

Ethics

(HC18)

POLICY STATEMENT

The New Orleans Regional Transit Authority's (RTA) goal is to make employment decisions that are fair, equitable and transparent. When relatives work together, conflicts of interest and perceived or real unfairness may result. Likewise, a RTA employee participating in a hiring process is responsible for ensuring a fair hiring process. If an employee's relationship with a candidate impacts his or her ability to be fair in a hiring process or may result in a perception of an unfair hiring process, that employee must either recuse him or herself from the process or discuss the issue with the employee's Chief Diversity, Equity, and Inclusion/EEO Officer or supervisor. To that end, no RTA employee may make, participate in, or attempt to influence employment-related decisions involving a relative. Additionally, anyone involved in the hiring process must disclose to Human Capital when they have a current or prior relationship with an applicant that is a conflict of interest or may reasonably be perceived to create a conflict of interest. Human Capital and Diversity, Equity, and Inclusion/EEO will determine how to handle such instances on a case-by-case basis.

PURPOSE

RTA welcomes the opportunity to hire and retain qualified employees who are related to one another. However, when relatives work together it may create the appearance of or actual conflicts of interest or favoritism. Certain employment situations involving relatives are prohibited by the RTA's conflicts of interest rules. This policy sets out guidelines for the hiring process, as well as how to manage situations in which relatives may work together. This policy also addresses hiring situations where the hiring manager or others involved in the hiring process have a current or previous relationship with the applicant, whether or not these employees are related to the applicant.

APPLICATION

This policy applies to all RTA employees, vendors, contractors and visitors while on RTA property, or when performing business with, or providing service for RTA. If a conflict occurs between this policy and a Collective Bargaining Agreement (CBA), the CBA prevails.

ADOPTED BY:

The RTA Board of Commissioners on XX/XX/XXXX, Resolution XX-XXXX.

APPROVED BY:

Alex Z. Wiggins
Chief Executive Officer

Effective Date: 2/23/2021
Date of Last Review: XX/XX/XXXX

1.0 GENERAL

1.1 General Rule It is permissible for two relatives to work in the same department, agency or division, as long as there are no business or job-related conflicts of interest. It is not permissible for one relative to supervise or make employment-related decisions about the other relative.

1.2 If a situation arises in which one employee is temporarily in the chain of command of a relative, both employees shall immediately disclose the situation to their respective supervisor or Chief Diversity, Equity, and Inclusion/EEO Officer and a mitigation plan shall be developed in conjunction with Human Resources, and with notice to the unions(s) by the Chief Diversity, Equity, and Inclusion/EEO Officer if one or both employees is represented. Similarly, if two employees become related and one is in a position to make employment-related decisions about the other, both employees shall immediately disclose the situation to the Chief Diversity, Equity, and Inclusion/EEO Officer and Human Resources and a mitigation plan shall be developed. Employees who marry one another or become related during their employment will be allowed to remain with the RTA, unless they are in a supervisor-subordinate relationship and there is no open position to which one of them may be moved. Other exceptions will be handled on a case-by-case basis by the department and agency human resources management and Diversity, Equity, and Inclusion/EEO. Mitigation plans shall be developed to address actual or perceived conflicts. The RTA will not hire a job applicant who is a relative of a current employee if the applicant would be in a supervisory or subordinate position to the existing employee.

1.3 Mitigation Plans for the Ongoing Employment of Relatives. The goal of a mitigation plan is to resolve the conflict of interest or the appearance of a conflict of interest and/or harm to the work environment created by relatives working together. A mitigation plan should address issues like reporting relationships, supervision, and evaluation. If a mitigation plan cannot be developed or maintained, the RTA may require one of the two employees to seek a job outside the RTA.

1.4 The Chief Diversity, Equity, and Inclusion/EEO Officer will be consulted when staff cannot reach agreement on a mitigation plan and will work with the department to resolve the conflict.

