

Opinion of the City of Rochester Board of Ethics
Opinion Number 2018-8
November 13, 2018
C18-6

Overview

On July 26, 2018, Rochester For All submitted a complaint with two parts regarding Deputy Mayor Cedric Alexander. The first complaint was regarding the Deputy Mayor using unearned vacation time, and the second was the use of City staff to conduct personal business. The second complaint noted that the Deputy Mayor directed his executive assistant to conduct personal business.

Applicable Code of Ethics Provisions

Section of the Code of Ethics alleged to have been violated for the first complaint:

C.4 No City officer or employee, acting in the performance of his or her official duties, shall treat, whether by action or omission to act, any person more favorable than it is the custom and practice to treat the general public.

Section of the Code of Ethics alleged to have been violated for the second complaint:

C.5 No City officer or employee shall use or permit the use of city-owned vehicles, equipment, materials or property for the convenience or profit of himself or herself or any other person.

Opinion

After reviewing the City's "Vacation for Executive New Hires" the Board determined that Deputy Mayor Alexander was not treated more favorable than others with respect to vacation time awarded during April 24, 2017 and December 22, 2017. This policy "provides immediate paid vacation time availability to Executive level new hires in their first six months of employment to aid in their transition." Specifically, the policy allows for six months of vacation accruals to be made available to executive level employees as of their first day of employment. Based on this policy, the vacation time awarded was appropriate and consistent with City policy.

The Board also agreed that the Deputy Mayor's directives to his assistant regarding his personal travel was di minimis in nature and infrequent. In addition, no information was available to indicate the Deputy Mayor pressured his assistant to make the personal travel arrangements referenced in the complaint.

The Board expressed serious concern over the appropriateness of such requests and strongly recommended that managers avoid enlisting their staff to conduct any personal business on their behalf. The Board agreed all personal business should be conducted outside business hours and not involve the use of city staff or other city resources.

The Board determines that the Deputy Mayor is not in violation of the Code of Ethics in these two matters.

(Ginett, Scott, Steinbrenner, Weir)