

BETHLEHEM PUBLIC LIBRARY

CONFLICT OF INTEREST/ETHICS POLICY

Policy Adopted by the Board of Trustees January 9, 2006

Revised and approved May 10, 2021

Statement of Purpose

The Library depends on the trust of the community to achieve its mission. It is therefore crucial for all Library Officers and Employees to strive to maintain the highest ethical standards when conducting business on behalf of the Library. The standard of behavior at the Library is that all Library Officers and Employees, including all Board of Trustees members, shall avoid any conflict of interest between the interests of the Library on one hand, and personal, professional, and business interests on the other. This includes avoiding actual conflicts of interest as well as perceived conflicts of interest.

Applicability

This policy applies to all officers and employees of the Library. The provisions of this policy 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.

Definitions

Unless the context clearly provides otherwise, the terms set forth below shall have the following meanings for this policy:

Contract:

Any claim, account or demand against or agreement with the Library, express or implied.

Gift:

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.

Interest:

Any direct or indirect pecuniary or material benefit, not including any benefit arising from the provision or receipt of any services generally available to members of the public, or a lawful class of members of the public. For the purpose of this policy, a Library Officer or Employee shall be deemed to have an interest in any private organization when the Officer or Employee, the Officer's or Employee's Spouse, or a member of the Officer's or Employee's 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.

Legislation:

A matter which appears on the agenda of the Library Board of Trustees or on a committee thereof, on which any official action will be taken and shall include proposed or adopted acts, local laws, ordinances, or resolutions.

Library:

The Bethlehem Public Library.

Officer or Employee:

An elected or appointed officer or employee (full or part-time) of the Library, whether paid or unpaid, including, but not limited to, the members of the Library Board of Trustees.

Relative:

A Spouse, child, stepchild, parent, stepparent, brother, sister, stepbrother, stepsister, uncle, aunt, nephew, niece, first cousin, or household member of a Library Officer or Employee, and individuals having any of these relationships to the Spouse of the Officer or Employee or legal guardian of any of said persons of an Officer or Employee.

Spouse:

The husband or wife of an Officer or Employee unless living separate and apart pursuant to:

- A judicial order, decree, or judgment of separation.
- A legally binding written agreement of separation in accordance with the Domestic Relations Law.

Standards of Conduct

Every Officer or Employee of the Library shall be subject to and abide by the following standards of conduct:

1. **Use of Position:** No Officer or Employee of the Library shall use the Officer's or Employee's position or official powers and duties with the Library to secure a financial or material benefit for such Officer or Employee, a Relative, or any private organization in which the Officer or Employee is deemed to have an interest.

2. Prohibited Interest in Contracts/Fiscal Decisions:

(a) No Library Officer or Employee shall have an interest in any Contract to which the Library is a party when such Library Officer or Employee has the power to:

- (1) Negotiate, prepare, authorize, or approve the Contract or claim or authorize or approve payment thereunder;
- (2) Audit bills or claims under the Contract; or
- (3) Appoint an Officer or Employee who has any of the powers or duties set forth above.

(b) No chief fiscal officer, treasurer, or the Officer's or Employee's deputy or employee shall have an interest in a bank or trust company designated as a depository, paying agent, registration agent or for investment of funds of the Library of which he/she/they is an Officer or Employee.

(c) The provisions of this Section shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of any Library Officer or Employee in one or more positions of public employment, the holding of which is not prohibited by law.

3. Use of Library Property: No Library Officer or Employee shall use or permit the use of property owned or leased to the Library for other than official purposes or for activities not otherwise officially approved.

4. Recusal and abstention.

(a) No Library Officer or Employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when the Officer or Employee knows or has reason to know that the action could confer a direct or indirect financial or material benefit on that Officer or Employee, a Relative, or any private organization in which the Officer or Employee is deemed to have an interest.

(b) In the event that this Section prohibits a Library Officer or Employee from exercising or performing a power or duty:

- (1) if the power or duty is vested in a Library Officer 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;
- (2) if the power or duty that is vested in a Library Officer individually, then the power or duty shall be exercised or performed by the Officer's deputy or, if the Officer does not have a deputy, the power or duty shall be performed by another person to whom the Officer may lawfully delegate the function; or
- (3) if the power or duty is vested in a Library Officer or Employee, the

Officer or Employee must refer the matter to the Officer's or Employee's immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

- (c) Recusal and abstention shall not be required with respect to any matter:
 - (1) which comes before the Board of Trustees when a majority of the Board of Trustee's total membership would otherwise be prohibited from acting; or
 - (2) which comes before a Library Officer when the Officer would be prohibited from acting and the matter cannot be lawfully delegated to another person.

5. **Private employment:** No Library Officer or Employee shall engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests, when such employment or service would require more than sporadic disclosure and recusal under this policy, would require the disclosure of the Library's confidential information, or would impair the proper discharge of the Officer's or Employee's duties.

6. **Future employment.**

(a) No Library 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 Officer or Employee, either individually or as a member of a board, while the matter is pending or within the thirty (30) days following final disposition of the matter.

