



## COMSEWOGUE PUBLIC LIBRARY

### CODE OF ETHICS

#### **Section 1. Purpose.**

Officers and employees of the Comsewogue Public Library hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Comsewogue Public Library recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Under the terms of this policy, rules of conduct considered to be of a nature within the bounds of ethical practices are promulgated for officers and employees of the Comsewogue Public Library. These rules are to be considered as a guide for conduct.

These rules are not to be in conflict with, or to propose superscription of New York State Law.

#### **Section 2. Definitions.**

- (a) The term “municipal officer or employee” shall apply to any officer or employee of the Library, whether paid or unpaid, including the members of any committees established by the Library’s Board of Directors.
- (b) “Board” means the governing board of the Comsewogue Public Library.
- (c) “Code” means this code of ethics.
- (d) “Interest” means a direct or indirect financial or material benefit accruing to a municipal officer or employee as the result of a business or professional transaction relating to the Library which the officer or employee serves. Interest does not include any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Library, or a lawful class of such residents or taxpayers. A Trustee or employee is deemed to have an interest when he or she, his or her spouse, or a member of his or her household, is a director, trustee/officer, or employee. For the purpose of this policy, a trustee or employee shall be deemed to have an interest in the affairs of (1) a spouse, minor children or dependents; (2) a firm, partnership or association of which he/she is a member or employee; (3) a corporation of which he/she is an officer, director or employee; and (4) a corporation any stock of which is owned or controlled directly by him/her.
- (e) “Library” means Comsewogue Public Library.
- (f) “Library Trustee or employee” means an unpaid Trustee or paid employee of the Comsewogue Public Library.

- (g) “Relative” means a spouse, parent, step-parent, sibling, step-sibling, sibling’s spouse, child, grandparent, grandchild, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a Trustee or employee, and individuals having any of these relationships to the spouse of the Trustee or employee.

### **Section 3. Applicability.**

This code of ethics applies to the Trustees and employees of the Comsewogue Public Library, and shall supersede any prior Library code of ethics. The provisions of this code of ethics shall apply in addition to all applicable State and local laws relating to conflicts of interest and ethics including, but not limited to, article 18 of the General Municipal Law and all rules, regulations, policies and procedures of the Comsewogue Public Library.

### **Section 4. Prohibition on use of municipal position for personal or private gain.**

No Trustee or employee shall use his or her Library position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

### **Section 5. Disclosure of interest in legislation and other matters.**

- (a) Whenever a matter requiring the exercise of discretion comes before a Trustee or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the Trustee or employee shall disclose in writing the nature and extent of the interest. A matter requiring the exercise of discretion where the disposition of the matter could result in a direct or indirect financial or material benefit involves but is not limited to any relationship by blood or marriage with any person or persons under consideration for appointment or hiring, including contractors, suppliers, or other vendors seeking to contract with the Library,
- (b) The disclosure shall be made when the matter requiring disclosure first comes before the Trustee or employee, or when the Trustee or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
- (c) In the case of a person serving in an elective office, the disclosure shall be filed with the governing board of the Library. In all other cases, the disclosure shall be filed with the person’s supervisor or, if the person does not have a supervisor, the disclosure shall be filed with the Library Director or Board of Trustees having the power to appoint to the person’s position. In addition, in the case of a person serving on a Library board, a copy of the disclosure shall be filed with the board. Any disclosure made to a board shall be made publicly at a meeting of the board and must be included in the minutes of the meeting.

