. [[A.R. 95.60, section 4.9](#)]

### Duty to Notify of Conflict

Each employee must immediately disclose (in writing to the Chief Operating Officer, transmitted via the employee's department head) the nature and extent of any interest (direct or indirect) that may conflict with their official responsibility or duty, or which may influence a decision to the benefit of the organization/enterprise in which they have an interest. [[A.R. 95.60, section 4.16](#)]

**Comment:** City employees must always guard against conflicts of interest. City employees should avoid situations where their official actions may affect or appear to affect their private interests, either financial or nonfinancial.



A City employee is prohibited from having a financial interest in any City contract, if their duties call on them to participate in any manner or at any stage of the approval of the contract. When a City employee has such financial interest, the employee must immediately disclose that interest and refrain from making decisions or recommendations concerning the entity or enterprise.

In addition to the City's regulations and policies governing conflicts of interest, unclassified employees and elected officials are required to abide by the conflict of interest provisions in the City's Ethics Ordinance ([SDMC §§ 27.3501-27.3595](#)). Unclassified employees are strongly encouraged to contact the Ethics Commission at (619) 533-3476 or [ethicscommission@sandiego.gov](mailto:ethicscommission@sandiego.gov) to obtain advice regarding these provisions if they believe any of their personal financial interests may be involved in decisions they are involved in or influencing as City employees.

## I. Gifts, Favors, and Gratuities

Employees must not accept money, favors, or other consideration from anyone other than the City for the performance of an act they are required or expected to perform in the regular course of their duties.

An employee is prohibited from accepting any gift from persons doing business with or seeking to do business with the City, when the gift might reasonably be interpreted as an attempt to influence their actions with respect to City business. [[Council Policy 000-04](#); [A.R. 95.60, section 4.4](#)]

**Comment:** Compensation for performing public duties is limited to an employee's salary, benefits, and any personal satisfaction the employee may receive in their job performance. While each employee is the first to decide whether to accept any gift or favor, the employee must recognize others will decide whether there is an appearance of an attempt to influence the employee's or the City's actions.

Gifts may include anything of economic value, whether in the form of money, service, loan, travel, entertainment, hospitality, item, or promise. Employees are permitted to accept plaques, souvenirs, or mementos of nominal value associated with a given event.

## J. Participation in Political Activities

No City employee is permitted, during regular hours of employment, to take an active part in opposing or

supporting any candidate in any City of San Diego political campaign or seeking contributions on behalf of any candidate. Further, an employee is not permitted to seek signatures for any petition that seeks to advance the candidacy of any person for any municipal office on City time. [[San Diego Charter, Article V, section 31](#)]

City employees cannot be terminated, suspended, laid off, reduced in grade, or have their official rank or compensation changed in any manner, for not making a contribution of money, service, or any valuable thing for any political purpose. Employees cannot use their position in the City to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office. [[San Diego Charter, Article VIII, section 135](#)]

**Comment:** City employees are not prohibited from seeking election, appointment to public office, or from being active in political or bond issue campaigns; however, they may not do so on City time. Further, employees may not be threatened or punished for not contributing or rewarded for contributing money, time, or service for a political campaign.

## K. Future Employment

A City employee is not permitted to discuss or negotiate the possibility of future employment with any person, firm, or organization dealing with the City concerning matters within the employee's area of responsibility or upon which the employee must act or make a recommendation, when the person's City employment status would create an advantage not available to other individuals, firms, or organizations. [[A.R. 95.60, section 4.10](#)]

A former City employee is prohibited, for a period of one year after their final day of active City employment, from communicating with current City employees on any project, issue, or matter in which the former employee rendered a decision or gave approval or disapproval, made recommendations, gave advice, or had any other substantial involvement or participation. [[A.R. 95.60, section 4.11](#)]

A contract agreement or lease will be unilaterally and immediately terminated by the City if the contractor or lessee employs a former City employee who, within 12 months immediately preceding such employment, did in their capacity as a City employee either (a) participate in negotiations with the contractor or lessee; or (b) have an influence on a recommendation made to the City Council in connection with the selection of



the contractor or lessee. [[Council Policy 300-11](#)]

**Comment:** City employees should be aware that they are vulnerable to offers of future employment in exchange for favors or information obtained through their positions.

