

## CITY OF MOBILE

## Code of Conduct

**Policy #: COM-24-002**

**(Supersedes COM-22-001)**

Effective Date: 10/01/2024

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The City of Mobile (COM) Code of Conduct (Code) Policy is applicable to all COM employees. Employees should be familiar with the Code as well as individual departmental policies which may be more restrictive in nature. The Mobile Police Department (MPD) and Mobile Fire and Rescue Department (MFRD) have an independent set of conduct rules and regulations.

The Office of Professional Responsibility (OPR) is responsible for conducting investigations of employee misconduct. Department Heads are responsible for identifying misconduct and referring matters to OPR. OPR may refer routine misconduct matters back to Department Heads to handle within the Department. Once OPR has completed its investigation, OPR will report its findings to Department Heads. Department Heads are responsible for determining disciplinary action or unfavorable personnel action taken against an employee.

The range of discipline level is as follows:

1. Corrective counseling
2. Verbal reprimand
3. Written reprimand
4. Suspension/Demotion
5. Termination

OPR recommends Department Heads maintain detailed documentation on misconduct and Departmental Discipline. Department Heads who administer discipline or unfavorable personnel action should take into consideration the below-listed factors prior to imposing penalties for employee misconduct:

1. The nature and seriousness of the offense, and its relation to the employee's duties, position, and responsibilities, including whether the offense was intentional or inadvertent.
2. The employee's job level and type of employment, including supervisory or fiduciary role, contacts with the public, and prominence of the position.
3. The employee's past disciplinary record.
4. The employee's past work record, including length of service, performance on the job, ability to get along with fellow workers, and dependability.
5. The effect of the offense upon the employee's ability to perform at a satisfactory level and its effect upon supervisors' confidence in the employee's ability to perform assigned duties.
6. Consistency of the penalty with those imposed upon other employees for the same or similar offenses.
7. Consistency of the penalty with any applicable agency table of penalties.
8. The notoriety of the offense or its impact upon the reputation of the agency.
9. The clarity with which the employee was on notice of any rules that were violated in committing the offense or had been warned about the conduct in question.



10. Potential for the employee's rehabilitation.
11. Mitigating circumstances surrounding the offense such as unusual job tensions, personality problems, mental impairment, harassment, or bad faith, malice, or provocation on the part of others involved in the matter.
12. The adequacy and effectiveness of alternative sanctions to deter such conduct in the future by the employee or others.

### **Knowledge of Rules Regulations and Procedures**

It is the duty of all employees to maintain a working knowledge of COM rules, regulations, orders, procedures, and their duties.

## **1.0 PERSONAL CONDUCT**

### **1.1 Misconduct**

Employees shall conduct themselves in accordance with this Code, including department-specific policies for misconduct. Employees are expected to represent themselves, both on and off-duty, in a favorable manner. Behavior deemed unbecoming of a COM employee is considered misconduct. (Level 1-5)

### **1.2 Habitual Misconduct**

An employee is considered a habitual violator if they have been disciplined at a Level 3 or higher on two prior occasions for any offense within a two-year period immediately prior to the alleged offense; and commits a third or subsequent offense within that two-year period. (Level 4-5)

### **1.3 Appearance**

During scheduled hours, employees shall be neat, clean, well-groomed, and maintain a professional appearance appropriate for their position, except when exempted by proper authority. During working hours, employees shall wear their required uniform or appropriate and suitable civilian clothing commensurate to their position. (Level 1-4)

### **1.4 Loafing**

During scheduled working hours, employees shall work diligently with respect to job duties and responsibilities. An employee is considered loafing if engaged in: (Level 1-4)

- A.** concealing themselves while on duty,



- B. sleeping or being inattentive while on duty
- C. loitering in areas not associated with the employee's regular work routine.

### **1.5 Acceptance of Gifts**

Employees should never solicit gifts. Employees should not accept gifts of a significant value (any single item valued at \$25 or more, or any combination of items valued at \$50 per year from any single vendor). Department Heads should not accept gifts from their subordinates unless it meets the definition of a special occasion such as retirement, COM anniversary, etc. Gifts are meals, gift certificates, discounts, gratuities, or any other item of significant value (including services of any nature) from any vendor, supplier, or resource with whom COM has an existing or potential business relationship. (Level 1-4)

### **1.6 Contact with Citizens**

When acting in his or her official capacity, employee shall address and communicate in a professional and courteous manner with citizens and members of the public. (Level 1-4)

### **1.7 Respect for other employees**

Employees shall treat supervisors, subordinates, peers, or associates with utmost respect and courtesy. Employees are required to refrain from the following:

