

# Code of Conduct



MASSACHUSETTS WATER  
RESOURCES AUTHORITY

## WHY MUST WE HAVE A CODE OF CONDUCT?

The Massachusetts Water Resources Authority (MWRA) provides water and wastewater services to 2.5 million ratepayers in 61 member communities in Massachusetts. As public employees, we are accountable to the ratepayers we serve. Our ratepayers must be confident that our actions always serve the public's interest and that we carry out our duties with the highest of ethical standards.

In order to ensure that each one of us is aware of our obligations, the MWRA has a Code of Conduct. The foundation of the MWRA's Code of Conduct is based in federal and state ethics, campaign and political finance, anti-discrimination, and anti-harassment laws. While it cannot describe every situation, the Code of Conduct outlines the general standards that all MWRA employees are required to meet and provides guidance in the areas of conflict of interest, limitations on political activities, anti-discrimination, harassment and threats, and sexual harassment. Other MWRA policies may provide more detail about required or prohibited conduct in particular circumstances; please be sure you are familiar with any that may apply to your activities as an MWRA employee.

If anything in this booklet is unclear to you or you have any questions it does not answer, please seek further information from the Law Division. Violations of many of the provisions in the Code of Conduct, whether intentional or not, may constitute a violation of law.

The Code of Conduct clearly articulates your rights, as an MWRA employee, to a work environment that is free from discrimination and harassment. Please read the Code of Conduct and abide by its guidelines. It is intended to protect you and, in doing so, protects the MWRA.



Frederick A. Laskey  
Executive Director

**THE IMPORTANT POLICIES OF THE MWRA  
INCLUDE THE FOLLOWING:**

- 1.** Your own interest must never take precedence over the public interest. You must ensure that there is not even the appearance that you have violated this standard.
- 2.** You may not do anything, or fail to do any duty, if such action leads to a personal benefit.
- 3.** You must do everything required of your job to make sure that the MWRA does not fail to provide high quality water and sewer services.
- 4.** You may not harass, intimidate or discriminate against any co-worker or any member of the public in doing your job.
- 5.** You may not do anything, which results in taking money illegally.
- 6.** You may not do anything, which results in the misuse or abuse of MWRA property.

These and other policies are explained in this hand-book.

# TABLE OF CONTENTS

PAGE	
6	INTRODUCTION <ul style="list-style-type: none"><li>• YOU MUST UNDERSTAND AND FOLLOW THIS CODE OF CONDUCT AND OTHER LAWS</li></ul>
7	BREAKING OTHER LAWS MAY AFFECT YOUR JOB
7	YOUR CONDUCT, ATTITUDE AND Demeanor ARE IMPORTANT
9	YOU SHOULD REPORT VIOLATIONS OF LAW AND THE CODE OF CONDUCT <ul style="list-style-type: none"><li>• YOUR OBLIGATIONS</li><li>• THREATS AND GENERAL HARASSMENT</li><li>• DISCRIMINATION</li><li>• SEXUAL HARASSMENT</li></ul>
11	POLITICAL ACTIVITIES CAN BE A PROBLEM <ul style="list-style-type: none"><li>• ELECTION LAWS</li></ul>
12	YOU MUST AVOID CONFLICTS OF INTEREST <ul style="list-style-type: none"><li>• ISSUES COVERED BY CONFLICT OF INTEREST STATUTES</li><li>• SELECTION COMMITTEES</li><li>• STATE ETHICS COMMISSION</li></ul>
14	WHEN YOU CAN ACCEPT MEALS AND OTHER MINOR GIFTS <ul style="list-style-type: none"><li>• GIFTS IN GENERAL</li><li>• FOOD</li><li>• CONFERENCES</li><li>• PRIVATE FINANCIAL TRANSACTIONS</li></ul>
16	CAN YOU HAVE AN OUTSIDE JOB? <ul style="list-style-type: none"><li>• PROHIBITED OUTSIDE JOBS</li><li>• OUTSIDE JOBS WHICH REQUIRE WRITTEN APPROVAL</li><li>• OUTSIDE JOBS WHICH DO NOT REQUIRE PRIOR WRITTEN APPROVAL</li></ul>
18	SHOULD YOU RESPOND TO THE PRESS AND THE LEGISLATURE?
19	OTHER REQUIREMENTS FOR MWRA EMPLOYEES <ul style="list-style-type: none"><li>• FIREARMS AND DEADLY WEAPONS</li><li>• TESTIMONIAL DINNERS</li><li>• LEGAL AND OTHER PROFESSIONAL OR SCHOLARLY PUBLICATIONS</li><li>• COMPETITIVE BIDDING</li><li>• MWRA PROPERTY</li><li>• DELIVERY OF WATER AND SEWER SERVICES</li><li>• DEPARTMENTAL IDENTIFICATION CARDS, BADGES ETC.</li></ul>

## **INTRODUCTION**

You must read, understand and follow this Code.

