

407 Code of Ethics

Purpose

Pursuant to the provisions of Sec. 806 of the General Municipal Law, the Town Board of the Town of Marcellus recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained, and if public confidence is to be maintained in our unit of local government. It is the purpose of this local law to promulgate these rules of ethical conduct for the officers and employees of the Town of Marcellus. These rules shall serve as a guide for official conduct of the officers and employees of the Town of Marcellus. The rules of ethical conduct of this local law as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article 18 of the General Municipal Law or any general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Definitions

As used in this Article, the following terms shall have the meanings indicated:

MUNICIPAL OFFICER OR EMPLOYEE – An officer or employee of the Town of Marcellus, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer, except a chief engineer or assistant chief engineer.

INTEREST – A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires.

Standards of Conduct

Every officer or employee of the Town of Marcellus shall be subject to, and abide by, the following standards of conduct:

- a) Gifts. He/she shall not, directly or indirectly, solicit any gift or accept or receive any gifts having a value of twenty-five dollars (\$25) or more.
- b) Confidential information. He/she shall not 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.
- c) Representation before one's own agency. He/she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member, or employee or of any municipal 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 any agency for a contingent fee. He/she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency

with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

- e) Disclosure of interest in legislation. To the extent that he/she knows thereof, a member of the Town Board and any officer or employee of the Town of Marcellus, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.
- f) Investments in conflict with official duties. He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction, which creates a conflict with his/her official duties.
- g) Private employment. He/she shall not 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) Future employment. He/she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Town of Marcellus in relation to any case, proceeding or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

Penalties for Offenses

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

408 Personnel File

Policy Statement – It is the policy of the Town to balance its need to obtain, use, and retain employment information with a concern for each employee's privacy. To this end, the Town will endeavor to maintain only that personnel information necessary for the conduct of the Town's business or required by federal, state, or local law. Personnel records will be maintained for current and past employees in order to document employment-related decisions and comply with government record-keeping and reporting requirements.

Content – The records maintained by the Town include, but are not limited to, Employment Applications, Report of Personnel Change Forms (P-100), copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, disciplinary and dispute notices, letters of acclamation, and probationary reports.

Location of Files – All original personnel records for current employees will be kept in the Bookkeeper's office and will be maintained and controlled by the Town Clerk, or designee.

Immigration (I-9) Forms – All Immigration (I-9) Forms will be kept in a separate file apart from the employee's personnel file.