- A. **Foul/Profane Language:** Employees shall not direct disrespectful, profane, abusive, demeaning, belittling, insulting, racially, or discriminatory charged language and/or gestures toward any person. (Level 1-4)
- B. **Discrimination or Harassment:** Employees shall not demean any other person based on race, color, religion, national origin, sex, age (40 and over), disability, citizenship, past, current, or prospective service in the uniformed services, genetic information, or any other characteristic set forth in COM's Equal Employment Opportunity Policy (COM-22-008). (Level 1-5)

### **1.8 Misuse of Position**

Employees shall not use or attempt to use their official position or credentials for personal benefit or pecuniary gain. (Level 1-4)

### **1.9 Insubordination**

Employees shall never act in a way that undermines or interferes with their supervisor's leadership. This includes, but is not limited to, the following:



- A. Failure to Follow Instructions:** Employees shall follow all legal, ethical, and reasonable orders given, whether verbal or written. Employees are accountable for all instructions given by their supervisor. (Level 1-4)
- B. Failure to Follow COM Rules/Regulations:** Employees shall not willfully disobey or disregard any COM rule, regulation, order, policy, or procedure. (Level 1-5)
- C. Abusive act or Language:** Employees shall not deliberately use disrespectful, profane, mutinous, insolent, abusive language, or action toward a supervisor. (Level 1-5)

Employees who violate a rule, regulation, order, or procedure, under the direction of a supervisor, shall report the matter to their Department Head or OPR. Employees asked to commit an unlawful act shall contact OPR immediately.

#### 1.10 Competence and Efficiency

Employees will maintain levels of proficiency, knowledge, and ability based upon their job description. (Level 1-5)

#### 1.11 False Statements Regarding COM Operations

Employees shall not engage in the dissemination and/or publication of any false statements regarding COM, its operations, or policies. Knowingly repeating false statements is also misconduct. The term "False," as applied in this section, includes acting with reckless disregard for the truth. (Level 4-5)

#### 1.12 False Allegations

Employees shall not knowingly or intentionally make any false allegation or statement against another employee. The term "False" as applied in this section includes acting with reckless disregard for the truth. (Level 1-5)

#### 1.13 Neglect of Duty

Employees are required to perform the duties of their position with reasonable skill and diligence. Failure to give proper attention to an assigned task or job responsibility is defined in the following manner:

- A. Simple Neglect:** results from the employee being careless or unresponsive to a task or responsibility. (Level 1-4)
- B. Gross Neglect:** results from habitual, willful and/or a conscious indifference to a task or responsibility. (Level 4-5)



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### **1.14 Duty to Report**

Employees have a duty to report their arrest or conviction within 48 hours. Employees must report this information to their direct supervisor, department head, or OPR. Any misrepresentation of the information by an employee during an administrative inquiry may lead to disciplinary action up to termination.

An arrest for DUI, a change in driver's license status, and a conviction of a moving violation must be reported as established in the Vehicle Operations and Use policy. (COM-23-008) (Level 1-5)

Employees have a duty to report suspected or actual violations of laws, government rules/regulations, or COM policy. Employees who have reason to believe that there exists questionable or illicit conduct, should immediately report those facts to their supervisor, manager, department head, or OPR. (Level 1-5)

### **1.15 Outside Employment**

Employees are required to report outside employment within 30 days if any of the following conditions are met:

- A.** Outside employment results in compensation over \$5,000 per year from any single employer. (Level 1-3)
- B.** Employee operates a business or plays a significant role in a business' management for compensation. (Level 1-3)
- C.** The outside employer engages in financial transactions with COM, regardless of amount. (Level 1-5)

Employees who have purposely concealed outside employment from OPR are in violation of the Outside Employment Policy. (Level 1-5)

### **1.16 Bankruptcy**

Employees shall, within 24 hours of filing for bankruptcy, provide written notification to their Department Head. (Level 1-3)

## **2.0 COM RECORDS**

Employees may have access to information and records which are confidential or proprietary in nature. Employees are responsible for properly safeguarding COM information derived from their official capacity. Employees shall not release, store, or share records for an unofficial purpose. Employees



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should be aware of documents marked as Confidential or Privileged or require authorization to disseminate both internally and externally.

