

**CODE OF ETHICS**  
**TOWN OF CHEMUNG**

A Resolution establishing standards of conduct for officers and employees of the Town of Chemung

BE IT RESOLVED by the Town Board of the Town of Chemung as follows:

Section 1. Pursuant to the provisions of Section eight hundred six of the General Municipal Law, the Town Board of the Town of Chemung 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 resolution as adopted, shall not conflict with, but shall be in addition to, any prohibition of Article eighteen of the General Municipal Law or any other general or special law relation to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. DEFINITION. (a) "Municipal Officer or Employee" means any officer or employee of the Town of Chemung, 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 foreman or civil defense volunteer, except a chief engineer or assistant chief engineer.

(b) "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

Section 3. STANDARDS OF CONDUCT. Every officer or employee of the Town of Chemung shall be subject to and abide by the following standards of conduct.

(a) GIFTS. He shall not directly or indirectly solicit any gift; or accept or receive any gift having a value of twenty-five dollars (\$25.00) 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, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a regard for any official action on his part.

(b) CONFIDENTIAL INFORMATION. He shall not disclose confidential information acquired by him in the course of his official duties or sue such information to further his personal interest.

(c) 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 any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

(d) 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 paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

*As adopted by the Town of Chemung  
Town Board on 2/9/2011. Resolution  
# 2011-035  
Maryellen Stermer  
Chemung Town Clerk*



THE FOLLOWING IS A REPRESENTATIVE POLICY FOR INFORMATIONAL PURPOSES.  
IF THE TOWN OF WILLSBORO HAS ADOPTED ITS OWN CODE OF ETHICS, PLEASE PROVIDE A COPY AND IT WILL BE INCLUDED HEREIN.  
IF THE TOWN HAS NOT ADOPTED ITS OWN CODE OF ETHICS, PLEASE BE AWARE THAT SECTION 806 OF GENERAL MUNICIPAL LAW STATES:  
*1. (a) The governing body of each county, city, town, village and school district shall and the governing body of any other municipality may by local law, ordinance or resolution adopt a code of ethics setting forth for the guidance of its officers and employees the standards of conduct reasonably expected of them. Such code shall provide standards for officers and employees with respect to disclosure of interest in legislation before the local governing body, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment and such other standards relating to the conduct of officers and employees as may be deemed advisable. Such codes may regulate or prescribe conduct which is not expressly prohibited by this article but may not authorize conduct otherwise prohibited. Such codes may provide for the prohibition of conduct or disclosure of information and the classification of employees or officers.*

**{Representative Code follows – insert actual Code}**

**Policy Statement** – Pursuant to the provisions of Section 806 of the General Municipal Law, the Town Board recognizes that there are rules of ethical conduct for Elected Officials and employees which must be observed so as to maintain a high degree of moral conduct and public confidence. Therefore, the Town Board has adopted rules of ethical conduct. These rules are in addition to Article 18 of the General Municipal Law and any other law pertaining to ethical conduct or interest in contracts.

**Definitions** – For the purpose of the Town of Willsboro's Code of Ethics, the following terms shall have the meanings indicated:

- **Officer or Employee** – will mean and refer to an officer or employee of the Town of Willsboro, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person will be deemed to be a municipal officer or employee solely by reason of being a volunteer firefighter or civil defense volunteer.
- **Interest** – will mean and refer to a pecuniary or material benefit accruing to an officer or employee, unless the context otherwise requires.

**Standards of Conduct** – An officer or employee is subject to, and must abide by, the following standards of conduct:

- **Gifts** – An officer or employee may not directly or indirectly solicit any gift or accept or receive any gift having a value of twenty-five dollars 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 such gift was intended to influence the officer or employee, or could reasonably be expected to influence the officer or employee, in the performance of official duties or was intended as a reward for any official action on the officer's or employee's part;

**Filing Requirements** – In the event the employee is found to be guilty, a copy of the charges, the employee's written answer, a transcript of the hearing, and the determination will be filed in the office of the department in which the employee is employed. A copy will also be filed with the Essex County Department of Personnel and Civil Service.

- **Business before the Town or one's own department** – An officer or employee may not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the Town or one's own department over which the officer or employee has jurisdiction or to which the officer or employee has the power to appoint any member, officer or employee;
- **Representation before the Town for a contingent fee** – An officer or employee may 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 the Town, whereby the officer's or employee's compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this provision will not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered;
- **Disclosure of interest in legislation** – To the extent that an officer or employee knows thereof, the officer or employee, whether paid or unpaid, who participates in the discussion or gives official opinion to the Town Board on any legislation before the Town Board must publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest the officer or employee has in such legislation;
- **Investments which conflict with official duties** – An officer or employee may not invest or hold any investment, directly or indirectly in any financial, business, commercial, or other private transaction which creates a conflict with official duties;
- **Private employment** – An officer or employee may 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 official duties;
- **Confidential information** – An officer or employee may not disclose confidential information acquired in the course of official duties or use such information to further personal interest;
- **Future employment** – No officer or employee, within two years from the termination of services or employment with the Town, may accept employment which will involve contacts with the Town in which such employment takes advantage by virtue of ones' prior contact and relationship with the Town; or,
- **Future representation before the Town** – An officer or employee may not, after the termination of service or employment with the Town, appear before any board or agency of the Town in relation to any case, proceeding or application in which the officer or employee personally participated during the period of service or employment or which was under the officer's or employee's active consideration.