Former City employees are prohibited from attempting to influence any action on matters in which they participated during their City service for a period of one year from their final day of active employment.

An employee who is about to leave their position with the City should be aware that [Council Policy 300-11](#) could result in a restriction of their future employment with a contractor or vendor doing business with the City. Unclassified employees are subject to additional future employment and post-employment restrictions for 12 months after they leave the City. Employees may contact the Ethics Commission at (619) 533-3476 or [ethicscommission@sandiego.gov](mailto:ethicscommission@sandiego.gov) for additional information.

## L. Favoritism

A supervisor or management employee cannot participate in or recommend the appointment of an immediate family member or a person with whom the employee has a close personal or business relationship to a classified position of any department, office, bureau, or division over which the employee has administrative control. Supervisory and management employees cannot participate in the appointment or recommend the appointment of any persons in the above categories to any supervisory or management position of the City.

No supervisory or management employee can:

1. Directly supervise their immediate family member;
2. Influence the approval of any employee reward for any immediate family member;
3. Interfere with any performance evaluation or disciplinary proceeding for any immediate family member; or
4. Recommend or attempt to influence any contractor or business having a business relationship with the City to employ a member of their immediate family.

Immediate family members and close personal friends of City supervisory or management employees may be appointed as classified employees in any department not under the supervisory or management employees' administrative control, as long as the City supervisory or management employee does not attempt to influence the

appointment. [[A.R. 95.60, section 4.14](#)]

Immediate family is defined to include a spouse or registered domestic partner, son or daughter (including step, foster, or adopted), mother or father (including stepfather, step-mother, father-in-law or mother-in-law), brother or sister (including step, foster or adopted), aunt, uncle, niece, nephew, grandfather, grandmother, granddaughter, or grandson. [[A.R. 95.60, Section 3.2](#)]

**Comment:** Hiring, supervising, or disciplining an immediate family member or a person with whom an employee has a close personal relationship must be avoided because it is a special type of conflict of interest that can deeply affect employee morale and compromise a manager's ability to effectively lead their department or division. Employees with questions about whether a relationship creates a conflict of interest should contact the Human Resources Department at (619) 236-6313.

An employee's use of their own position to influence or pressure a contractor or vendor, doing business with the City, to hire an immediate family member or close personal friend of the employee also creates a potential conflict of interest. Such action seriously undermines the City's standards for fairness and equity in its dealings with all contractors and vendors.

## M. Product Endorsement

A City employee, in their capacity as a City employee, is prohibited from endorsing or commenting on any product or service, if such comments will be used for advertisement. City approval is required for official and limited endorsements. [[Council Policy 000-41](#); [A.R. 95.60, section 4.15](#); [A.R. 95.65](#)]

**Comment:** The recommendation or promotion of commercial enterprises, products, or services is considered an endorsement and is prohibited by City policy without appropriate approval.

## N. Incompatible Collateral or Outside Employment

City employees must not engage in any collateral employment or business activity that is incompatible or in conflict with the duties, functions, and responsibilities of their City employment. Employees shall not engage in collateral business activity or employment that, by its nature, hours, or physical demand would:

- Impair the required quality or quantity of the employee's work for the City;
- Impair the employee's independence of judgment or action in the performance of



- official duties;
- Reduce the effectiveness or efficiency of the employee's department;
- Reflect discredit on the City; or
- Tend to increase the City's payments for sick leave, workers' compensation benefits, long-term disability benefits, or industrial leave benefits.

City employees must notify and obtain written approval from their department head or other appropriate Appointing Authority prior to engaging in any outside business activities or outside employment. [[Council Policy 000-04](#); [A.R. 95.60, section 4.5](#); [Personnel Manual, Index Code G-6.](#)]

**Comment:** Acceptance of employment with the City of San Diego implies the City employee accepts the responsibility not to perform in any other job or business that would:

- Use the prestige or influence of the City for private gain;
- Use City time, facilities, equipment, or supplies for private gain, advantage, or for any purpose other than for the performance of official City business; or
- Conflict with normal work assignments or the employee's satisfactory performance.

Prior to engaging in collateral or outside employment, employees must submit a [Notification of Outside Employment or Enterprise](#) requesting approval of outside business activity or employment.

## O. Email and Internet Usage

City computer equipment, electronic systems, and electronic data, including City email and the internet, may be used for work-related purposes only. Use of City email or the internet for private or non-City commercial purposes, including gambling, pornography, online auction sites, and computer games, is forbidden.

