

BERLIN CENTRAL SCHOOL DISTRICT CODE OF ETHICS
REGULATION

I. General Rules

A. PURPOSE OF REGULATIONS.

Pursuant to the provisions of General Municipal Law Section 806 and Board Policy 1.140-00, the Board of education of the Berlin Central School District hereby promulgates this Code of Ethics for officers and employees of the school district. These rules shall not conflict with but be in addition to Article 18 of the General Municipal Law or any other general or special law related to ethical conduct and interest in contracts of municipal officers and employees.

These rules and regulations are promulgated by the Berlin Central School District Board of Education in order to comply fully with its obligation under New York's General Municipal Law. The General Municipal Law requires that public entities such as the Board adopt and promulgate a code of ethics for its officers and employees, including members of the Board.

B. NOTICE OF CODE AND AMENDMENT SENT TO STATE
COMPTROLLER.

1. Within thirty (30) days of the Board's adoption of its Code of Ethics, the district clerk shall file a copy of the Code with the Office of the State Comptroller.
2. Any amendment to the Code of Ethics the Board has adopted shall be filed by the district clerk with the Office of the State Comptroller within thirty (30) days of the amendment's adoption.

II. Code of Ethics

A. DEFINITIONS.

1. Officer or employee means an officer or employee of the district, whether paid or unpaid, including members of the Board of Education, and their professional and non-professional staff and appointees.
2. Interest means a pecuniary or material benefit accruing to an officer or employee unless the context otherwise indicates. For the purposes of this policy and its regulations, unless otherwise provided, an officer or employee shall be deemed to have an interest in the contract of:

- a. her/his spouse, minor children and dependents, except a contract of employment with the District;
 - b. a firm, partnership, or association of which such officer or employee is a member or employee;
 - c. a corporation of which such officer or employee is an officer, director, or employee; and
 - d. a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.
3. "District" means the Berlin Central School District.

B. STANDARDS OF CONDUCT.

Every officer and employee of the District shall be subject to, and shall abide by, the following standards of conduct.

1. **Gifts.** An officer or employee shall not directly or indirectly solicit any gift or accept or receive any gift having a value of \$50.00 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 be reasonably inferred that the gift was intended to influence her/him in the performance of her/his official duties or was intended as a reward for any official action on her/his part.
2. **Confidential Information.** An officer or employee shall not disclose confidential information that she/he acquires in the course of her/his official duties, or use such information to further her/his personal interest either directly or indirectly.
3. **Representation Before One's Own Agency.** An officer or employee 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 District agency of which she/he is an officer, member, or employee, or before any District agency over which she/he has jurisdiction, or to which she/he has the power to appoint any member, officer, or employee.

4. Representation Before Any Agency for a Contingent Fee. An officer or employee 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 District agency, whereby the compensation is to be dependent or contingent upon any action by such District 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.
5. Disclosure of Interest in Matters Before the Board. To the extent that she/he knows thereof, a member of the Board of Education, and any officer or employee of the District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board on any resolution or other matter before the Board shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest she/he has in such resolution or matter.
6. Investments in Conflict With Official Duty. An officer or employee shall not invest or hold any investment directly in any financial, business, commercial, or other private transaction that creates a conflict with her/his official duties.
7. Private Employment. An officer or employee shall not engage in, solicit, negotiate for, or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of her/his official duties.
8. Future Employment. An officer or employee shall not, after termination of service or employment with the Board, appear before the Board, or any panel or subcommittee of the Board, in relation to any case, proceeding, or application in which she/he personally participated during the period of her/his service or employment, or that was under her/his active consideration.
9. Disclosure of Interest. Any District officer who has, will have, or later acquires an interest in any actual or proposed contract with the District shall publicly disclose the nature and extent of such interest in writing to the Board of Education as soon as she/he has knowledge of such actual or prospective interest.

Such written disclosure shall be set forth in and be made a part of the official record of the proceedings of the Board. Once disclosure has been made by an officer or employee with respect to an interest in a contract with a particular person, firm, corporation, or association, no further disclosures need be made by such officer or employee with respect to additional contracts with the same party during the remainder of the fiscal year.

10. Exceptions to Disclosure of Interest. Notwithstanding the provisions of the preceding paragraph, disclosure shall not be required in the case of an interest in:
 - a. A contract with a corporation in which an officer or employee has an interest by reason of stockholdings when less than five per centum of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
 - b. A contract for the furnishing of public utility services when the rates or charges therefore are fixed or regulated by the Public Service Commission;
 - c. A contract for the payment of a reasonable rental of a room or rooms owned or leased by an officer or employee when the same are used in the performance of her/his official duties and so designated as an office or chamber;
 - d. A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part time service in the official duties of the office;
 - e. A contract in which an officer or employee has an interest if the total consideration payable there under, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of \$100.00; and
 - f. A contract with a member of a private industry council established in accordance with the federal Job Training Partnership Act or any firm, corporation, or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract.

III. Claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former officer or employee of any claim, account, demand, or suit against the District or any agency thereof, on behalf of her/himself or any member of her/his family arising out of personal injury or property damage, or for any lawful benefit authorized or permitted by law.

IV. Distribution of Code of Ethics, Filing Requirement

The Superintendent of Schools shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the District. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of her/his office or employment. Each employee or officer shall file FORM 1.140, indicating receipt of the Code of Ethics from the Superintendent with the District Clerk.

V. Penalties For Intentional Violation of Code of Ethics

In addition to any penalty contained in any provision of law, a person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics, as recited above, and any accompanying regulations, may be fined, suspended, or removed from office or employment, as the case may, in the manner provided by law.

Reference:

General Municipal Law Sec. 806