

ELWOOD PUBLIC LIBRARY

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CODE OF ETHICS

WHEREAS, article 18 of the General Municipal Law prohibits the officers and employees of a municipality from having certain conflicts of interest, and

WHEREAS section 806 of the General Municipal Law requires the governing body of a public library to adopt a code of ethics that sets forth for the guidance of its trustees, directors, officers and employees standards of conduct reasonably expected of them, and

WHEREAS, Section 715-a of the Not-For-Profit Corporation Law as amended by the Non-Profit Revitalization Act (2013) requires public library boards of trustees to adopt conflict of interest policies to ensure that its trustees, directors, officers and employees act in the public library's best interest, and

WHEREAS, a code of ethics adopted by the board of trustees of a public library must set forth standards of conduct for the guidance of the trustees, directors, officers and employees of the public library with respect to disclosure of interests before the board of trustees, holding of investments in conflict with official duties, private employment in conflict with official duties, future employment, and such other standards as may be deemed advisable.

NOW, THEREFORE, be it resolved that the Board of Trustees of the Elwood Public Library hereby adopts a code of ethics to read as follows:

Code of Ethics of the Elwood Public Library

Section 1. Purpose.

Trustees, directors, officers and employees of the Elwood 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 Board of Trustees recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct, including a conflict of interest policy. This code of ethics establishes those standards.

Section 2. Definitions.

- (a) "Board" means the Board of Trustees of the Elwood Public Library.
- (b) "Code" means this code of ethics.
- (c) "Interest" means a direct or indirect financial or material benefit, but does not include

any benefit arising from the provision or receipt of any services generally available to the residents or taxpayers of the Elwood Library District. A library trustee, director, officer or employee is deemed to have an interest in any private organization when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than 5% of the organization's outstanding stock.

(d) "Library" means Elwood Public Library.

(e) "Library officer or employee" means a paid or unpaid trustee, director, officer or employee of the Elwood Public Library.

(f) "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of a trustee, director, officer or employee, and individuals having any of these relationships to the spouse of the trustee, director, officer or employee.

Section 3. Applicability.

This code of ethics applies to the trustees, directors, officers and employees of the Elwood Public Library, and shall supersede any prior library code of ethics. The provisions of this code 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 Section 715-a of the Not-For-Profit Corporation Law and all rules, regulations, policies and procedures of the Elwood Public Library.

Section 4. Prohibition on use of library position for personal or private gain.

No library trustee, director, officer or employee shall use his or her 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.

(a) Whenever a matter requiring the exercise of discretion comes before a library trustee, director, officer or employee, either individually or as a member of the board of trustees, 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 library trustee, director, officer or employee shall disclose in writing the nature of the interest to the board of trustees.

(b) The disclosure shall be made when the matter requiring disclosure first comes before the library trustee, director, officer or employee, or when the library trustee, director, officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.

(c) Any disclosure made to the board of trustees and the resolution of any conflict arising from such disclosure shall be made publicly at a meeting of the board of trustees, documented in the library's records and must be included in the minutes of the meetings.

(d) Once disclosure has been made with respect to an interest with a particular person, firm, corporation or association, no further disclosures need be made with respect to additional matters with the same party during the remainder of the year.

(e) Prior to the initial election of any trustee, and annually thereafter, such trustee shall

complete, sign and submit to the board of trustees a written statement identifying, to the best of his or her knowledge, any entity of which such trustee is an officer, director, trustee, member, owner (either as a sole proprietor or a partner), or employee and with which the library has a relationship, and any transaction in which the library is a participant and in which the trustee might have a conflicting interest. Each trustee shall annually resubmit such written statement, and copies of all completed statements shall be provided to the board of trustees.

Section 6. Recusal and abstention.

(a) No library trustee, director, officer or employee who has disclosed an interest to the board of trustees may participate in any decision or take any official action with respect to the matter giving rise to the disclosure, and may not be present at or participate in board deliberation or vote on any matter 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) No library trustee, director, officer or employee may attempt to influence improperly the deliberation or voting on any matter when he or she knows or has reason to know 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.