The Code applies to all MWRA employees including anyone on any type of leave status such as sick leave, military leave, family and medical leave, leave without pay, civic duty leave and suspension.

If you do not follow the rules or guidelines in the Code, you may be subject to disciplinary action, up to and including termination of your employment.

This Code does not cover everything. Engaging in improper acts not mentioned in the Code may also result in disciplinary action.

If you have any doubt or misunderstanding about the Code, you should seek further information from the Law Division.

Certain individuals associated with the MWRA are considered special state employees. Their conduct is subject to certain special provisions of the state ethics laws which are not entirely addressed in this Code of Conduct. If you have any questions regarding special state employee status, please contact the Law Division or the State Ethics Commission.

## **BREAKING OTHER LAWS MAY AFFECT YOUR JOB**

You are required to obey the laws of the United States and the Commonwealth of Massachusetts. If you are convicted of a crime, you may face disciplinary action up to and including termination.

## **YOUR CONDUCT, ATTITUDE AND DEMEANOR ARE IMPORTANT**

You must act in a professional, courteous manner. Avoid any conduct which violates state ethics law or gives the appearance of conflict of interest or is contrary to the Code. For example, you are not permitted to:

1. Use your official position for private gain.
2. Give preferential treatment to any citizen or organization unless it is required as part of your job.
3. Make work-related decisions contrary to MWRA policies.
4. Discriminate against others on the basis of race, sex, sexual orientation, age, handicap, religion or national origin in the course of your employment.
5. Threaten or harass others-this includes racial, ethnic or sexual harassment of any kind-in the course of your employment.
6. Make any false or misleading verbal or written statements in matters of MWRA business and/or in the course of your employment.
7. Consume or use while on duty, or report to work under the influence of: alcohol, intoxicants, non-prescribed narcotics or controlled substances in any form. You should inform your supervisor at the start of the workday if you are taking medication which might impair your work performance.
8. Except as required by your official duties, recommend or suggest, even by implication, that a member of the public retain the services of any particular person or professional or business organization in connection with any official business which involves or may involve MWRA or is subject to competitive bidding.
9. Publish, disclose or make known in any manner or to any extent not authorized by law any information relating to: trade secrets, processes, operations, style of work or apparatus, blueprints, statistical data, personnel data, amount or source of any income, profits, losses or expenditures of any person, firm, party, corporation or association involved in MWRA business.

10. Release any information pursuant to the public information laws without proper authorization from appropriate MWRA individuals.
11. Use your office or official duties to interfere with, affect or influence the results of a nomination or election for public office.
12. Use your official authority directly or indirectly to coerce, attempt to coerce, command, advise or prevent any person or body to pay, lend or contribute anything of value to any political party candidate or political committee.
13. Engage in any type of political campaign activities while on the job, or use any of the resources of the MWRA (equipment, vehicles, supplies, etc.) for a political campaign purpose.
14. Post, pin-up or attach any photographs, drawings or other materials on or in MWRA property, which may be offensive to other members of the workforce.
15. Copy software programs or manuals provided by MWRA or use any software in an unauthorized or unlawful fashion.
16. Falsify a time sheet or any other record of work hours and/or leave of absence.
17. Deface, damage or destroy property of the MWRA or of another employee.
18. Originate, spread or otherwise participate in the issuance of false reports concerning employees of the MWRA.
19. Participate in any way in bookmaking or in any form of organized gambling.
20. Approve or make a payment on behalf of the MWRA with the intention or understanding that such payment is to be used for a purpose other than described in the documents supporting the payment.

## **YOU SHOULD REPORT VIOLATIONS OF LAW AND THE CODE OF CONDUCT**

Every employee is expected to maintain and uphold the integrity of the MWRA. Every employee is responsible for reporting promptly and accurately to the MWRA violations of law that affect the administration of the MWRA or laws of the Commonwealth. Any such reports will be treated confidentially.

### **YOUR OBLIGATIONS**

If you or a co-worker violate the Code or any law relating to MWRA business, it may bring discredit upon the MWRA. You are responsible for bringing to the attention of your supervisor or the Director of Human Resources or the Special Assistant for Affirmative Action violations of any law relating to MWRA business.

