

## SECTION 11

### ETHICS POLICIES

#### I. POLICY STATEMENT

Public service is public trust. The affairs of government must be conducted openly, honestly and impartially, so that the public's confidence in the integrity of its municipal affairs shall be maintained. The purposes of this Policy are to set forth standards of ethical conduct and to develop and maintain a tradition of responsible and effective public service, in conformance with the Town Charter, Section 902 which requires a Town Policy addressing ethics and conflict of interest.

#### II. DEFINITIONS

As used in this section, the following words, unless a different meaning is required by the content or is specifically prescribed, shall have the following meanings:

A. All references to "Town", unless otherwise specified, refer to the Municipality.

B. Conflict of Interest" means

1) A real or seeming incompatibility between an employee's private interests and his or her public or fiduciary interests to the municipality he or she serves. A conflict of interest arises when there is a direct or indirect personal or financial interest of an employee or a person or group closely tied with the employee including his or her spouse, household member, child, stepchild, parent, grandparent, grandchild, sibling, aunt or uncle, brother- or sister-in-law, business associate, or employer or employee thereof, in the outcome of an official act or action, or any other matter pending before the employee or before the public body two which the employee makes recommendations. A conflict of interest may take any of the four following forms:

- a. A direct financial conflict of interest arises when an employee acts on a Town matter that has a direct financial impact on that employer.
- b. An indirect financial conflict of interest arises when an employee acts on a Town matter that has a financial impact on a person or group closely tied to the employee.
- c. A direct personal conflict of interest arises when an employee acts on a Town matter that has a direct impact on the employee in a non-financial way but is of significant importance to the employee.
- d. An indirect personal conflict of interest arises when an employee acts on a matter in which the employee's may be affected because of a familial or personal relationship or membership in some organization and a desire to help that person or organization

further its own interests.

- C. “Independence” means actual independence or the appearance thereof.
- D. “Immediate Family” means spouses, Civil Union partners, children, stepchildren, parents, step-parents, brothers, sisters, grandparents, nephews, nieces, sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, brothers and sisters-in-law and any dependent or other persons living in one’s household.
- E. “Close Personal Friend” means anyone beyond an employee’s immediate family with whom the employee has or had a strong friendship, primarily outside of municipal business, such that the involvement of the employee in any issue involving the friend’s interests would create the appearance of a “conflict of interest” to a reasonable observer.
- F. “Recusal” means stepping aside from public duty during discussions and recommendations or decision making vote when a conflict of interest or lack of independence has been declared.

### **III. CONFLICT OF INTEREST**

An Employee shall not engage in any act which is in conflict with, or creates an appearance of conflict with, the performance of official duties. An Employee is deemed to have a conflict of interest, if she/he takes part in any of the following acts or actions:

#### A. Acceptance of Gifts and Favors

An Employee shall not accept, receive, take, seek, or solicit, directly or indirectly, any gift or favor if it could be reasonably expected that the gift or favor would influence the action or judgment of the Employee, or be considered as part of a reward for action or inaction. This provision shall not apply to:

1. Attendance at a hosted meal when it is provided in conjunction with a meeting directly related to the conduct of Town business or where official attendance is appropriate.
2. An award publicly presented in recognition of public service.
3. Seasonal gifts of nominal value of not more than \$250 in total per year.

#### B. Appointment of Immediate Family Members or Close Personal Friends

An Employee shall not participate in the appointment, vote for appointment or discussion of any appointment of an immediate family member or close personal friend to any office or employment with the Town.

#### C. Supervision of Immediate Family Members

An Employee shall not directly supervise, appoint, evaluate or discipline the work or employment status of an immediate family member or the affairs of the organizational unit in which the immediate family member is employed. Employees shall not be hired or transferred into such positions. “Immediate family” means spouses, children, stepchildren, grandchildren, parents, stepparents, brothers, sisters, grandparents, nephews, nieces, sons-in-law, daughters-in-

law, mothers-in-law, brothers and sisters-in-law and any dependents or other persons living in your household.