All computer files are the property of the City of San Diego, regardless of their physical location or the form in which they are maintained. These include (but are not limited to) computer data files, documents, databases, spreadsheets, calendar entries, appointments, tasks, and notes that reside in part or in whole on any City computer, or in any other City electronic system or equipment. [[A.R. 90.62.](#)]

Most email messages are generated as a means to communicate with others and not to create a record. To be subject to the Master Records Schedule retention requirements, email messages must meet the criteria of a "record." When an email meets the criteria, it becomes an official City

record, which must be kept according to its prescribed retention. A City record is always a public record within the scope of the California Public Records Act. [[A.R. 85.10](#); [A.R. 95.21](#); [Cal Gov't Code §7290.00 et seq.](#)]

**Comment:** Improper use of City email and the internet results in loss of employee productivity and potentially subjects City networks and data to cybersecurity breaches.

## P. Telephone Usage

The City provides telephone services for its employees to conduct City business. The use of City telephone services for personal calls is not encouraged; however, calls within the local area, such as calling one's home or doctor, are permissible as long as the practice is not abused.

Personal long distance calls should be made through the use of a personal cellphone. [[A.R. 90.20](#)]

**Comment:** The following examples may help an employee understand appropriate phone use:

- A brief, local phone call to make a personal appointment is acceptable;
- A brief, local phone call to check on the welfare of a family member is acceptable;
- A call on a City phone related to an employee's outside business is not acceptable. Even if the call is a local one, this is a violation of City policy. The employee is conducting private business on City time using City resources, which is prohibited. [[A.R. 45.50](#); [A.R. 90.20, section 4.1](#); [A.R. 95.60, section 4.6](#)]
- Personal cell phone calls on City time must be kept to a minimum.

## Q. Use of Confidential Information

City employees are prohibited from using confidential information for speculation or personal gain. This includes private personnel information acquired in the course of employment with the City. [[A.R. 90.64](#); [A.R. 95.60, section 4.7](#)]

**Comment:** City employees often have access to important private information regarding the property, operations, policies, or affairs of the City or its employees. If an employee has knowledge of confidential information, the employee may not disclose that information to any private citizen and should only share it with other City employees as appropriate.

## R. Ethics Training

Ethics training is offered to City employees by the





Human Resources Department. The training specifically addresses such issues as the use of City resources, conflicts of interest, improper use of position, favoritism, nepotism, gifts and favors, email and internet usage, whistleblower protection, and use of confidential information.

The City of San Diego Ethics Commission offers training and education regarding governmental ethics laws to elected officials and unclassified employees, as well as candidates for City office and their staff members. For additional information regarding the training offered by the Ethics Commission, employees may contact the Ethics Commission at (619) 533-3476 or [ethicscommission@sandiego.gov](mailto:ethicscommission@sandiego.gov).

**Comment:** Ethics training addresses local regulations, policies, procedures, and state laws. Training in ethical problem solving and decision making is also provided to strengthen an employee's skills.



## II. UNLAWFUL HARASSMENT, DISCRIMINATION, AND RETALIATION

### A. Unlawful Harassment

In accordance with applicable law, the City of San Diego prohibits harassment based on any protected classification, including age, ancestry, color, creed, physical or mental disability, gender, gender identity, gender expression, genetic information, marital status, medical condition, veteran or military status, national origin, pregnancy (including childbirth, breastfeeding, or related medical conditions), race, traits historically associated with race (including hair texture and protective hairstyles such as braids, locks, and twists), religion, religious belief, observance, or practice, religious creed, reproductive health decision-making, sex, sex stereotype, sexual orientation, transgender status or transitioning, use of medical or family care leave, or any other classification protected by federal, state, or local law (including being perceived, or regarded as, or associated with, any protected classification). All such harassment will not be tolerated. [[EEO Policy—Annual Statement](#)]

#### 1. Sexual Harassment Defined

Applicable state and federal laws define sexual harassment to include unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to the conduct is made a term and condition of employment; or (2) submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual; or (3) the conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile, or offensive work environment. This definition includes many forms of offensive behavior. The following is a partial list:

- a. Unwanted sexual advances;
- b. Offering employment benefits in exchange for sexual favors;
- c. Making or threatening reprisals after a negative response to sexual advances;
- d. Visual conduct such as leering, sexual gestures, or displaying sexually suggestive objects, pictures, cartoons, or posters;
- e. Verbal conduct such as derogatory comments, epithets, slurs, sexually explicit jokes or comments about any employee's body or dress;
- f. Written conduct such as suggestive or obscene emails, letters, notes, or invitations;
- g. Physical conduct such as unwanted

kissing, hugging, touching, or impeding or blocking movement.

