

## HEMPSTEAD PUBLIC LIBRARY

### **CODE OF ETHICS POLICY**

It is the policy of the Incorporated Village of Hempstead to establish standards and guidelines for ethical conduct of officers and employees. Though assurance of such conduct will continue to rest primarily on personal integrity and community vigilance, the establishment of ethical standards is another step toward providing the highest caliber of public administration for the Village and ensuring that government decisions are arrived at impartially and free of conflict of interests and thereby increasing confidence in public officials.

In recognition of these goals the Village of Hempstead has revised the Code of Ethics for all officers and employees and adopted Local Law No. 01-2014 on January 7, 2014. A copy of the local law may be obtained from the Village's website and the Village Clerk's office. It is the responsibility for each employee to review the policy and sign and return the policy acknowledgement form.

### **STANDARDS OF CONDUCT**

These standards of conduct apply to every officer or employee of the Village, whether paid or unpaid, including members of any administrative board, commission or other agency (excludes volunteer fireman and civil defense volunteers).

Every such officer or employee of the Village shall be subject to and abide by the following standards of conduct:

#### **A. GIFTS**

No officer or employee shall, directly or indirectly, accept, solicit any gift or receive any gift having a value of \$75.00 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, from any person, under circumstances in which it could reasonably be inferred that the gift was intended to influence him or could reasonably be expected to influence such officer or employee in the performance of his/her official duties or was intended as a reward for any official action on his/her part. No officer or employee of the Village shall grant in the discharge of his/her duties any improper favor, service or thing of value. Nothing contained herein shall be deemed to prohibit any officer or employee of the Village from borrowing money from any bank or banks designated as depositories, agent, registration agent, or investment of funds of a municipality except when the chief fiscal officer, treasurer or his/her deputy or employee has an interest in such bank or trust company; provided however, that the designation of a bank trust within the municipality may nevertheless be designated the Village Board. The \$75.00 limit applies to an aggregate total of gifts made over a period of 12 months.

## B. CONFIDENTIAL INFORMATION

No municipal officer or employee shall disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest. Further, no officer or employee of the Village shall:

1. Accept employment or engage in any business in any professional activity which will require him/her to disclose confidential information which he has gained by reason of his/her official position or authority.
2. Disclose any confidential information or use confidential information to further his/her personal interests or the personal interests of others.
3. Take official action upon any question in which he/she or any member of his/her immediate family has an interest.

## C. REPRESENTATION BEFORE THE VILLAGE

No Village officer or employee shall receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation any matter before any Village agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

## D. REPRESENTATION BEFORE THE VILLAGE FOR A CONTINGENT FEE

No Village officer or employee shall receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any Village agency, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

## E. CONTRACTS AND DISCLOSURES

Except as otherwise provided by law, no Village officer or employee shall have an interest in any contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the Village, when such officer or employee, individually or as a member of a board, has the power or duty to either:

1. negotiate, prepare, authorize or approve the contract, purchase agreement, lease agreement or other agreement, or authorize or approve payment thereunder;
2. audit bills or claims under the contract, purchase agreement, lease agreement or other agreement; or

3. appoint an officer or employee who has any of the powers or duty set forth at (1) or (2) above. Any municipal officer or employee who has, will have, or later acquires an interest in, or whose relative have, will have, or later acquire an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the Village shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the governing body thereof as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such body.

#### F. INTEREST IN BUSINESS, TRANSACTIONS OR LEGISLATION, AND DISCLOSURES

No officer or employee of the Village shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction, professional activity or legislation or incur any obligation of any nature, which is in conflict with, or might be reasonably tend to conflict with, the proper discharge of his/her duties in the public interest. Any officer or employee who has a direct or indirect financial or other private interest in any matter before any board of the Village shall publicly disclose in writing on the official record of such board the nature and extent of such interest prior to participating in the discussion or before making a recommendation or giving an opinion to such board on such matter.

#### G. PRIVATE EMPLOYMENT

No Officer or employee of the Village shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

#### H. FAMILIAL INTEREST

No officer or employee of the Village shall take official action upon any questions in which he/she or any of his relatives has an interest.

#### I. REPRESENTATION OF PRIVATE INTEREST

No officer or employee of the Village shall represent private interests before any board, department, office or agency of the Village, nor represent private interests in any action or proceeding against the interest of the Village or in any litigation to which the Village is a party. The preceding sentence shall not preclude any such officers or employees from appearing in the performance of public or civic obligations or on their own behalf with respect to matters of a personal nature. All appearing parties before any board of the Village shall make a disclosure as provided under § 809 of Article 18 of the General Municipal Law. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a plat, exemption from a plat or official map, license or permit pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of the Village in which a Village officer or employee has an interest shall state the name, residence and nature and extent of the interest of any officer or employee of the Village, in the person, partnership or association making such application, petition or request to the extent know to such applicant.

## J. FUTURE EMPLOYMENT

No officer or employee of the Village shall, after termination of service or employment with the Village, appear, practice, communicate, or otherwise render services before any board, agency or commission of the Village, or receive compensation for any such services rendered by such former officer or employee on behalf of any person, firm, corporation or other entity in relation to any case, proceeding, application or transaction with respect to which he/she was directly concerned and in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

No Village officer or employee shall, within two years after termination of service or employment with the Village, appear, practice, communicate, or otherwise render services before any board, agency or commission of the Village or conduct any official Village business, transactions or professional activity with any Village officer, employee or consultant where special advantages by virtue of prior contact and relationship with the Village may be realized.

No Village officer or employee shall, within a period of two years after the termination of service or employment with the Village, appear or practice before any board, agency or commission of the Village or receive compensation for any services rendered by such former officer or employee on behalf of any person, firm, corporation or association in relation to any case, proceeding or application or other matter before such board, agency or commission of the Village.