(c) In the event that this section prohibits a library trustee, director, officer or employee from exercising or performing a power or duty:

(1) if the power or duty is vested in a library trustee as a member of the board of trustees,

then the power or duty shall be exercised or performed by the other members of the board

of trustees; or

(2) if the power or duty that is vested in a library trustee, director or officer individually,

then the power or duty shall be exercised or performed by his or her deputy or, if the

trustee, director or officer does not have a deputy, the power or duty shall be performed

by another person to whom the trustee, director or officer may lawfully delegate the function.

(3) if the power or duty is vested in a library 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 Elwood Public 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 library trustees, directors, officers or employees;
 - (ii) all residents or taxpayers of the Elwood Library District or an area of the Elwood Public 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 of trustees 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 library officer or director when the officer or director 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 library trustee, director, officer 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 library trustee, director, officer or employee from acquiring any other investments or the following assets:

- (1) real property located within the Elwood Library District and used as his or her personal residence; or
- (2) less than five percent of the stock of a publicly traded corporation.

Section 9. Private employment in conflict with official duties.

No library trustee, director, officer or employee, during his or her tenure as a library trustee, director, officer 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 library trustee, director, officer or employee;
- (c) violates section 805-a or of the General Municipal Law; or
- (d) requires representation of a person or organization other than the Elwood Public Library in connection with litigation, negotiations or any other matter to which the library is a party.

Section 10. Future employment.

(a) No library trustee, director, officer 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 library trustee, director, officer or employee, either individually or as a member of a board of trustees, while the matter is pending or within the 30 days following final disposition of the matter.

(b) No library trustee, director, officer or employee, for the two-year period after serving as a library trustee, director, officer 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 office, board of trustees, department or comparable organizational unit for which he or she serves.

(c) No library trustee, director, officer or employee, at any time after serving as a library trustee, director, officer 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 library trustee, director, officer or employee.

Section 11. Personal representations and claims permitted.

This code shall not be construed as prohibiting a library trustee, director, officer 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, vehicles, equipment, materials, supplies or other property.

(b) No library trustee, director, officer 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 library trustee, director, officer 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 library trustee, director, officer 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 library trustee, director, officer or employee may have an interest in a contract that is prohibited by section 801 of the General Municipal Law.

(b) Every library trustee, director, officer 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 and as provided herein (section 5).

Section 14. Nepotism.

Except as otherwise required by law:

(a) No library trustee, director, officer or employee, either individually or as a member of the board of trustees, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the library or board of trustees.

(b) No library trustee, director, officer or employee may supervise a relative in the performance of the relative's official powers or duties.

Section 15. Political Solicitations.

(a) No library trustee, director, officer or employee shall directly or indirectly to compel or induce a subordinate library trustee, director, officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.

(b) No library trustee, director, officer 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 library trustee, director, officer or employee, or an applicant for a position as a library trustee, director, officer 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 library trustee, director, officer 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.

Section 17. Gifts.

(a) No library trustee, director, officer or employee shall solicit, accept or receive a gift in violation of section 805-a) of the General Municipal Law as interpreted in this section.

(b) No library trustee, director, officer or employee may directly or indirectly solicit any gift.

(c) No library trustee, director, officer 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, director, officer 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, director, officer 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, director, officer 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) A gift to a library trustee, director, officer 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 library action involving the exercise of discretion by or with the participation of the trustee, director, officer or employee. A gift to a library trustee, director, officer 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 library action involving the exercise of discretion by or with the participation of the trustee, director, 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, director, officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a library trustee, director, officer 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 library trustee, director, officer or employee, or other service to the community; or
- (6) meals and refreshments provided when a library officer 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.

Section 18. Board of Ethics.

(a) There is hereby established a board of ethics for the Elwood Public Library. The board of ethics shall consist of three members, a majority of whom shall not be trustees, directors, officers or employees of the library, but at least one of whom must be a library trustee, director, officer or employee. The members of such board of ethics shall be appointed by the Board of Trustees, serve at the pleasure of the Board of Trustees, and receive no salary or compensation for their services as members of the board of ethics.

(b) The board of ethics shall render advisory opinions to the trustees, directors, officers and

employees of the Elwood 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, director, officer 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.

Section 19. Posting and distribution.

(a) The Director of the Elwood 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 Elwood 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, director, officer or employee of the Elwood Public Library.

(c) Every library trustee, director, officer 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 in the records of the Elwood Public Library.

(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 library trustee, director, officer 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 20. Enforcement.

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

Section 21. Effective date.

This code takes effect on January 15, 2015

Adopted 1/15/15