(b) No Library Officer or Employee, for the two-year period after serving as a Library 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, department or comparable organizational unit in which the Officer or Employee served.

(c) No Library Officer or Employee, at any time after serving as a Library Officer or Employee, may represent or render services to a private person or organization in connection with any particular transaction in which the Officer or Employee personally and substantially participated while serving as a Library Officer or Employee.

7. **Confidential information:** No Library Officer or Employee who acquires confidential information in the course of exercising or performing the Officer's or Employee's 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 the Officer's or Employee's official powers and duties.

8. **Nepotism.** Except as otherwise required by law:

- (a) No Library 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 the Library.

(b) No Library Officer or Employee may supervise a relative in the performance of the Relative's official powers or duties.

9. Political Solicitations.

(a) No Library Officer or Employee shall directly or indirectly to compel or induce a subordinate Library 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 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 Officer or Employee, or an applicant for a position as a Library 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.

10. Gifts:

(a) No Library Officer or Employee shall solicit, accept or receive a gift in violation this Section.

(b) No Library Officer or Employee may directly or indirectly solicit any gift.

(c) No Library Officer or Employee may accept or receive any gift, or multiple gifts from the same donor, having an annual aggregate value of seventy-five (\$75.00) dollars or more when:

(1) the gift reasonably appears to be intended to influence the Officer or Employee in the exercise or performance of the Officer's or Employee's official powers or duties;

(2) the gift could reasonably be expected to influence the Officer or Employee in the exercise or performance of the Officer's or Employee's official powers or duties; or

(3) the gift is intended as a reward for any official action on the part of the Officer or Employee.

(d) Determination of whether multiple gifts from a single donor exceed seventy-five (\$75.00) dollars must be made by adding together the value of all gifts received from the donor by an Officer or Employee during the twelve (12) month period preceding the receipt of the most recent gift.

(e)

(1) A gift to a Library Officer or Employee is presumed to be intended

to influence the exercise or performance of the Officer's or Employee's 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 Officer or Employee.

(2) A gift to a Library 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 a pecuniary benefit from the Library involving the exercise of discretion by or with the participation of the Officer or Employee during the preceding twelve (12) 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 Officer or Employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a Library 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 (\$75.00) dollars or less which are publicly presented in recognition of service as a Library 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.

11. **Investments in conflict with official duties:** No Officer or Employee shall invest or hold any investment, directly or indirectly, in any financial, business, commercial, or other private transaction which would require more than a sporadic recusal under this policy, or which would otherwise impair the person's independence of judgment in the exercise or performance of the Officer's or Employee's official powers and duties. This shall not include an investment less than 5% of the stock in a publicly traded company, or an investment.

12. **Disclosure of interest in Legislation:** To the extent known, any Officer or

Employee of the Library who participates in the discussion or gives an official opinion to the Library Board of Trustees on any Legislation before it shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest the Officer or Employee may have in such Legislation, including any involvement in current or past Legislation.

13. **Disclosure of interests in Contracts:** Any Officer or Employee of the Library who has, will have, or subsequently acquires any interest in any actual or proposed Contract with the Library shall publicly disclose the nature and extent of such interest in writing to the Library Board of Trustees as well as to such Officer's or Employee's immediate supervisor as soon as the Officer or Employee has knowledge of such actual or prospective interest.

14. **Library Real Property Acquisition:** No Officer or Employee of the Library who has an interest in any real property, either individually or as an Officer or Employee of a corporation or partnership shall participate in the acquisition or plan for acquisition of said property or any property adjacent to said property by the Library. The term participation shall include the promotion of the site as well as the negotiation of the terms of acquisition.

15. **Prohibition inapplicable; disclosure, recusal and abstention not required.** This policy's prohibition on use of a Library position (Section 1), requirements relating to recusal and abstention (Section 4), and disclosure requirements (Section 12 and 13), shall not apply with respect to the following matters:

- (a) adoption of the Library's annual budget; or
- (b) any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
 - (1) all Library Officers or Employees; or
 - (2) the general public; or
 - (3) any matter that does not require the exercise of discretion.

16. **Personal representations and claims permitted.** Nothing in this policy shall be construed as prohibiting a Library Officer or Employee from:

- (a) representing himself or herself, or the Officer's or Employee's Spouse or minor children before the Library; or
- (b) asserting a claim against the Library on the Officer's or Employee's own behalf, or on behalf of the Officer's or Employee's Spouse or minor children.

Policy Distribution and Attestation

It shall be the responsibility of the Library Director to ensure that:

- All Officers and Employees (including the Director), and Board of Trustees members are given a copy of this policy to read and to sign the policy attestation.
- All Officers and Employees, and all members of the Board of Trustees, will sign the policy attestation upon election, hiring, or appointment.
- All Officers and Employees, including without limitation, all Board of Trustee members, who are in a position to make hiring or purchasing decisions will sign the policy attestation annually.

The signed attestations will be kept on file.