## K. MISUSE OF PRIVILEGE

No officer or employee of the Village shall use or attempt to use his/her official position of secure unwarranted privileges or exemptions for himself/herself or others or grant any special consideration, treatment or advantage to any citizens beyond that which is available to every other citizen.

## L. ATTEMPTS OF UNDUE INFLUENCE

No officer or employee of the Village shall by his/her conduct give reasonable basis for the impression that any person can unduly influence him/her or improperly enjoy his/her favor in the performance of his/her official duties or that he/she is affected by the kinship, rank, position or influence of any party or person. No officer or employee of the Village shall induce, threaten, coerce or aid another officer or employee of the Village to violate any of the provisions of this Code of Ethics.

## M. USE OF EMPLOYEES FOR OUTSIDE WORK

No officer or employee of the Village shall direct or cause any officer or employee of the Village to do or perform any service or work outside of public work or employment, or accept any such

service or work, nor shall any officer or employee of the Village offer to or perform any such service or work for such officer or employee.

#### **N. USE OF VILLAGE PROPERTY**

No officer or employee of the Village shall request or permit the use of Village owned vehicles, equipment materials or property for personal convenience or profit. Only when such vehicles, equipment, materials or property are provided as Village policy and by order of Village administration for the use of such officer or employee, may they be used and then only in the conduct of official Village business.

#### **O. SOLICITATIONS OF CONTRIBUTIONS**

No Village officer or employee or consultant shall directly or indirectly solicit any gift, contribution or donation from any subordinate employee or official.

#### **P. VILLAGE ATTORNEY**

The Village attorney or Village counsel shall accept no employment from any person, firm, partnership, corporation, municipality or other entity which will create a conflict of interest with the interests of the Village.

#### **Q. PERSONAL INVESTMENTS**

An officer or employee of the Village should abstain from making personal investments in any enterprise which he/she has reason to believe may be directly involved in decisions to be made by him/her in his/her capacity as a Village officer or employee or which will otherwise create substantial conflict between his/her duty in the public interest and his/her private interest.

#### **R. COURSE OF CONDUCT**

An officer or employee of the Village should endeavor to pursue a course of conduct which not raise suspicion among the public that he/she is likely to be engaged in acts that are in violation of his/her trust or the Village's Code of Ethics.

#### **S. PROVISIONS A THROUGH R**

Provisions A-R above are comprehensive, but not necessarily exclusive list of provisions regarding ethical behavior of Village officers and employees. Village officers and employees should seek the assistance of the Village when in doubt regarding any particular behavior or issue. Questions regarding this Code of Ethics policy should be directed to the Office of Human Resources or the Village Attorney.

#### **CLAIMS AGAINST VILLAGE**

Nothing included shall be deemed to bar or percent the timely filing by a current or former municipal officer or employee of any claim, account, demand or suit against the Inc. Village of

Hempstead, Nassau County, New York, or any agency thereof on behalf of himself/herself or any member of this/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

## **DISTRIBUTION OF ETHICS CODE**

Every officer and employee shall sign a written receipt indicating receipt of the Village's Code of Ethics. The originals of such signed receipts shall be filed in the Village Clerk's office and a photocopy shall be filed in the officer's or employee's personnel folder and with the Board of Trustees. All officers and employees shall comply with the Village's Code of Ethics, regardless of any failure to distribute such Code of Ethics and regardless of any employee or officer's failure to receive such Code of Ethics.

## **COMPLAINTS**

Any individual who becomes aware of a possible violation of the Village's Code of Ethics must file a complaint with the Village Clerk promptly upon becoming aware of such possible violation. The Village Clerk is authorized to receive and maintain a record of all complaints made against individuals subject to the Village's Code of Ethics.

Upon receiving a complaint of a possible violation of the Village's Code of Ethics, the Village Clerk shall submit such complaint to the Village Attorney for investigation, who shall then conduct a prompt and appropriate investigation into the complaint. Upon the completion of such investigation, the Village Attorney shall prepare a written report for the Board of Trustees regarding his/her investigation and findings, and any recommendation as to remedial action to be taken if any. If the Village Attorney determines, based on the investigation, that the complaint is not substantiated, he/she shall so state in the report for the Board of Trustees. If the Village Attorney determines, based on the investigation, that the complaint is substantiated, the report to the Board of Trustees shall include recommendations for appropriate administrative, legal and/or other action to be taken.

The Board of Trustees shall review the report and recommendations of the Village Attorney and, by majority vote, determine what action, if any, is to be taken in accordance with the Village's Code of Ethics and applicable law. Any member of the Board of Trustees accused of violating the Code of Ethics shall recuse himself/herself from any discussion by the Board of the matter and shall not participate in the Board's vote.

In the event no violation is found, the Village Attorney's investigation file shall not be open for public inspection, unless requested by the individual who was the subject of the complaint. However, the person making the complaint shall be notified in writing of the decision of the Board of Trustees. To the extent that it is practical to do so, and elected official should use his/her best efforts to notify, in writing, any other elected Village official of his/her intent to file an ethics complaint with the Village Clerk about such other elected Village official prior to filing such a complaint.

## **PENALTIES**

In addition to any penalty provided for by applicable law, any officer or employee who knowingly or intentionally violates any of the provisions of the Code of Ethics may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

## **SEVERABILITY**

If any clause, sentence, paragraph, subdivision, section or other part of the Village's Code of Ethics is, for any reason, adjudged by any court of competent jurisdiction to be unconstitutional or otherwise invalid, such judgment shall not affect, impair or invalidate the remaining provisions of the Code of Ethics, and it shall be construed to have been the legislative intent to enact the Code of Ethics without such unconstitutional or invalid parts therein.