## **Section 6. Recusal and abstention.**

- (a) No Trustee or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
- (b) In the event that this section prohibits a Trustee or employee from exercising or performing a power or duty:
  - (1) if the power or duty is vested in a Trustee as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
  - (2) if the power or duty that is vested in a Trustee individually, then the power or duty shall be exercised or performed by another person to whom the officer may lawfully delegate the function.
  - (3) if the power or duty is vested in an employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

## **Section 7. Prohibition inapplicable; disclosure, recusal and abstention not required.**

- (a) This code's prohibition on use of a Library position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:
  - (1) adoption of the Library's annual budget;
  - (2) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
    - (i) all Trustees or employees;
    - (ii) all residents or taxpayers of the Library or an area served by the Library; or
    - (iii) the general public; or
  - (3) any matter that does not require the exercise of discretion.
- (b) Recusal and abstention shall not be required with respect to any matter:
  - (1) which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of this code;
  - (2) which comes before a Trustee when the Trustee would be prohibited from acting by section 6 of this code and the matter cannot be lawfully delegated to another person.

## **Section 8. Investments in conflict with official duties.**

- (a) No Trustee or employee may acquire the following investments:
  - (1) investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of this code; or
  - (2) investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.
- (b) This section does not prohibit a Trustee or employee from acquiring any other investments or the following assets:
  - (1) real property located within the Library District and used as his or her personal residence;
  - (2) less than five percent of the stock of a publicly traded corporation; or
  - (3) bonds or notes issued by the Library and acquired more than one year after the date on which the bonds or notes were originally issued.

## **Section 9. Private employment in conflict with official duties.**

No Trustee or employee, during his or her tenure as a Trustee or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:

- (a) can be reasonably expected to require more than sporadic recusal and abstention pursuant to section 6 of this code;
- (b) can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee;
- (c) violates section 805-a(1)(c) or (d) of the General Municipal Law; or
- (d) requires representation of a person or organization other than the Library in connection with litigation, negotiations or any other matter to which the municipality is a party.

§ 805-a. 1.c. 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 is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee; or d. 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 municipality, whereby his 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.

## **Section 10. Future employment.**

- (a) No Trustee or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the Trustee or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
- (b) No Trustee or employee, for the two-year period after serving as a Trustee or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the Library, board, department or comparable organizational unit for which he or she serves.
- (c) No Trustee or employee, at any time after serving as a Trustee or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she personally and substantially participated while serving as a Trustee or employee.

## **Section 11. Personal representations and claims permitted.**

This code shall not be construed as prohibiting a Trustee or employee from:

- (a) representing himself or herself, or his or her spouse or minor children before the Library; or
- (b) asserting a claim against the Library on his or her own behalf, or on behalf of his or her spouse or minor children.

## **Section 12. Use of Library Resources**

- (a) Library resources shall be used for lawful Library purposes. Library resources include, but are not limited to, Library personnel, and the Library's money, equipment, materials, supplies or other property.
- (b) No Trustee or employee may use or permit the use of Library resources for personal or private purposes, but this provision shall not be construed as prohibiting:
  - (1) any use of Library resources authorized by law or Library policy;
  - (2) the use of Library resources for personal or private purposes when provided to a Trustee or employee as part of his or her compensation; or
  - (3) the occasional and incidental use during the business day of Library telephones and computers for necessary personal matters such as family care and changes in work schedule.
- (c) No Trustee or employee shall cause the Library to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

### **Section 13. Interests in Contracts.**

- (a) No Trustee or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

§ 801. Conflicts of interest prohibited.

Except as provided in section eight hundred two of this chapter, (1) no municipal officer or employee shall have an interest in any contract with the municipality of which he is an officer or employee, when such officer or employee, individually or as a member of a board, has the power or duty to (a) negotiate, prepare, authorize or approve the contract or authorize or approve payment thereunder (b) audit bills or claims under the contract, or (c) appoint an officer or employee who has any of the powers or duties set forth above and (2) no chief fiscal officer, treasurer, or his deputy or employee, shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the municipality of which he is an officer or employee. The provisions of this section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any municipal officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

- (b) Every Trustee and employee shall disclose interests in contracts with the Library at the time and in the manner required by section 803 of the General Municipal Law.

§ 803. Disclosure of interest.