**2.1 Simple:**

- A. Unintentionally omitting information from any report, record, or COM document which results in making the report, record, or document inaccurate or incomplete. (Level 1- 4)
- B. Sharing information to the public or other employees for an unofficial purpose. (Level 1-4)

**2.2 Gross:**

- A. Altering, forging, or tampering with any COM document for an improper or unlawful reason. (Level 4-5)
- B. Revealing confidential records, reports, or information to unauthorized persons without proper authorization from their superior or Legal Department channels. (Level 4-5)
- C. Knowingly making a false statement or report, whether oral or written. Knowingly entering or causing a report, record, or COM document to be documented as inaccurate, false, or improper. (Level 4-5)
- D. Intentionally omitting any matter, item or fact from any report, record, or document to create an inaccurate or incomplete report. (Level 4-5)
- E. Accessing COM records for personal use without authorization. (Level 3-5)
- F. Supplying confidential information to the external media sources when such action does not comply with COM rules, regulations, policies, orders, or procedures. (Level 4-5)

**3.0 PROPERTY AND EQUIPMENT**

Employees must follow procedures to safeguard all COM property. Employees shall immediately report the loss or damage to COM property, equipment, or material to their supervisor. This includes both assigned and unassigned items when the employee is aware the item is missing. Failure to properly safeguard COM property is defined in the following manner:

**3.1 Simple:**

- A. Employees shall not, either by simple negligence or conduct, mark, alter or damage any COM property, equipment, material, building, or any portion of the buildings under the control of COM. (Level 1-4)
- B. Employees, through negligence or carelessness, loses any property, equipment, or material issued or assigned to them. (Level 1-4)
- C. Employees who intentionally damages or wastes COM property, equipment, or materials. (Level 1-4)

**3.2 Gross:**

- A. The appropriation of any COM property, equipment, or material for private or personal use. (Level 4-5)



- B.** The intentional marking, altering, or defacing any COM property, equipment, material, building or any portion of a building under the care and control of COM; or gross conduct which caused such result. (Level 4 – 5)

#### **4.0 SUPERVISION**

##### **4.1 Failure to Supervise**

The duty to supervise is a critical component of every manager’s responsibility regardless of the managerial level. A violation for failure to properly supervise exists under the below conditions:

**A. Simple:**

1. Failure to enforce policy violations through neglect, inefficiency, or incompetency. Fails to provide proper supervision, corrective action, or evaluation. (Level 1-4)
2. Failure to properly rate and document an employee’s substandard performance. (Level 1-4)

**B. Gross:**

1. Supervision is so deficient it results in failure to detect policy violations, neglect, inefficiency, or incompetency. (Level 4-5)
2. Purposely ignoring policy violations, neglect inefficiency, or incompetency. (Level 4-5)

##### **4.2 Issuing Illegal, Immoral or Unreasonable Order**

Employees shall not knowingly issue any order, verbal or written, deemed immoral and/or unreasonable, when the order is in violation of any rule, regulation, law, or procedure of COM.

**A. Simple:**

The issuing of any order, verbal or written, which is unreasonable or in violation of any COM rule, regulation, law, or procedure. (Level 1-4)

**B. Gross:**

The issuing of any order, verbal or written, which is immoral, illegal, or a violation of any law or municipal ordinance. (Level 4-5)

#### **5.0 POLITICAL OR RELIGIOUS ACTIVITIES**

##### **5.1 Use of Position for Interference or Influence**

Employees are prohibited from using their position to interfere or influence any election. Employees may campaign or engage in political activities; however, they must not identify themselves as a COM employee and be off duty. Employees are prohibited from using any COM property for political



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activities. Employees are prohibited from engaging in political activity in uniform or using COM vehicles. (Level 1-4)

**5.2 Use of Position for Political Purposes**

Employees are prohibited from appearing in any political commercial, brochure, or advertisement in uniform. Employees must not display any item, article, or logo identifying themselves as an employee of COM. These items include but are not limited to uniforms, COM identification, COM logos, and departmental patches. (Level 4-5)

**5.3 Use of Supervisory Position for Political Purposes**

Employees shall not require subordinates to render any political service or solicit any assessments, contributions, or services for political purposes from any other employee or from any other person while on duty. (Level 4-5)

**6.0 COOPERATION WITH INTERNAL INVESTIGATIONS**

Employees are required to cooperate with all internal inquiries, OPR investigations, disciplinary hearings, or other COM proceedings.

**6.1 Obstruction**

Employees must not take any actions to obstruct, hinder or impede any investigation. (Level 1-5)

**6.2 Lack of Candor**

Employees must not knowingly make any false statements, oral, written, implied, or otherwise during any investigation. (Level 4-5)

**6.3 Lack of Forthrightness**

Employees must not knowingly conceal or misrepresent material facts relating to the subject matter of any investigation. (Level 4-5)



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Reviewed by: <i>JHB</i> James H. Barber Chief of Staff Date: <b>10/07/2024</b>	Approved by: <i>W Stimpson</i> William S. Stimpson 2024.10.10 15:02:18 -05'00' William S. Stimpson Mayor Date: <b>10/10/2024</b>