**Penalties for Offenses** – In addition to any penalty contained in any other provision of law, any person who shall knowingly 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.

## 409 Personnel Records

**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 personnel records maintained by the Town include, but are not limited to, Employment Applications, Report of Personnel Change Forms; copies of job-required licenses and certificates, Federal and State Withholding Tax Forms, Retirement Enrollment/Waiver Forms, Health Insurance Enrollment/Waiver Forms, performance appraisals, grievance or dispute resolution notices, counseling memoranda, notices of discipline, and probationary reports.

**Location of Files** – All original personnel records for current employees will be kept in the Personnel Officer's office and will be maintained and controlled by the Personnel Officer.

**Note:** the following are statutory requirements. Recommend that Town procedures are reviewed to ensure compliance.

- *Medical Records and/or Substance Testing Records* - All employee medical records and substance testing records (if applicable) will be kept in a separate file apart from the employee's personnel file. **For security purposes, these files will be locked at all times.**
- *Employment Eligibility Verification (I-9) Forms* – All Employment Eligibility Verification (I-9) Forms will be kept in a separate file apart from the employee's personnel file.

**Change in Status** – An employee must immediately notify the Personnel Officer of a change of name, address, telephone number, marital status, number and age of dependents, beneficiary designations, and individuals to notify in case of emergency.

**Review of Personnel Files** – Access to personnel files is limited. A current employee may review the contents of the employee's own personnel file by submitting a written request to the Personnel Officer to be scheduled at a mutually convenient time. An authorized official must be present when the employee inspects the file. An employee may not copy, remove, or place any material in the employee's personnel file without the approval of the Personnel Officer.

## **410 Separation from Employment**

**Notice of Resignation (Employees)** – An employee who intends to resign from employment must submit a written resignation to the employee's Department Head at least two weeks before the date of resignation is to be effective. All resignations shall be filed in the Town Clerk's Office.

**Completion of Notice Period** – When a resignation notice is provided by an employee, the Town reserves the right to waive some or all of the notice period.

**Notice of Resignation (Town Officers)** – A Town Officer (as defined by Public Officers Law) must resign by delivering a written notice to the Town Clerk. If no effective date is specified, the office becomes vacant immediately upon delivery of the notice to the Town Clerk. If a Town Officer wishes to resign at some future date, the Town Officer may specify a resignation date. However, if the resignation date is more than thirty days after delivery of the notice to the Town Clerk (ninety days for Justices), the resignation will become effective thirty days after such delivery (ninety days for Justices).

**Notice of Resignation (Town Clerk)** – The Town Clerk who intends to resign must submit a written resignation to the Secretary of State at least thirty calendar days before the date of resignation is to be effective.

**Exit Interviews** – Exit interviews are normally conducted by the Personnel Officer and/or Department Head. The exit interview provides an opportunity to discuss a number of items including employee benefits, COBRA eligibility, changing of computer passwords, and return of Town property. During the exit interview, employees are encouraged to give suggestions, concerns and constructive recommendations.

**Final Paycheck** – Employees receive their final paycheck on the next regularly scheduled payday. The final paycheck includes payment for accumulated vacation benefits, if applicable.

## 500 OPERATIONAL POLICIES

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### 501 *Departmental Hours*

**Normal Hours of Operation** – The normal hours of operation are established by the Town Board at the annual organizational meeting. An employee's Department Head will establish the employee's work schedule, which may differ from the normal hours of operation depending upon the particular needs and requirements of the department. The Town Board reserves the right to approve all employee work schedules, except where otherwise prohibited by applicable State or Town Law.

**Flex-Time** – A Town Hall employee may begin and/or end a given workday at a time requested by the employee and approved by the Department Head. Such "flex-time" must normally be during the time the department is open and available to the public. The employee's use of "flex-time" will be governed by the mutual needs and consent of the Department Head and the employee. The Town Supervisor and the Town Board reserve the right to approve all "flex-time" schedules.

**Overtime** – A Department Head may require an employee to work additional hours beyond the employee's normal workday and workweek. An employee must receive prior approval from the employee's Department Head before working additional hours.

**Refusal to Work Additional Hours** – An employee who, after investigation, is found to have refused to work additional hours as directed will be subject to appropriate disciplinary action.

**Union Employees** – The work schedules of employees covered by a collective bargaining agreement shall be governed by the applicable collective bargaining agreement.

### 502 *Meal Breaks and Breaks for Nursing Mothers*

**Meal Breaks** – An employee who works more than six hours in a given day will receive a duty-free meal break not to exceed thirty minutes.

**Scheduling of Meal Breaks** – Scheduling of meal breaks must be approved by the Department Head in accordance with the needs and requirements of the department. Meal breaks must normally be taken in the middle of the employee's workday. Unless otherwise directed by the Department Head, an employee may leave the work-site during the meal break.

**Observance of Meal Breaks** – In accordance with New York State regulations, an employee who works more than six hours in a given day is required to take the scheduled meal break. An employee is not allowed to work through the meal break to make up lost work time or to leave work early. In addition, the meal break may not be taken at the end of an employee's workday in order to leave work before the normal quitting time.

**Breaks for Nursing Mothers to Express Breast Milk** – Employees who are nursing mothers shall be allowed to use a reasonable break period (generally between twenty to thirty minutes) in addition to the employee's meal break to express milk for a nursing child. The Town will provide this break at least once every three hours if requested by the