Individuals of any gender or sexual orientation can be the target of sexual harassment. Sexual harassment may involve harassment of a person of the same gender as the harasser, regardless of either person's sexual orientation or gender identity. Sexual harassment can occur in any working relationship, such as between peers, supervisor to subordinate, subordinate to supervisor, by a member of the public toward an employee, elected official to employee, contract worker to employee, within or across departments, as well as in other situations. [[EEO Policy—Annual Statement](#)]

#### 2. Complaint Procedure

The City of San Diego's complaint procedure provides for an immediate, thorough, and objective investigation of any claim of prohibited harassment. Appropriate disciplinary action will be taken against anyone found to have engaged in prohibited harassment. A claim of harassment may exist even if the employee has not lost a job or some economic benefit.

Employees who believe they have been harassed on the job, or who are aware of the harassment of others, should provide a written or verbal complaint to their supervisor, HR, other City or Department Management employee or the City's [Equal Employment Investigation Office](#) as soon as possible. Complaints should be as detailed as possible and include the names of individuals involved, any witnesses, direct quotations when language is relevant, and any documentary evidence such as notes, emails, pictures, cartoons, etc.

Applicable law also prohibits retaliation against any employee for using the City's EEO complaint procedures. It also prohibits retaliation for filing, testifying, assisting, or participating in any manner in any investigation, proceeding, or hearing conducted by a governmental enforcement agency. Additionally, the City of San Diego will not allow retaliation against any employee who complains of harassment or who participates in an investigation.

The City will respond to all reported incidents of harassment and take appropriate action. The City will immediately initiate a thorough and objective investigation of the harassment allegations as appropriate. The investigation will



be completed in a timely manner and the findings will be communicated to the employee who complained and to the accused harasser(s).

If the City determines harassment occurred, the City will take effective remedial action commensurate with the circumstances including disciplinary action, up to including termination. Appropriate action will also be taken to stop and deter any future harassment. [[EEO Policy—Annual Statement](#)]

### 3. Personal Liability for Harassment

Any employee of the City, whether a coworker or supervisor, who is found to have engaged in harassment, is subject to disciplinary action, up to and including termination. Any employee who engages in harassment may also be held personally liable for monetary damages. Any supervisor or manager who knew about harassment and failed to take action to stop it or failed to report the harassment may likewise be subject to discipline, up to and including termination. The City does not consider harassing conduct in violation of the EEO Policy to be within the course and scope of employment or the direct consequence of the discharge of one's duties. Accordingly, to the extent permitted by law, the City reserves the right not to provide a defense or pay damages assessed against employees for harassing conduct.

### 4. Sexual Harassment Prevention Training

An employer with five or more employees is required to provide at least two hours of classroom or other effective interactive training and education regarding sexual harassment to all supervisory employees within six months of hire and then every two years. They must also provide at least one hour of classroom or other effective interactive training and education regarding sexual harassment to all nonsupervisory employees in California within six months of hire and every two years thereafter. The City takes sexual harassment prevention very seriously, requiring every City employee to complete the two-hour training. For more information regarding the City's Sexual Harassment Prevention Training, employees may contact the Human Resources Department at (619) 236-6313. [[Cal Gov't Code § 12950.1](#); [EEO Policy—Annual Statement](#)]

### 5. Additional Enforcement Information

In addition to the City's internal complaint procedure, the U.S. Equal Employment Opportunity Commission (EEOC) and the

California Civil Rights Department (CRD) also investigate and prosecute complaints of unlawful harassment in the workplace. Employees who believe they have been unlawfully harassed may file a complaint with either of these external agencies. The EEOC and the CRD wukk serve as neutral fact-finders and attempt to help the parties voluntarily resolve disputes.

