

Montauk Library Personnel Policy

Revised June, 2021

LIBRARY TRUSTEE, OFFICER AND EMPLOYEE CODE OF ETHICS AND CONFLICT OF INTEREST POLICY

The Library Board of Trustees recognizes that sound, ethical standards of conduct serve to increase the effectiveness of the Library Board of Trustees, Library staff and volunteers. Actions based on an ethical code of conduct promote public confidence and the attainment of Library goals. The Board of Trustees also recognizes its discretion under the provisions of the New York General Municipal Law and the Non-Profit Revitalization Act (Not-for-Profit corporation Law Section 715 -A), to adopt a code of ethics setting forth the standards of conduct required of all Library trustees, officers, employees and volunteers.

The Library Board of Trustees is also committed to avoiding any situation in which the existence of simultaneous, conflicting interests of any library Trustee, officer or employee may call into question the integrity of the management or operation of the Library. The Board affirms its commitment to adhere scrupulously to all applicable provisions of law regarding material conflicts of interest.

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

(a) "Interest" means a direct or indirect pecuniary or material benefit accruing to a Trustee, officer or employee, or his or her relative ("related party") whether as a result of a contract with the Library district or otherwise. For the purpose of this policy, a Library Trustee, officer or employee shall be deemed to have an interest in the contract of:

A relative (related party) except as to a contract of employment with the Library District

A firm, partnership or association of which such officer or employee is a member or employee.

A corporation of which such Trustee, officer or employee is an officer, director or employee;

A corporation of which more than five percent of the outstanding stock is owned by any such trustee, officer, employee or his or her relative (related party).

(b) "Trustee", "Officer" or "Employee" means an elected or appointed officer or employee of the Library District, whether paid or unpaid.

(c) "Relative" means spouse, child, stepchild, parent, stepparent, brother, sister, stepbrother, stepsister, or other person defined under law as a "related party."

Gifts: No Trustee, officer or employee shall directly or indirectly solicit, accept, or receive any money or gift having a value of \$75 or more, whether in the form of cash, check, loan, credit, services, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the money or gift was intended to influence him or her in the performance of his or her official duties or was intended as a reward for any official action on his or her part. However, the Board welcomes and encourages the writing of letters or notes expressing gratitude or appreciation to staff members.

Confidential information: No Trustee, officer or employee shall disclose confidential information acquired by him or her in the course of his or her official duties or use such information to further his or her personal interest. In addition, he or she shall not disclose information regarding

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any matters discussed in an executive session of the Board of trustees regardless whether or not such information is deemed confidential.

Representation before the Board: A Trustee, 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 the Library Board of Trustees.

Representation Before the Board for a Contingent Fee: A Trustee, officer or employee shall not receive or enter into any agreement, expressed or implied, for compensation for services to be rendered in relation to any matter before the Library Board, whereby the compensation is to be dependent or contingent upon any action by the Board 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 if otherwise authorized under law.

Disclosure of Interest in Matters Before the Board: A member of the Board of Trustees 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 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 he or she has in such matter. The term “interest” means a pecuniary or material benefit accruing to an officer or employee.

Disclosure of Interests in Contracts and Procedures Addressing a Conflict of Interest: To the extent known, any Trustee, officer or employee of the Library who has, or will have, or subsequently acquires any interest in any contact 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 the Library Director as soon as he or she has knowledge of such actual or prospective interest. The Board President shall, if appropriate, appoint a disinterested person or committees to investigate to the proposed transaction or arrangement, and the Board of trustees shall determine if it can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest. If a more advantageous transaction or arrangement is not reasonable possible under circumstances of not producing a conflict of interest, a majority of Trustees disinterested in the transaction or arrangement must determine that the transaction or arrangement is on the Library's best interests, for its own benefit, and is fair and reasonable. Minutes of the majority vote is to be recorded.

Investments in Conflict with Official Duties: No Trustee, officer or employee of the Library shall invest or hold any investment directly or indirectly in any financial business, commercial or other private transaction that creates a conflict with his or her official duties.

Certain Real Property Interests Prohibited: No Trustee, 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. Any such person shall not be present at or participate in Board or committee deliberations or vote on any matter giving rise to such conflict. The term “participate” shall include the promotion of the site as well as the negotiation of the terms of the acquisition.

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Conflicts of Interest: Defined: A conflict of interest shall arise under circumstances where a Library Trustee, officer or employee shall have an interest in any contract between the Library and any entity with which the Library has a relationship in which he or she is an officer, employee, director, trustee, member or owner when such Library Trustee, officer or employer has the power to negotiate, prepare, authorize or approve the contract or authorize or approve payment hereunder, audit bills or claims under the contract or appoint an officer or employee who has any of the powers or duties set forth above, or the chief fiscal officer, treasurer, or his or her 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 Library funds of which he or she is an office, employee, director, trustee, member or owner.

Prohibited Conflicts of Interest: No Library Trustee, officer or employee shall have an interest in any contract between the Library and a corporation or partnership of which he or she is an officer or employee when such Library Trustee, officer or employee has the power to negotiate, prepare, authorize or approve the contract or authorize or approve payment hereunder, audit bills or claims under the contract, or appoint an officer or employee who has any of the powers or duties set forth above, and no chief fiscal officer, treasurer or his or her 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 Library funds of which he or she is an officer or employee. Any such person shall not be present at or participate in Board or committee deliberations or vote on any matter giving rise to such conflict. The provisions of this action shall in no event be construed to preclude the payment of lawful compensation and necessary expenses of the Library officer or employee in one or more positions of public employment, the holding of which is not prohibited by law.

