

SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL/BOARD MEMBERS

General Provisions

Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Union Springs Central School District recognizes that there are rules of ethical conduct for members of the Board and employees of the district that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the board members and employees of the district. These rules shall serve a guide for official conduct of the board members and employees of the district. The rules of ethical conduct 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 relating to ethical conduct and interest in contracts of board members and employees.

Standards of Conduct

Every board member or employee of the Union Springs Central School District shall be subject to and abide by the following standards of conduct:

Gifts

Pursuant to Section 805-a of the General Municipal Law, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five (\$75) 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 or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

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Confidential Information

He/she shall not disclose confidential information acquired by him/her in the course of this/her official duties or use such information to further his/her personal interest.

Disclosure of Interest in Contracts

Any district officer or employee, as well as his/her spouse, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the district shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the board minutes.

Representation before one's own agency

He/she shall not receive, or enter into any agreement, express or implied, or 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.

Representation before any agency for 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 services rendered.

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Disclosure of interest in resolution

To the extent that he/she knows thereof, a member of the Board of Education or employee of the Union Springs Central School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education 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 resolution.

Investments in conflict with official duties

He/she shall not invest or hold any investment that creates a conflict with his/her official duties.

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.

Future employment

He/she shall not, after the termination of service of employment with the school district, appear before any board or agency of the Union Springs Central School District 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.

Standards Specific to Board Members

In accordance with Section 802 of the General Municipal Law, the following are exceptions to the general conflicts of interest rules set forth in Section 800 of the General Municipal Law:

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Collective Bargaining Agreements. Pursuant to General Municipal Law Section 802(1)(f), board members are not prohibited from voting on collective bargaining agreements which are applicable to their relatives, or under which a board member receives continuing health insurance benefits if the board member is a district retiree.

Employing a Board Member's Relative. Education Law Section 3016 allows boards to appoint a teacher who is related to any board member by blood or marriage upon a two-third super majority vote. In addition, pursuant to General Municipal Law Section 802(1)(i) the conflict of interest provisions do not apply to the employment of a board member as school physician upon a two-thirds vote of the board.

Contract with Board Member Prior to Election. Pursuant to General Municipal Law 802(1)(h), contracts entered into by the district with a person who is subsequently elected or appointed to the board to remain valid, except the contract may not be thereafter renewed.

Board Member Employee of Contractor. A conflict does not exist if the board member is merely an employee of the entity that has a contract with the school district, provided that the board member's compensation is not contingent on the contract between the private employer and the school district and the board members' duties for the private employer do not directly involve the procurement, preparation or performance of any part of the employer's contract with the municipality.

Board Member Disclosure. In accordance with Section 803 of the General Municipal Law, board members must publicly disclose the nature and extent of any interest they may have or acquire in any actual or proposed contract involving the school district, even it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district.

Legal Remedies

District Officers

In accordance with the Penal Law 60.27(5) of a district officer is convicted of a violation against the district under Penal Law Article 155 relating to larceny, the courts may require an amount of restitution up to the full amount of the offense or reparation up to the full amount of the actual out of pocket loss suffered by the district.

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Board Members and Employees

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former board member or employee of any claim, account, demand or suit against the Union Springs Central School District 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.

Distribution/Posting of Code of Ethics

The Superintendent of the Union Springs Central School District shall cause a copy of this code of ethics to be distributed to every board member and employee of the school district within thirty (30) days after the effective date of this resolution. Each board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the district in a place conspicuous to its board members and employees. Failure to distribute any such copy as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

Penalties

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.

Adopted: 9/11/2006

Revised: 1/9/2017