

TOWN OF Rushford

A LOCAL LAW RELATING TO A CODE OF
ETHICS AND A BOARD OF ETHICS FOR
THE TOWN OF Rushford.

Dec. 7, 1970

BE IT ENACTED by the Town Board of the Town of Rushford as follows:

ARTICLE I

Intent of Town Board

SECTION 1. Statement of legislative intent. The Town Board of the Town of Rushford recognizes that there are state statutory provisions mandating Town to establish rules and standards of ethical conduct for public officers and employees which, if observed, can enhance public confidence in local government. In the light of a tendency today on the part of some people to downgrade our local governments and to discredit our public servants and our free institutions generally, it appears necessary that every effort be made to assure the highest caliber of public administration of this Town as part of our state's important system of local government. It is the purpose of this local law to implement this objective through the establishment of standards of conduct, to provide for punishment of violation of such standards and to create a board of ethics to render advisory opinions to the Town officers and employees as provided for herein.

SECTION 2. The standards, prohibited acts and procedures established herein are in addition to any prohibited acts, conflicts of interest provisions or procedures prescribed by statute of the state of New York and also in addition to common law rules and judicial decisions relating to the conduct of Town officers to the extent that the same are more severe in their application than this local

ARTICLE II

Code of Ethics

SECTION 1. Definitions. As used in this local law, the term "Town" shall mean any board, commission, district, council or other agency, department or unit of the government of the Town of Rushford.

The term "Town employee" shall mean any officer or employee of the Town of Rushford whether paid or unpaid, whether serving in a full-time, part-time or advisory capacity.

SECTION 2. Rule with respect to conflicts of interest. No Town employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of his duties in the public interest.

SECTION 3. Standards. a. No Town employee shall accept other employment which will impair his independence of judgment in the exercise of his official duties.

b. No Town employee shall accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

c. No Town employee shall use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.

d. No Town employee shall engage in any transaction as representative or agent of the Town with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.

e. A Town employee shall not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.

f. Each Town employee shall abstain from making personal investments in enterprises which he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty and his private interest.

g. Each Town employee shall endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.

h. No Town employee employed on a full-time basis nor any firm or association of which such employee is a member nor corporation a substantial portion of the stock of which is owned or controlled directly or indirectly by such employee, shall sell goods or services to any person, firm, corporation or association which is licensed or whose rates are fixed by the town in which such employee serves or is employed.

SECTION 4. Violations. In addition to any penalty contained in any other provision of law, any such town employee who shall knowingly and intentionally violate any of the provisions of this local law may be fined, suspended or removed from office or employment in the manner provided by law.

ARTICLE III

Board of Ethics

SECTION 1. There is hereby established a board of ethics consisting of five (5) members to be appointed by the Town Board, all of whom reside in the County of Allegany and who shall serve without compensation and at the pleasure of the Town Board of the Town of Rushford. A majority of such members shall be persons other than Town or County employees but shall include at least one member who is an elected or appointed Town or County employee of the County of Allegany.

SECTION 2. The board of ethics established hereunder shall render advisory opinions to Town employees on written request and upon request of the Town Board make recommendations to such Town Board as to any amendments of this local law. The opinions of the board of ethics shall be advisory and confidential and in no event shall the identity of the Town employee be disclosed except to authorized persons and agencies. Such opinions shall be on the advice of counsel employed by the board of ethics, or if none, of the Town attorney.

SECTION 3. Such board of ethics upon its formation shall promulgate its own rules and regulations as to its form and procedures and shall maintain appropriate records of its opinions and proceedings.

ARTICLE IV

Administration

SECTION 1. Upon the adoption of this local law, the Supervisor of the Town of Rushford shall cause a copy thereof to be distributed to every Town employee of this Township. Failure to distribute any such copy or failure of any Town employee to receive such copy shall have no effect on the duty of compliance with this code, nor the enforcement of provisions hereof. The Supervisor of the Town Board of Rushford shall further cause a copy of this local law to be kept posted conspicuously in each public building under the jurisdiction of the Town. Failure to so post this local law shall have no effect on the duty of compliance herewith, nor the enforcement provisions hereof.

SECTION 2. Within thirty days of the adoption of this local law, the Clerk of the Town of Rushford shall file a copy thereof in the office of the state comptroller.

SECTION 3. The Town Board may appropriate moneys from the general Town funds for the maintenance of and for personnel services to the board of ethics established hereunder, but such board of ethics may not commit the expenditure of Town moneys except within the appropriations provided therefor.

ARTICLE V

Severability Clause

SECTION 1. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paratrph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

ARTICLE VI

Effective Date

SECTION 1. This local law shall take effect immediately.

TOWN OF RUSHFORD SEXUAL HARASSMENT POLICY

The Town of Rushford affirms its commitment to non-discrimination and recognizes its responsibility to provide for all Town employees an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to Town policy. Therefore, the Town Board prohibits and condemns all forms of sexual harassment by employees, volunteers, and non-employees such as contractors and vendors which occur on the grounds and at all Town-sponsored events, programs and activities including those that take place at locations off premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual as used is a basis for employment decisions affecting such individuals; and
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as a Town visitor, volunteer, or vendor, or any other individual associated with the Town.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the Town's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the Town. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the complaint officer is the alleged offender, the employee should report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the Town will conduct a thorough investigation of the charges. However, even in the absence of a complaint,

if the Town has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the Town will investigate such conduct promptly and thoroughly.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a “need to know” basis.

Based upon the results of the investigation, if the Town determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender’s employment in accordance with legal guidelines, Town policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as Town volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint has not suffered retaliation.

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the Supervisor of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to Town policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Supervisor/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the Town community is not conducive to fostering harassment in the workplace.

In all cases, the Supervisor will inform the Rushford Town Board of the results of each investigation involving a finding that harassment did not occur.

Knowingly Makes False Accusation

Employees who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

Because of the damage that can be done to someone falsely accused, any individual who in bad faith knowingly makes a false complaint or report of sexual harassment or sex discrimination will be subject to disciplinary action up to and including termination in accordance with legal guidelines, Town policy, and any applicable collective bargaining agreement(s).

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Supervisor/designee(s) will affirmatively discuss the topic of sexual harassment with all employees, express the Town's condemnation of such conduct, and explain the sanctions for harassment. Training programs will be established for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each building. The Town policy and regulations on sexual harassment will be published in appropriate publications such as handbooks.