

Board Policy

Code of Ethics for All ESBOCES Officers and Employees

Purpose

Pursuant to the authority of §806 of the NYS General Municipal Law, the Board adopts this Code of Ethics setting forth, for the guidance of its officers and employees, the standards of conduct reasonably expected of them.

General Provisions

Officers and employees of ESBOCES hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This policy establishes those standards.

The provisions of this policy are intended to supplement Article 18 of General Municipal Law sections and any other law relating to ethical conduct of Eastern Suffolk BOCES officers and employees and should not be construed to conflict with those authorities.

Definitions

“Officer or employee” shall mean a Board member or employee of ESBOCES, paid or unpaid, including members of any administrative board, commission, agency, or committee thereof.

Standards of Conduct

The following rules and standards of conduct apply to all officers, including Board members, and employees of ESBOCES.

Gifts

No person may directly or indirectly solicit any gift, or accept or receive any gift having a value of seventy-five dollars (\$75) or more, or a combination of gifts during any twelve (12)-month period having an aggregate value of seventy-five dollars (\$75) or more, under circumstances in which it could reasonably be inferred that the gift was intended to influence the individual or could reasonably be expected to influence the individual in the performance of their official duties, or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

Confidential Information

No person may disclose confidential information acquired during the course of their official duties, except when permitted or required by law, or use such information to further personal interest. This includes matter discussed in a properly convened executive session. Within the framework of collective bargaining, individuals designated as *confidential* shall not disclose information which would influence the negotiating process.

Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with ESBOCES when, individually or as a member of the Board, has the power or duty to negotiate, prepare, authorize, or approve the contract or authorize or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or their deputy or employee may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of ESBOCES.

No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a Federal award if they have a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of their immediate family, their partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. The employees, officers, and agents must neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. ESBOCES may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value.

“Interest,” as used in this policy, means a direct or indirect pecuniary or material benefit accruing to an ESBOCES officer or employee as the result of a contract with ESBOCES. An ESBOCES officer or employee will be considered to have an interest in the contract of their spouse, minor children, and dependents, except a contract of employment with ESBOCES; a firm, partnership, or association of which they are a member or employee; a corporation of which they are an officer, director, or employee; and a corporation in which five percent (5%) or more of stock is owned or controlled directly or indirectly by them.

The provisions of the preceding four paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any ESBOCES officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

Representing Others in Matters Before ESBOCES

No person may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before ESBOCES. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before ESBOCES, where the individual's compensation is contingent upon any action by ESBOCES with respect to the matter.

Disclosure of Interest in Contracts and Resolutions

Any ESBOCES officer or employee who has, will have, or later acquires an interest in, or whose spouse 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 ESBOCES must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer or employee first acquires knowledge of the actual or prospective interest and must be filed with the person's immediate supervisor and the Board. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

An officer or employee who participates in the discussion of or gives official opinion to the Board on any resolution before such Board shall publicly disclose at a public Board meeting the nature and extent of any direct or indirect financial or other private interest in such resolution, and it shall be included in the official minutes of the meeting.

Investments in Conflict with Official Duties

No person may invest or hold any investment, directly or indirectly, in any financial, business, commercial, or other private transaction that creates a conflict of interest with their official duties or that would otherwise impair their independence of judgment in the exercise or performance of their official powers or duties.

Private Employment

No person shall engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict of interest with or impairs the proper discharge of their official duties.

Future Employment

No person may, after the termination of service or employment with ESBOCES, appear before ESBOCES in relation to any case, proceeding, or application in which they personally and substantially participated during the period of their service or employment or which was under their active consideration.

Conflict of Interest

All ESBOCES employees are prohibited from using ESBOCES facilities, equipment, materials, and/or supplies, as well as ESBOCES employment time, to engage in outside employment, enterprise, and/or activities for personal gain, remuneration, or profit, or any other private purposes.

Employment of Board Members

No member of the Board shall apply for a position as a paid employee of ESBOCES, and neither the Board nor any officer or employee of ESBOCES shall consider any application from any such Board member, unless that Board member shall have resigned as such member prior to the submission thereof.

Board Policy

Board policies are the main governance tool of the Board. Intentional failure to comply with Board policies may be considered insubordination and may result in disciplinary action in a manner prescribed by law or contract.

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 ESBOCES, or any agency thereof, on behalf of themselves or any member of their family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Notice of Code of Ethics and General Municipal Law §§800-809

The District Superintendent, Chief Operating Officer, or designee of ESBOCES will ensure that a copy of this *Code of Ethics* is distributed to every officer and employee of ESBOCES and that a copy of General Municipal Law §§800-809 is posted conspicuously in each ESBOCES building. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of their office or employment. Failure to distribute this *Code of Ethics* or to post General Municipal Law §§800-809 will have no effect on either the duty of ESBOCES officers and employees to comply with their provisions or the ability of ESBOCES or other relevant authorities to enforce them.

Penalties

Any person who knowingly or intentionally violates any of the provisions of this policy may be fined, suspended, removed from office or employment, or subject to additional or other penalties as provided by law.

References:

- Education Law §410
- NYS General Municipal Law Article 18 and §§800-809
- 2 CFR §200.318(c)(1)
- Board Policy 5240 - Employee Conflicts of Interest

First Adopted: 7/1/2003
Readopted: 4/21/2005
Readopted: 7/14/2005
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Readopted: 5/26/2010
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