

SECTION 3. ETHICS, DISCLOSURE OF ILLEGAL OR IMPROPER ACTS, EMPLOYMENT OF RELATIVES, DISCRIMINATION ON THE BASIS OF POLITICAL AFFILIATION, OUTSIDE EMPLOYMENT, AND SEXUAL OR ROMANTIC RELATIONSHIPS IN THE WORKPLACE

(As amended October 21, 2008 and February 8, 2011)

3-1. Ethics. A County employee must not engage in any conduct, employment, private business, or profession that violates:

- (a) Article 4, “Merit System and Conflicts of Interest”, of the Charter of Montgomery County, Maryland (Appendix A);
- (b) Section 33-10 of the Montgomery County Code 1994 (Appendix B and Sections 3-2 and 35-20 through 35-26 of these Regulations);
- (c) Chapter 19A, “Ethics”, of the Montgomery County Code 1994, as amended (Appendix C); or
- (d) any other law governing the conduct of a County employee.

3-2. Disclosure of illegal or improper acts in County government.

- (a) An employee should report an illegal or improper act in County government.
- (b) An employee should report an illegal or improper act to the individual responsible for investigating the act or taking corrective action, such as:
 - (1) the employee's immediate supervisor or higher level supervisor;
 - (2) the employee's department director;
 - (3) the CAO or County Executive for executive branch employees;
 - (4) the County Council for legislative branch employees;
 - (5) the Inspector General, in matters of fraud, waste, or abuse; or
 - (6) the MSPB or Ethics Commission, when an employee believes this is appropriate, such as in cases involving coercion or retaliation.
- (c) (1) The Office of the Inspector General (OIG) has a Fraud Hotline operated 24 hours per day and 7 days per week by an independent contractor that provides employees and vendors with a confidential way to report illegal or improper activities.

- (2) The Hotline can receive complaints in more than 150 languages and is accessible by telephone or email.
- (3) The OIG is interested in receiving information about:
 - (A) theft of County funds or property;
 - (B) abuse in government activities;
 - (C) contract or procurement fraud;
 - (D) Worker's Compensation fraud;
 - (E) kickbacks or bribery;
 - (F) fraudulent travel or other reimbursement claims;
 - (G) significant waste of County funds; and
 - (H) retaliation against any person for filing a complaint with the OIG.
- (4) Employees should not use the Hotline to deal with the following:
 - (A) routine issues between managers and employees;
 - (B) EEO complaints;
 - (C) issues that are covered by the County grievance procedure or a grievance procedure in a collective bargaining agreement;
 - (D) questions or concerns about benefits or compensation; or
 - (E) issues that are the responsibility of other government agencies.
- (5) It is unlawful for any person to retaliate against, penalize, or threaten with retaliation or penalty, an employee for providing information to, cooperating with, or in any way assisting the Inspector General or the Office of Legislative Oversight.

3-3. Discrimination on the basis of political affiliation.

- (a) Section 33-9 of the County Code prohibits a County supervisor from taking any personnel action on the basis of an applicant's or employee's political affiliation.
- (b) An applicant for County employment or an employee who alleges discrimination on the basis of political affiliation may file an appeal with the MSPB.

3-4. Work during official hours. An employee must devote all working hours to the performance of the employee's official duties.

3-5. Outside employment.

- (a) An employee must:
 - (1) apply for and obtain approval of the Ethics Commission for other employment;
 - (2) comply with any conditions imposed by the Ethics Commission on the approval of other employment; and
 - (3) comply with executive regulations on outside employment issued by the Ethics Commission.
- (b) An employee may download an outside employment request form from the Ethics Commission web page on the County website.

3-6. Employment of relatives. An employee must not supervise, appoint, employ, promote, advance, or otherwise participate in any personnel action affecting an individual who lives with the employee, is a relative or domestic partner of the employee, or has a sexual or romantic relationship with the employee.

3-7. Sexual or romantic relationships in the workplace.

- (a) To avoid harassment or real or apparent preferential treatment of an employee by the employee's supervisor, a supervisor and an employee under the supervisor's direct or indirect supervision who are involved in a sexual or romantic relationship must immediately report the relationship to the department director.
- (b) The department director may reassign the employee or the supervisor to another work unit.

- (c) A department director may take disciplinary action, up to and including dismissal, against a supervisor:
 - (1) who fails to report having such a relationship; or
 - (2) who engages in harassment, favoritism, unfair bias, or preferential treatment because of the supervisor's relationship with the employee.

3-8. Political activity.

- (a) An employees may participate in political causes and campaigns on the employee's own time.
- (b) An employee must not use County equipment, supplies, or other property for a political cause or campaign.
- (c) An employee must not disrupt or interfere with the work of another County employee while participating in activities associated with a political cause or campaign.
- (d) A County employee must not direct, coerce, or otherwise pressure or obligate another County employee to contribute to a political cause or campaign or to perform work or provide services of any type to a political cause or campaign.
- (e) A County employee must not wear a County uniform, identification card, or other clothing or insignia that identifies the individual as a County employee while engaging in or attending a political activity of any kind, including a political rally, employee demonstration, caucus, campaign, fund raiser, and political speech, unless they have been directed to do so by a County supervisor.
- (f) A County employee must not use a County vehicle that is marked or identifiable as a County vehicle while engaged in political activities such as setting up a sign or attending a rally, caucus, promotional event, or fund raiser.
- (g) A County employee must not place a bumper sticker, decal, insignia, banner, or placard on County property or a County vehicle unless it is provided or authorized by the department.
- (h) A County employee must not wear an unauthorized pin, button, placard, or other article associated with a political cause or campaign while wearing a County uniform or while on duty.
- (i) A County employee may wear a County uniform, identification card, or other County clothing or insignia while voting at the employee's assigned polling place.

Editor’s note – The subjects covered in this section of the Personnel Regulations are addressed for bargaining unit employees in the current collective bargaining agreements as indicated below:

Bargaining unit	Articles of current agreements with references to secondary employment
Firefighter/Rescuer	22, Prevailing Rights
OPT/SLT	9, Working Conditions 50, Legal Defense and Representation
Police	27, Secondary Employment
	Articles of current agreements with references to discrimination on the basis of political affiliation
Firefighter/Rescuer	None
OPT/SLT	38, Non-discrimination
Police	26, Non-discrimination
	Articles of current agreements with references to sexual or romantic relationships in the workplace
Firefighter/Rescuer	None
OPT/SLT	None
Police	15, Hours and Working Conditions