1. Any municipal officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the municipality of which he is an officer or employee, shall publicly disclose the nature and extent of such interest in writing to the governing body thereof as soon as he 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. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

2. Notwithstanding the provisions of subdivision one of this section, disclosure shall not be required in the case of an interest in a contract described in subdivision two of section eight hundred two hereof.

### **Section 14. Nepotism.**

Except as otherwise required by law:

- (a) To avoid the reality or appearance of improper influence or favor, no Trustee or employee, either individually or as a member of a board, may recommend for employment or participate in any decision specifically to appoint, hire, promote, discipline or discharge any relative through blood or marriage for any position at, for or within the Library or the Library board. For the purpose of this policy, the term "relative" shall include: parent, sibling, child, step relative, spouse, adopted or foster child, mother or father-in-law, daughter or son-in-law, grandparent, grandchild, aunt or uncle, niece or nephew, or any person whose relationship is similar to that of persons who are related by blood or marriage.
- (b) No Trustee or employee may supervise a relative in the performance of the relative's official powers or duties.

## **Section 15. Political Solicitations.**

- (a) No Trustee or employee shall directly or indirectly compel or induce a Trustee or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
- (b) No Trustee or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any Trustee or employee, or an applicant for a position as a Trustee or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

## **Section 16. Confidential Information.**

No Trustee or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

§ 805-a. 1.b. [Certain action prohibited. 1. No municipal officer or employee shall:] disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.

## **Section 17. Gifts.**

- (a) No Trustee or employee shall solicit, accept or receive a gift in violation of section 805-a(1)(a) of the General Municipal Law as interpreted in this section.
- (b) No Trustee or employee may directly or indirectly solicit any gift.
- (c) No Trustee or employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five dollars or more when:
  - (1) the gift reasonably appears to be intended to influence the Trustee or employee in the exercise or performance of his or her official powers or duties;
  - (2) the gift could reasonably be expected to influence the Trustee or employee in the exercise or performance of his or her official powers or duties; or
  - (3) the gift is intended as a reward for any official action on the part of the Trustee or employee.
- (d) For purposes of this section, a “gift” includes anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments,

entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. Determination of whether multiple gifts from a single donor exceed seventy-five dollars must be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.

(e) (1) A gift to a Trustee or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks action involving the exercise of discretion by or with the participation of the Trustee or employee.

(2) A gift to a Trustee or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

(f) This section does not prohibit any other gift, including:

(1) gifts made to the Library;

(2) gifts from a person with a family or personal relationship with the Trustee or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a Trustee or employee, is the primary motivating factor for the gift;

(3) gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;

(4) unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;

(5) awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a Trustee or employee, or other service to the community; or

(6) meals and refreshments provided when a Trustee or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

(7) gifts of plants/flowers and food, which belong to the entire staff even if addressed to a single employee and will be placed in the staff lounge so all employees may enjoy. Under no circumstances may an employee take such gifts home.

Exception: gifts from relatives in honor of an employee's birthday or other occasion.

§ 805-a. Certain action prohibited. 1. No municipal officer or employee shall: a. directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.



## **Section 18. Board of Ethics.**

- (a) There is hereby established a board of ethics for the Library. The board of ethics shall consist of three members, a majority of whom shall not be Trustees or employees of the Library, but at least one of whom must be a Trustee or employee. The members of such board of ethics shall be appointed by the Board of Trustees of the Comsewogue Public Library, serve at the pleasure of the appointing authority, and receive no salary or compensation for their services as members of the board of ethics. In determining who shall serve, the Board will act under the advice of legal counsel.
- (b) The board of ethics shall render advisory opinions to the Trustees and employees of the Comsewogue Public Library with respect to article 18 of the General Municipal Law and this code. Such advisory opinions must be rendered pursuant to the written request of any such Trustee or employee under such rules and regulations as the board of ethics may prescribe. The board of ethics shall have the advice of legal counsel employed by the board, or if none, the Library's legal counsel. In addition, the board of ethics may make recommendations with respect to the drafting and adoption of a code of ethics, or amendments thereto, upon the request of the Board of Trustees of the Comsewogue Public Library.

