

## RESOLUTION NO. 161

### ESTABLISHING ETHICAL CONDUCT GUIDELINES FOR COUNTY EMPLOYEES

Introduced: 4/9/07

By Messrs. Nichols, Morse, Domalewicz, Monjeau and Ms. Wiley:

WHEREAS, Governor Eliot Spitzer established bold new ethics guidelines in an Executive Order signed on January 1, 2007 for state employees that now serves as a model of strong ethics all local governments should embrace, and

WHEREAS, Government employment is a privilege rather than a right, and is based upon the trust and confidence placed in the county employee by the public, and

WHEREAS, All County employees therefore must act in a manner consistent with that public trust, and must not take any actions that are intended, or appear to be intended, to achieve personal gain or benefit, and

WHEREAS, Employees and officers of County agencies and public authorities are subject to certain ethical statutes and rules, including but not limited to the State Code of Ethics (Section 74 of the Public Officers Law), statutory restrictions on business and professional activities (Section 73 of the Public Officers Law), and opinions issued by the County Ethics Commission, and

WHEREAS, It is appropriate to take steps to ensure that as many County employees and officers as possible maintain the highest ethical and professional standards, now, therefore be it

RESOLVED, That the Albany County Legislature hereby establishes the following ethical conduct guidelines for all employees of Albany County:

#### 1. Definitions

“Agency” shall mean any county agency, department, office, board, commission or other instrumentality of the County,

“Public authority” shall mean a public authority or public benefit corporation created by or existing under any State law, at least one of whose members is appointed by the County Executive or County Legislature (including any subsidiaries of such public authority or public benefit corporation), other than an interstate or international authority or public benefit corporation.

#### 2. Application

This order shall apply to all County agency officers and employees who serve at the pleasure of the County Executive or their appointing authority, and to all members of all public authorities who are appointed by the County Executive or County Legislature. Each public authority or commission shall adopt policies or rules applying the restrictions set

forth below to all officers and employees who serve at the pleasure of their appointing authority.

### 3. Prohibition against the Receipt of Gifts

Subject to the conditions set forth below, all individuals covered by this order are prohibited from accepting gifts or gratuities of more than nominal value where the circumstances would permit the inference that: (a) the gift was intended to influence the individual in the performance of official business; or (b) the gift constituted a tip, reward, or sign of appreciation for any official act by the employee.

### 4. Prohibition against the Use of County Property

County supplies, equipment, computers, personnel and other resources may not be utilized for non-governmental purposes, including for personal purposes or for outside activities of any kind. This prohibition includes but is not limited to the following:

a. Official stationery may not be used for non-governmental purposes, nor may County government resources be used to mail personal correspondence. The designation "personal" on agency stationery means only that the contents are meant for the personal viewing of the addressee and not that the sender is acting unofficially. All letters and other written materials printed on such official stationery are considered official, and thus the designation "unofficial" has no meaning and may not be used.

b. Under no circumstances may County mail, postage, internal office mail, or inter-city couriers be used for non-governmental purposes.

c. County telephones may not be used for non-governmental long-distance calls, except for toll-free calls, collect calls, and calls billed to a personal telephone number. County telephones may be used for incidental and necessary personal local calls that are of limited number and duration and do not conflict with the proper exercise of the duties of the County employee.

d. County computers may be used for incidental and necessary personal purposes, such as sending personal electronic mail messages, provided that such use is in a limited amount and duration and does not conflict with the proper exercise of the duties of the County employee.

e. County vehicles shall be used for official business or incidental use associated with official business away from an employees official work station. Individuals who are authorized by their agency or public authority to use a vehicle for personal purposes shall keep records of such use, and the value of such personal use shall be calculated and reported as personal income to such individual for tax purposes.

### 5. Prohibition Against Nepotism in Hiring and Contracting

a. No individual covered by this resolution may take part in any hiring or employment decision relating to a family member. If a hiring or employment matter arises relating to a family member, then the employee must advise his or her supervisor of the

relationship, and must be recused from any and all discussions or decisions relating to the matter.

b. No individual covered by this resolution may take part in any contracting decision: (i) relating to a family member; or (ii) relating to any entity in which a family member is an officer, director or partner, or in which a family member owns or controls 10% or more of the stock of such entity. If a contracting matter arises relating to a family member, then the employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter.

c. For the purposes of this paragraph, the term “family member” shall mean any person living in the same household as the employee, and any person related to the employee within the third degree of consanguinity or affinity.

6. Prohibition Against Executive Agency Employees Lobbying County Agencies and Public Authorities or seeking contracts from former county agencies.

Former county officers and employees are prohibited from appearing or practicing before their former agency, any executive branch agency and any public authority, commission or board under the jurisdiction of the county, for a period of two years.

7. Penalties

Any violation of this resolution may result in dismissal or other appropriate sanction as determined by the appointing authority of the individual committing such violation.

and, be it further

RESOLVED, That the Clerk of the County Legislature is directed to forward certified copies of this resolution to the appropriate State and County Officials.

*Referred to Law Committee. 4/9/07*