## B. Discrimination Prohibited

The City of San Diego is an equal employment opportunity employer and strives to comply with all applicable laws prohibiting discrimination based on age, ancestry, color, creed, physical or mental disability, gender, gender identity, gender expression, genetic information, marital status, medical condition, veteran or military status, national origin, pregnancy (including childbirth, breastfeeding, or related medical conditions), race, traits historically associated with race (including hair texture and protective hairstyles such as braids, locks, and twists), religion, religious belief, observance, or practice, religious creed, reproductive health decision-making, sex, sex stereotype, sexual orientation, transgender status or transitioning, use of medical or family care leave, or any other classification protected by federal, state, or local law (including being perceived, or regarded as, or associated with, any protected classification). All such discrimination is unlawful and all persons involved in the operations of the City are prohibited from engaging in this type of conduct. [[EEO Policy – Annual Statement](#); [Council Policy 000-12](#); [Personnel Manual, Index Code G-1, K-2; A.R. 95.60, section 4.12](#)]

## C. Whistleblower Protection

City employees must not use their authority or influence to intimidate, threaten, coerce, or influence an employee with the intent of interfering with that employee's disclosure of improper activity. If an employee believes they are being pressured or prevented from disclosing improper or unsafe activity, or are being retaliated against by any City employee for having reported such activity, the employee should contact the Human Resources Department or other appropriate manager, department, or office. The California Labor Commissioner's Office also investigates and prosecutes complaints of retaliation. [[A.R. 95.60, sections 4.12, 4.13](#), [Cal. Labor Code §§ 1102.5, 6310](#)]

**Comment:** City employees are strongly encouraged to report their knowledge of improper governmental activities by contacting their supervisor or department management, the Human Resources Department at (619) 236-6313, or the City's confidential Fraud, Waste, and Abuse Hotline at (866) 809-3500.



## III. RESOURCES AND REPORTING

### A. Where to Seek Advice

If employees are unsure whether an action or interest violates City regulations or policies, or where or how to report a violation, they should ask their supervisor or department management, or contact the Human Resources Department at (619)-236-6313. The Fraud, Waste, and Abuse Hotline also accepts anonymous and confidential complaints.

Unclassified employees who have questions about a provision of the City's Ethics Ordinance (e.g. accepting and reporting gifts, disclosing economic interests, conflicts of interest and post-employment restrictions) should contact the Ethics Commission at (619) 533-3476 or [ethicscommission@sandiego.gov](mailto:ethicscommission@sandiego.gov).

### B. Where to Report Improper Conduct

City employees are strongly encouraged to report any improper governmental actions. If an employee believes someone may have engaged in fraud, waste, abuse, or other improper governmental, unsafe, or unethical conduct, they can report it to:

- A department supervisor or manager;
- The Human Resources Department at (619) 236-6313; or
- The independent City Auditor's confidential Fraud, Waste, and Abuse Hotline (Fraud Hotline) at 866-809-3500 or through the [Fraud, Waste, and Abuse Online Reporting System](#).

The Fraud Hotline is designed for reporting suspected cases of fraud, waste, and abuse; it is not a substitute for employment-related grievances or appeals. Existing City policy and procedures provide channels for resolution of employment issues.

Face-to-face reporting is in most cases the best form of communication, although it is not always feasible. City procedures and department instructions state complaints should generally be sent through the chain of command. However, recognizing that employees may not be comfortable going through the chain of command, the Fraud Hotline is another vehicle to report fraud, waste, and abuse. Employees do not need to follow the chain of command to report a violation of the [EEO Policy](#).

The City Auditor will, at all times, maintain the confidentiality of all Fraud Hotline records, except to issue a report of an investigation that has been substantiated, or to release any findings resulting from a completed investigation that are deemed necessary to serve the interests of the public. The identity of the person who made the report and the

subject employee's identity shall be kept confidential. Departments investigating or reviewing allegations will also maintain the confidentiality of all complaints.

The City of San Diego will not retaliate, or tolerate retaliation against those who, *in good faith*, report fraud, waste, or abuse allegations, or participate in investigations as witnesses. Any act of retaliation should be reported immediately to the Human Resources Department or the City Auditor's Office.

Employees who believe [unclassified employees or elected officials](#) may have violated the provisions of the City's Ethics Ordinance should contact the Ethics Commission at (619) 533-3476 or [ethicscommission@sandiego.gov](mailto:ethicscommission@sandiego.gov).