If you act in good faith and within the scope of your official duties, the MWRA will pay the reasonable cost of an attorney and any civil damages awarded by a court as a result of a report you make in accordance with this section of the Code.

### **THREATS AND GENERAL HARASSMENT**

The physical, psychological and emotional well-being of all employees is of paramount concern to the MWRA. Any threats, physical or verbal harassment, or other actions which interfere with MWRA business should be reported to your supervisor or the Director of Human Resources or the Special Assistant for Affirmative Action. You do not have to be the recipient of the threats or harassment to do this. If you are aware of such activity, you should report it.

### **DISCRIMINATION**

The MWRA will not tolerate discrimination against other employees or members of the general public in the discharge of official duties on the basis of sex, race, color, religion, sexual orientation, national origin, age, citizenship, veteran status or handicap. Engaging in such discrimination may be cause for disciplinary action, up to and including termination, because it violates state or federal law and creates an intolerable work environment.



Managers and employees aware of any acts of discrimination as defined in this Code or provisions of state or federal law have an obligation to report them to their supervisor or the Director of Human Resources or the Special Assistant for Affirmative Action.

### **SEXUAL HARASSMENT**

No employee should be subject to any unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature which interferes with his or her work performance or creates an intimidating, hostile or offensive work environment. The submission to such conduct cannot be a condition of an individual's employment, nor can submission to or rejection of such conduct be used as the basis for employment decisions.

Examples of activities which are prohibited under this provision are unwelcome sexual advances, requests for sexual favors, the display of sexually explicit posters, calendars or pictures in the work place, foul language or suggestive jokes.

Reports should be made to your supervisor or the Director of Human Resources or the Special Assistant for Affirmative Action.

## **POLITICAL ACTIVITIES CAN BE A PROBLEM**

### **ELECTION LAW**

As a state employee, you are subject to laws governing political activities. You must abide by these laws.

#### **You are prohibited from:**

1. Directly or indirectly soliciting or receiving money or anything of value from anyone for a political purpose.
2. Engaging in any type of political campaign activity while on the job, or using any of the public resources of the Authority (equipment, vehicles, supplies, etc.) for a political campaign purpose.
3. Making a campaign contribution to an incumbent elected official or any candidate for office who is also a person in the public service. You may, however, make such a contribution to the campaign committee organized on behalf of such a person.

#### **You are permitted to:**

1. Be a member of political organizations or committees, provided you don't serve as the treasurer of such a committee and are not involved in its fundraising activities.
2. Hold or run for elective office. However, if you wish to run for office and plan to raise money or accept contributions, you must have a campaign committee organized on your behalf to handle all your fundraising activity.
3. Attend political fundraisers or contribute to a political committee (See Number 3 above).

For more information on state campaign finance law as it relates to your political activity, contact the Office of Campaign and Political Finance at (617) 727-8352.

## **YOU MUST AVOID CONFLICT OF INTEREST**

You must act in a manner that does not create or appear to create a conflict of interest. A conflict of interest is a situation in which a public employee's private financial interests and personal relationships conflict with the employee's public obligation to act objectively and with integrity.

Massachusetts General Laws Chapter 268A sets conflict of interest standards for state employees and criminal and civil penalties for conflict of interest violations. Those penalties are in addition to penalties which the MWRA may impose.

You may ask the State Ethics Commission (617 727-0060) any question relating to whether your own prospective activities will present a conflict of interest. The Commission will confidentially review and answer your question.

### **ISSUES COVERED BY CONFLICT OF INTEREST STATUTES:**

1. You may not receive compensation, except from the MWRA, or favors in return for performing your duties.
2. You may not offer or give compensation or favors to any present or former government employee to influence an official action.
3. You may not accept anything of substantial value - valued at \$50 or more - from anyone doing business with or hoping to do business with the MWRA.
4. You may not participate in any official MWRA actions in which you or an immediate family member has a financial, personal or private interest.
5. You may not accept other employment which is incompatible with the exercise of your official duties.
6. You may not use your position to gain unwarranted privileges for yourself or others.
7. No current or former MWRA employee may disclose information viewed as sensitive, confidential or proprietary and which was gained by reason of any MWRA position.
8. A former employee may never receive compensation from or act as an attorney or agent for anyone, except on behalf of the Commonwealth or MWRA,

- with regard to any particular matter in which the former employee participated at the MWRA.
9. For one year after leaving the MWRA, a former employee may not appear in court or before any state agency or the MWRA on any matter which was within his/her official responsibility for the last two years prior to departure, even if the employee did not work on the matter-except a former employee may work on such matters on behalf of the Commonwealth or MWRA.
  10. A former employee may not act as a lobbyist before the MWRA for one year after leaving the MWRA.