D. Influence over Subordinates

An Employee shall not use his or her position, directly or indirectly, to affect the employment status of an immediate family member.

E. Prior Knowledge of Town Actions

An Employee shall not receive or have any financial interest in any sale by the Town of any service or property when such financial interest was received with prior knowledge that the Town intended to purchase or sell such property or obtain such service.

F. Other Potential Financial Interests and Agreements

An Employee shall not influence the Town's selection of, or its conduct of business with a person, organization or business having business with the Town, if the Employee or an immediate family member, business associate or close personal friend has a financial interest in or with the person, organization or business. The Employee shall not participate in the discussion, negotiation, or vote on contracts or other business arrangements falling under this section. In all instances disclosure of the conflict and recusal is required.

F. Private Employment

An Employee shall not engage in, solicit, negotiate for, accept private employment from, or render services for a private interest when such employment or service is incompatible with the proper discharge of official duties or could impair independence of judgment or action in the performance of official duties.

G. Use of Confidential Information

An Employee shall not disclose or use, without legal authorization, confidential information acquired in the course of official duties to engage, directly or indirectly, in any transactions to further his or her or another person's personal interest or to use such information to the detriment of any person or entity.

H. Conflict with Official Duties

An Employee who holds an interest or position in any organization who is or may be entering into a financial, business, commercial, or private transaction/arrangement with the Town which creates a conflict with their official duties, shall disclose the conflict. In addition, recusal is required prior to any consideration of the matter.

**IV. DISCLOSURE PROCEDURE**

An employee shall disclose and rectify a conflict of interest as soon as they become aware of the conflict. The disclosure shall be made to his or her Department Head who shall either fully address and rectify the conflict or bring it to the Town Manager or Human Resource Director. If the Town Manager or Human Resource Director has a complaint, they may report it to the Town Attorney.

**V. STANDARDS OF CONDUCT**

Every Employee of the Town of Colchester shall be subject to and abide by the following standards of conduct:

A. Public Property

An Employee shall not request or permit the unauthorized use of Town-owned vehicles, equipment, materials, or property for personal convenience or gain.

B. Disclosure of Interest in Legislation

An Employee who has a financial or material interest in any legislation coming before a Public Body—and who has a role in preparing or presenting said legislation--shall disclose such interest. This disclosure shall be made to the Town Manager, if an employee other than the Town Manager and if the Town Manager, the disclosure shall be made to the Selectboard Chair.

C. Representation Before One's Own Municipal Department

An Employee shall not receive, or enter into any agreement for, expressed or implied, compensation for services to be rendered in relation to any matter before the Town.

D. Representation Before Any Municipal Department for a Fee

An 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 any department of the municipality, whereby compensation is to be dependent or contingent upon any action by such municipal department with respect to such matter.

E. Advocacy/Political Activity

An Employee shall not orally, by letter, or otherwise, solicit or be in any matter concerned in soliciting any assessment, subscription, or contribution to any political party, nor be a party to such solicitation by others while representing the Town. An Employee shall not promise an appointment to any municipal position as reward for any advocacy/political activity, nor shall they retaliate or threaten to retaliate against other Officials, Members or Employees, for refusal to support or participate in any advocacy or political issue including but not limited to the signing of petitions.

**VI. POLICY VIOLATION**

Any person who believes that a violation of any portion of this Ethics Policy has occurred as a result of an Employees' act or action may send or deliver a signed, written complaint to the Town Manager regarding an employee other than the Town Manager and the Chair of the Select Board regarding a complaint regarding the Town Manager. The complaint shall include the name of the person alleged to have committed the violation and the specific act or acts which constitute the violation. Additionally, an employee or supervisor may also provide verbal notice of a possible ethics policy violation to their direct supervisor, the Human Resources Manager or the Town Manager. The Town Manager or Selectboard shall be responsible to investigate, make findings and impose disciplinary actions up to and including termination for violations of this Policy.