Certain prohibited Actions: No Trustee, officer or employee of the Library shall hire, supervise, evaluate, promote, review or discipline any employee who is a member of his or her family. In the event that marriage, promotion, or reorganization results in a situation not in compliance with this policy, reassignment or transfer will be effected in accordance with the applicable provisions of any collective bargaining agreement to correct the situation.

Private Employment: No Trustee, officer or employee of the Library shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties.

Future Employment: No Trustee, officer or employee of the Library shall, after the termination of service or employment with the Library Board, appear before the Board or any panel or committee of the Board, in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service of employment or that was under his or her active consideration. This shall not bar or prevent the timely filing by a present or former Library officer or employee of any claim, account, demand or suit against the Library on his or her own behalf or on behalf of any member of his or her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

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Use of Library Property: No Library Trustee, officer or employee shall use or permit the use of property, owned or leased to the Library, for anything other than official purposes or for activities not otherwise officially approved by the Library board of Trustees.

Disclosure of “Related Party” Transactions: A Trustee, officer or employee shall disclose to the Board of Trustees the existence of a “related party transaction” as defined under Section “715” of the Non-profit Revitalization Act upon becoming aware of such circumstances.

Duty to Disqualify: It is incumbent upon any Library Trustee, officer or employee, whether paid or unpaid, to disqualify himself or herself immediately whenever the appearance of conflict of interest exists.

Duty to Report Conflicts of Interest: In the event that any Library Trustee, officer or employee knows of or perceives a direct or indirect conflict of interest he or she shall report it to the Library Board of Trustees.

Duty to Report Violations of this Policy: Any Library Trustee, officer or employee or any member of the public noting or suspecting a violation of this policy shall report the matter to the Library Board of Trustees.

Prohibition against Improperly Attempting to Influence: No Trustee, officer or employee of the Library with a conflict of interest shall attempt to influence improperly the deliberations and voting by the Board of Trustees on the matter giving rise to the conflict of interest. Any such person shall not be present at or participate in Board or committee deliberations or vote on any matter giving rise to such conflict.

Documenting Conflict of Interest and Resolution: In the event that a Trustee, officer or employee discloses the existence of a Conflict of Interest, the Library Board of Trustees shall document and set forth in the official Minutes of the Board meeting the resolution of the conflict of interest, including the vote of the Trustees. Any resolution of such conflict by the Board shall hold the Library's interest paramount, as well as maintain the Board's integrity in its governing role.

Written Statement Prior to Initial election and Annually Thereafter: Prior to the initial election of a Trustee or officer, and annually thereafter, Trustees and officers shall complete, sign and submit to the Secretary or President of the Board of Trustees a written statement identifying, to the best of the Trustee's or officer's knowledge, any entity of which such Trustee, officer or employee has a relationship, and any transaction in which the Library is a participant and in which the Trustee or officer might have a conflicting interest. The Secretary to the Board of Trustees shall provide a copy of all completed statements to the Board President.

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Distribution of the Library Officer and Employee Code of Ethics and Conflict of Interest Policy

The Library Board of Trustees shall cause a copy of this Code of Ethics and Conflict of Interest Policy to be distributed to every Trustee, officer and employee of the Library. Each trustee, officer and employee elected or appointed thereafter shall be furnished with copy before entering upon the duties of his or her office or employment. In addition, the Board shall ensure that a copy of Article 18 of the General Municipal Law and this Policy shall be kept posted in the Library in a place conspicuous to the Library's Trustees, officers and employees.

Penalties

In addition to any penalty contained in any other provision of law, a Library Trustee, officer or employee who shall knowingly and intentionally violate any of the provisions of this Code of Ethics and Conflict of Interest may be subject to disciplinary action up to and including the imposition of fines, suspension, and dismissal, in the manner provided by law.

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Acknowledgement

The standard of behavior at the Montauk Public Library is that all Trustees, officers and employees, whether paid or unpaid, scrupulously avoid any conflict of interest between the interests of the Montauk public Library on the one hand, and their personal, professional and business interests on the other. This includes avoiding actual conflicts of interest as well as potential and perceived conflicts of interest.

I understand that the purposes of this policy are to protect the integrity of the Montauk Public Library decision-making process, to enable Library constituents to have confidence in the Library's integrity, and to protect the integrity and reputation of all Library officers and employees both paid and unpaid.

Upon or before election, hiring and appointment, and annually thereafter, I will make a full, written disclosure of any and all interests, relationships, related party transactions, and holdings that do create or could potentially create a conflict of interest. This written disclosure will be kept on file and I will update it as appropriate.

During the course of meetings or activities, I will disclose any interests in a transaction or decision where I (including my business and any other nonprofit affiliation), my family and/or my significant other, related parties, employer, or close associates will receive a benefit or gain. After disclosure, I understand that I will be asked to leave the room for the discussion and will not be permitted to vote on the question.

I understand that this policy is meant to be a supplement to good judgment, and I will respect the spirit as well as its wording.

Signature _____

Print Name _____

Date _____