### **SELECTION COMMITTEE MEMBERS**

No individuals may serve on Selection Committees who have been in the employ of prospective vendors within the one year prior to the publication of the RFQ or RFP.

No member of a committee shall participate in the selection of a consultant for any consulting contract if that committee member or any member of his or her immediate family:

1. Has direct or indirect financial interest in the award of the contract to any applicant;
2. Is currently employed by, or is a consultant to or under contract to an applicant;
3. Is negotiating or has an arrangement concerning future employment or contracting with any applicant; or
4. Has an ownership interest in, or is an officer or director of, any applicant.

### **STATE ETHICS COMMISSION**

State law requires that certain employees file a "Statement of Financial Disclosure" with the State Ethics Commission. You will be notified if you need to file this statement.

## **WHEN CAN YOU ACCEPT MEALS AND OTHER MINOR GIFTS?**

It is important to remember that the purpose of this Code is to remove the possibility that the public might think that an MWRA employee was improperly influenced in any professional matter or decisions.

Therefore, you must be particularly careful in accepting anything of value from any individuals or companies that work with us or want to work with us, are monitored or regulated by us or have some interest that could be affected by the way we do our jobs. As a matter of personal policy, employees may decide that it is preferable to avoid accepting any meals or gifts purchased by current or prospective vendors.

The provisions below generally explain the limitations imposed by the State ethics laws.

### **GIFTS IN GENERAL**

You may never receive or accept anything of "substantial value" — \$50 or more — from anyone with whom you have or are likely to have, official dealings or who could gain any advantage by the way you do your job.

You are prohibited from receiving anything of substantial value as appreciation for a job well done or to attempt to foster good will. To allow such gratuities would amount to multiple remuneration for doing what is already expected in the performance of your duties.

Even where the cost of a single meal or other entertainment is less than \$50, a private business may not pay for the public official's tab on a regular basis.

Gifts of tickets to theater and sporting events, and/or the payment of fees for recreational activities are all items of substantial value and are prohibited if the individual or combined costs of such events amount to \$50 or more.

## **The following are examples of gift situations:**

### **1. FOOD:**

Meals costing \$50 or more are considered items of substantial value, and public employees are prohibited from allowing private vendors to cover their expenses in such instances.

### **2. HONORARIA:**

No MWRA employee may receive an honorarium for speaking to any group about any MWRA activities.

### **3. TRAVEL EXPENSES:**

You may be offered travel allowances or reimbursements and/or accommodations in return for speaking to a group. The state's Conflict of Interest law has very detailed restrictions on these arrangements. Become acquainted with these restrictions and consult your supervisor before accepting any such offer.

### **4. SPEAKER GIFTS:**

If you speak at a conference about any MWRA activities, you may accept a thank-you gift, if it is worth less than \$50.

You may ask the State Ethics Commission (617-727-0060) or the Law Division any questions relating to meals or gifts.

## **PRIVATE FINANCIAL TRANSACTIONS**

If you are involved in the selection of financial institutions which do business with the MWRA in the normal course of doing your job, as might, for example, some employees in our Finance Division - and you cannot avoid dealing with the institution for the normal banking or financing needs of your private life such as mortgage, car loans and credit cards - you must disclose these dealings to the Law Division, in writing, before you begin to deal with the bank.

## **CAN YOU HAVE AN OUTSIDE JOB?**

You may have an outside job or business activity as long as:

1. The outside job or activity will not influence you in your MWRA job.
2. You do not use confidential MWRA information in outside financial transactions, to get an outside job or in any other activities.
3. Your outside job or activity does not reduce the time you spend or the quality of your work at your MWRA job.
4. You do not use MWRA equipment, supplies or materials (including telephones, fax machines, office supplies, copy machines).
5. You may not be paid by a non-state or private party if the Commonwealth or the MWRA has any direct and substantial interest in the job or activity.

### **PROHIBITED OUTSIDE JOBS**

The following outside jobs are prohibited, even if they meet the above requirements:

1. You may not conduct any outside business practice during your scheduled working hours (including, but not limited to, real estate, retail sales, insurance, law and accounting).
2. If you are an MWRA attorney, you may not appear in court as an attorney on behalf of a private client if the Commonwealth or the MWRA is also an interested party.

### **OUTSIDE JOBS WHICH REQUIRE WRITTEN APPROVAL**

The following outside jobs or activities require prior written approval from the Law Division:

1. You must get prior written approval if your outside job or activity involves MWRA consultants or member communities.
2. You must get prior written approval for any outside legal, engineering, architectural or other consulting practice.

