
ARTICLE IV. OFFICERS AND EMPLOYEES^{EN(1)}

DIVISION 1. GENERALLY

Sec. 2-101. Attendance of schools, conventions and conferences.

(a) The following executive officers within the city are authorized and empowered to approve attendance of city employees under their supervision and control at conferences, conventions, and schools upon a determination that attendance will be of benefit to the community:

- (1) City clerk;
- (2) Auditor;
- (3) Assessor;
- (4) Youth bureau director;
- (5) Community development director;
- (6) Director of public works;
- (7) Head of parks department;
- (8) Police chief;
- (9) Fire chief.

Such authorization must be made in writing with a copy of such approval duly filed with the city clerk's office prior to attendance.

(b) The mayor is authorized and empowered to approve attendance of city department heads at conferences, conventions, and schools upon determination such attendance will be a benefit to the community. Such authorization must be in writing with a copy of such approval filed with the city clerk prior to attendance.

(c) No claim or expense shall be audited, allowed, or paid unless there shall be attached thereto a travel order or similar document and voucher signed by the department head or the mayor, as the case may be, authorizing the claimant to attend such conference, convention, or school.

(d) No conference, convention, or school shall be authorized without the consent of the

common council by resolution and the approval of the mayor when the proposed expenditure shall exceed the amount approved for travel, training, and education by such city department in the budget of the city for the fiscal year in which the expenditure will occur.

(Res. No. 120-90, §§ 1, 2, 3a, 3b, 9-10-1990)

State law references: Expenses of attending conferences, etc., General Municipal Law § 77-b.

Sec. 2-102. Records management officer; creation of position; duties.

There is hereby created the position of records management officer to be designated by the mayor with the approval of the common council, whose duties shall be to implement records management as required from time to time by the state in implementation and application of the Local Government Records Law [Arts and Cultural Affairs Law § 57.13 et seq.] and all rules and regulations promulgated pursuant thereto.

(Code 1971, § 2-57)

State law references: Records management officer, Arts and Cultural Affairs Law § 57.19.

Secs. 2-103--2-115. Reserved.

DIVISION 2. CODE OF ETHICS^{EN(2)}

Sec. 2-116. Established.

A code of ethics is hereby established to govern the conduct of the officers and employees of the city, as provided in this division.

(Code 1971, § 2-40)

Sec. 2-117. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Interest means a direct or indirect pecuniary or material benefit accruing to a municipal officer or employee as the result of a contract with the municipality which such officer or employee serves. For the purposes of this division, a municipal officer or employee shall be deemed to have an interest in the contract of:

- (1) His spouse, minor children, and dependents, except a contract of employment with the

municipality which such officer or employee serves;

- (2) A firm, partnership, or association of which such officer or employee is a member or employee;
- (3) A corporation of which such officer or employee is an officer, director, or employee; and
- (4) A corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

Municipal officer or employee means an officer or employee of the city, 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 fireman or civil defense volunteer, except a fire chief or assistant fire chief.

(Code 1971, § 2-41)

Cross references: Definitions and rules of construction generally, § 1-2.

State law references: Similar provisions, General Municipal Law § 800.

Sec. 2-118. Board of ethics established.

(a) Members. There is hereby established a board of ethics consisting of three members to be appointed by the mayor and confirmed by the common council and who shall serve without compensation at the pleasure of the mayor and common council. A majority of such members shall be persons other than officers or employees of the city.

(b) Powers and duties. The board of ethics shall have the powers and duties prescribed by General Municipal Law art. 18 [§ 800 et seq.] and shall render advisory opinions to the officers and employees of the city with respect to such article and any code of ethics adopted pursuant to such article, under such rules and regulations as the board may prescribe.

(c) Recommendations for ethics code. In addition, the board may make recommendations with respect to the drafting and adoption of a code of ethics or amendments thereto upon the request of the common council.

(Code 1971, §§ 2-12, 2-13)

Cross references: Boards, commissions, etc., § 2-81 et seq.

State law references: Board of ethics, General Municipal Law § 808.

Sec. 2-119. Standards of conduct.

Every officer or employee of the city shall be subject to and abide by the following standards of

conduct:

- (1) Gifts. He shall not directly or indirectly solicit any gift or accept 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, under circumstances in which it could reasonably be inferred that the gift was intended to influence him; 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.
- (2) Confidential information. He shall not disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interest.
- (3) Representation before one's own agency. He 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 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.
- (4) Representation before any agency for a contingent fee. He 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 municipality, whereby his 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.
- (5) Disclosure of interest in legislation. To the extent that he knows thereof, a member of the common council and any officer or employee of the city, whether paid or unpaid, who participates in the discussion or gives official opinion to the common council on any legislation before the common council shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he has in such legislation.
- (6) Investments in conflict with official duties. He 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 official duties.
- (7) Private employment. He 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 official duties.
- (8) Future employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the city in relation to any case, proceeding, or application in which he personally participated during the period of his

service or employment or which was under his active consideration.
(Code 1971, § 2-42)

State law references: Similar provisions, General Municipal Law §§ 803, 805-a.

Sec. 2-120. Distribution of copies of code of ethics.

The mayor of the city shall cause a copy of this code of ethics to be distributed to every officer and employee of the city before such officer or employee entering upon the duties of his office or employment.

(Code 1971, § 2-44)

State law references: Similar provisions, General Municipal Law § 806(2).

Sec. 2-121. Right to file claim, account, demand, or suit against city or agency thereof, preserved.

Nothing in this division 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 the city, or any agency thereof, on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

(Code 1971, § 2-43)

Sec. 2-122. Penalties for violation by officer or employee.

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.

(Code 1971, § 2-45)

Sec. 2-123. Sexual harassment.

(a) It is the policy of the city that there be no discrimination against any employee, or any applicant for employment, on the basis of sex. In keeping with the policy, the city does not tolerate sexual harassment by anyone, including non-employees.

(b) Sexual harassment is a violation of the city's rules of conduct. It can also constitute a violation of state and federal law. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when:

- (1) Submission to the conduct is made either an explicit or implicit condition of employment;
- (2) Submission to or rejection of the conduct is used as the basis for an employment decision affecting the harassed individual; or
- (3) The comments or conduct is found to be offensive and/or intimidating by the person to whom it is directed, even if the person making the comment or engage in the conduct does not appear to intend it to be offensive or intimidating (e.g., inter alia, sexual joking and innuendo, the use of sexually explicit language, or the display of sexually oriented jokes, posters, or other material on bulletin boards in offices, lockers and work areas.

(c) Any person who feels he or she has been subjected to any form of sexual harassment should report such incident(s) to his or her supervisor, or the mayor, or the secretary to the mayor without fear of reprisal.

(d) All reports of alleged sexual harassment will be investigated by the mayor or the secretary to the mayor as dictated by the specific circumstances. Investigations will be conducted in as confidential a manner as possible. Any individual making a complaint will be advised of the results of the investigation and of any action taken.

(e) Any person who engages in sexual harassment will be subject to such corrective action and/or penalty as is deemed warranted by the city. Such action may include discipline or discharge.

(Res. No. 4-94, 2-8-1994)

Editor's note: Res. No. 4-94, adopted Feb. 8, 1994, did not specifically amend the Code; hence, inclusion herein as § 2-123 was at the discretion of the editor.

Secs. 2-124--2-140. Reserved.

Endnotes

1 (Popup)

Local laws reference--Officers and employees, § 2-37 et seq.

2 (Popup)

State law references: Local codes of ethics authorized, General Municipal Law § 806.