1.5 Conflict of Interest in the Hiring Process An employee participating in a hiring process, (including a promotional process), either as a subject matter expert reviewing applications or on an interview panel, is expected to disclose to the hiring manager and human resources professional responsible for the recruitment any relationships with candidates that may impact the employee's ability to be fair and unbiased in the hiring process, or be perceived to be fair and unbiased in the hiring process. Depending on the nature of the relationship, the hiring manager and human resources professional may require the employee to recuse him or herself from the

hiring process. If the hiring manager or the human resources recruiter has a current or previous relationship with an applicant, the individual must disclose this relationship to his or her supervisor, human resources representative, and **Diversity, Equity, and Inclusion/EEO** and a mitigation plan may need to be developed for the hiring process. Additionally, an employee may not share information with an applicant for a position that would give that applicant an advantage over other applicants.

1.6 Violations - Violations of this policy may result in discipline, up to and including, termination of employment.

Refer questions or comments to the **Diversity, Equity, and Inclusion/EEO** Department.

2.0 PUBLIC SERVANTS

All RTA employees and board commissioners are considered public servants, and therefore must comply with the Code of Governmental Ethics as set forth in the La. R.S. 42:1101, et seq.

Each RTA employee must acknowledge compliance with this Ethics Policy by annually signing the RTA's Ethics Statement. For existing employees, the Ethics Statement shall be signed in January of each year. New employees are required to sign this statement upon being hired.

In accordance with La. R.S. 42:1170A, all RTA employees are responsible for knowing their obligations under the statute and must receive a minimum of 1 hour of education and training on the Code of Government Ethics during each year of employment. Upon completion of the required training, each employee and board member will forward a copy of the training certificate to the Human Capital Department Director. The training website is www.ethics.la.gov.

Failure to participate in the 1 hour of mandatory annual ethics training will be reported to the Board of Ethics at the end of each year by the Human Capital Department Director.

In accordance with La. R.S. 42:1169, the Ethics Code provides statutory protection to an employee who reports information which the employee reasonably believes indicates a violation of the Ethics Code or other law related to their public employment. An employee shall be free from discipline, reprisal, or threats of discipline or reprisal for reporting such information. The RTA's Chief Human Resources Officer is the RTA employee to whom alleged violations should be reported. All complaints will be fully investigated and appropriate action taken.

The Human Capital Department is responsible for distributing and maintaining a signed Ethics Statement from each RTA employees annually. The Human Capital Department is charged with maintaining appropriate evidence confirming individual and overall

compliance with the required annual 1 hour of education and training on the Code of Government Ethics that is currently required and any/all additional requirements that may be imposed by applicable law. Failure to comply with this policy may result in disciplinary action and/or other legal sanctions.

3.0 Definitions

Relative – As set forth this policy, relative is defined as a parent, child, sibling, spouse or domestic partner, aunt or uncle, niece or nephew, grandparent, grandchild, in-laws, children or relatives of a domestic partner to the same extent such relatives would be included in this definition if the employee and domestic partner were married.

Employee – All employees, volunteers, interns, veteran fellows, and contract workers in the Executive Branch.

Employment-Related Decision – The full spectrum of employment-related decisions, including but not limited to, recruitment, appointment, hiring, transfer, promotion, supervision, evaluation, compensation, audit, classification or reclassification, demotion, discipline, termination, and reduction in force.

Conflict of Interest – Conflict of interest means a conflict between a person's private interests and their responsibilities as a RTA employee. When used in this policy, conflict of interest means an actual conflict, a potential conflict or an appearance of a conflict.

4.0 FLOWCHART

N/A

5.0 REFERENCES

N/A

6.0 ATTACHMENTS

N/A

7.0 PROCEDURE HISTORY

12/11/2020 Interim Executive Committee approval granted
12/15/2020 Interim Board approval granted
2/4/2021 Final Executive Committee approval granted
2/23/2021 Final Board approval granted

8.0 SPONSOR DEPARTMENT

Human Capital