3. You must get prior written approval for any outside positions, which are paid by the Commonwealth.
4. You may act as a trustee, guardian, conservator, executor, administrator or act as resident agent for your immediate family, if you receive the approval of the Executive Director.

You may not serve in such capacity in matters in which you have participated or which are the subject of your official responsibility.

### **OUTSIDE JOBS WHICH DO NOT REQUIRE PRIOR WRITTEN APPROVAL**

1. You may do unpaid work for civic, scout, religious, educational, fraternal, social, community, veterans, or charitable organizations. However, you may not engage in fundraising activities for those organizations by soliciting funds from any one who has, or might want to have, any business with the MWRA.

Be aware that the state's Conflict of Interest law has strict guidelines on what you may participate in if any matter involves the MWRA or another state agency.

2. You may act as a notary public or justice of the peace.
3. You may not rent property to the MWRA. Rental of any property to the Commonwealth, a municipality or any entity connected therewith may have ethical implications and should be reviewed by the State Ethics Commission.
4. You may do minor services and odd jobs for friends, relatives or neighbors. Examples include: repair or maintenance work such as painting, yard work, carpentry, or babysitting and carpoools involving payment for transportation.

If any of these jobs involve the MWRA, MWRA consultants, customer communities or another state agency, you must get prior written approval from the Executive Director. These activities may not be undertaken during work hours.



## **SHOULD YOU RESPOND TO THE PRESS OR THE LEGISLATURE?**

All requests for information from the media or the legislature must be sent to the Public Affairs Unit, which has set up special procedures for specific projects and information. You must adhere to those procedures.

Because of the complexity of many of the projects of the MWRA and the interest of the public in our projects, it is important that we speak with one informed voice. The Public Affairs Unit is set up to make certain that all questions from the media and the legislature are correctly and fully answered. Public Affairs staff will work with you on any project that involves the media or any legislators.

Only the Public Affairs unit may issue news releases.

## **OTHER REQUIREMENTS FOR MWRA EMPLOYEES**

### **FIREARMS AND DEADLY WEAPONS**

You may not possess firearms or other dangerous weapons on your person or in your vehicle during the performance of official duties or on MWRA property, except as specifically authorized by the MWRA.

### **TESTIMONIAL DINNERS**

You may not sell, solicit, accept payment or contributions for tickets or admissions to any testimonial dinner or function having a similar purpose, held on your behalf or on behalf of any MWRA employee while he or she is an employee of the MWRA. A testimonial dinner or similar function is something given as a tribute for a person's service or achievement.

You may hold an event to honor MWRA employees so long as the event and all ticket sales or contributions for it occur after the person retires or ceases to be an MWRA employee. This section shall not prohibit the collection of sums of nominal value to cover the cost of small non-testimonial celebrations (such as birthday or holiday parties). If you have any questions, contact the Law Division.

### **LEGAL AND OTHER PROFESSIONAL OR SCHOLARLY PUBLICATIONS**

All employees are encouraged to publish articles in professional, technical and scholarly journals. However, to protect the integrity of MWRA policies and other MWRA documents and to ensure application of a clear and consistent legal policy within the MWRA, all legal, accounting, engineering or technical articles written by employees must bear the following caveat: This article represents the opinions and (legal) conclusions of the author(s) and not necessarily those of the MWRA.

If the article involves any aspect of your responsibilities at the MWRA, it must be reviewed by the Executive Office. Copies of all such articles published should be made available to the MWRA library.

## **COMPETITIVE BIDDING**

You may not act in any manner that is in violation of the state procurement laws, nor use your official position to influence or induce others to violate the state procurement laws.

## **MWRA PROPERTY**

You may not use, rent, lend or lease any MWRA equipment or property except in the discharge of your official duties.

## **DELIVERY OF WATER AND SEWER SERVICE**

You may not engage in any behavior, which jeopardizes the delivery of water and sewer services.

## **DEPARTMENTAL IDENTIFICATION CARDS, BADGES, ETC.:**

MWRA identification cards, badges and other identification or access cards or documents are for use only in establishing identity, authority or access in connection with official duties.

MWRA identification cards or badges may be used for personal identification purposes when cashing checks or as proof of employment, such as when applying for a loan, for credit or when renting an apartment.

You are responsible for the proper use of your MWRA identification cards, badges and access cards, for promptly reporting their loss and for surrendering them on termination of employment or on demand by appropriate MWRA authorities.

Cards, badges or documents of an employee's official position or status are not to be used to exert influence or obtain, either directly or indirectly, privileges, favors or rewards for yourself or others.