## ***Section 19: Filing of Damage Suit***

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against this Library, or any agency thereof, on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

## **Section 20: Penalties**

In addition to any penalty contained in any other provision by law, any person who shall knowingly or intentionally violate any of the provisions of this Code may be fined, suspended, or removed from the office or employment, as the case may be, in the manner provided by law.  
(§805-a. 2.)

## **Section 21: Relationships with Fellow Board Members**

Members of the Board of the Comsewogue Public Library recognize that:

- (a) a Library Board is legally empowered to act only at a public meeting through a majority of its members;
- (b) it is in the best interests of the community that Board actions be based on an honest exchange of views among board members based on all the information available concerning any specific matter; and

- (c) it is the function of the Board to establish broad policy mandates and goals, and to address itself to categories of concern rather than individual difficulties.

## **Section 22: Personal Responsibilities**

In view of the foregoing considerations, it shall be the constant endeavor of each member of the Board:

- (a) to work with fellow Board members in a spirit of harmony and cooperation in spite of differences of opinion that may arise during vigorous debate of points at issue;
- (b) to present to all members of the Board any information which may assist the Board in the discharge of its duties;
- (c) to base personal decisions upon all available facts in each situation; to vote honest conviction in every case, unswayed by partisan bias of any kind; thereafter, to abide by the final majority decision of the Board;
- (d) to remember at all times that an individual has no legal authority outside the meetings of the Board, and to conduct relationships with staff, local citizenry, and all media of communication on the basis of fact;
- (e) to resist temptations and outside pressures to use the position as a Board member for personal benefit or to benefit any other individual or agency apart from the total interest of the Library;
- (f) to issue formal directives or orders to the district on the authorization of the Board only;
- (g) never to neglect personal and legal obligations to the community, nor surrender these responsibilities to any other person, group, or organization; but that, beyond these, to have a moral and civic obligation to the community.

## **Section 23. Posting and distribution.**

- (a) The Director of the Comsewogue Public Library must promptly cause a copy of this code, and a copy of any amendment to this code, to be posted publicly and conspicuously in each building under the Library's control. The code must be posted within ten days following the date on which the code takes effect. An amendment to the code must be posted within ten days following the date on which the amendment takes effect.
- (b) The Director of the Comsewogue Public Library must promptly cause a copy of this code, including any amendments to the code, to be distributed to every person who is or becomes a Trustee and employee of the Comsewogue Public Library.
- (c) Every Trustee or employee who receives a copy of this code or an amendment to the code must acknowledge such receipt in writing. Such acknowledgments must be filed with the Senior Administrative Assistant, who must maintain such acknowledgments as a public record.

(d) The failure to post this code or an amendment to the code does not affect either the applicability or enforceability of the code or the amendment. The failure of a Trustee or employee to receive a copy of this code of ethics or an amendment to the code, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of the code or amendment to the code.

**Section 24. Enforcement.**

Any Trustee or employee who violates this code may be censured, fined, suspended or removed from office or employment in the manner provided by law.

**Section 25. Effective date.**

This code takes effect on October 21, 2014.

**COMSEWOGUE PUBLIC LIBRARY**

**ACKNOWLEDGMENT OF CODE OF ETHICS**

I have received and read the Comsewogue Public Library’s Code of Ethics. I understand the standards and policies contained in the Library’s Code of Ethics. I further agree to comply with the Library’s Code of Ethics.

If I have questions concerning the meaning or application of the Library’s Code of Ethics, any Library policies, or the legal and regulatory requirements applicable to my position, I know I should consult my supervisor, and he/she/we will consult with members of Administration, as appropriate. I know that my questions or reports to will be maintained in confidence to the extent permissible.

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Name

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Signature

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Date