

AD HOC COMMITTEE ON EMPLOYEE AND OFFICIAL CONDUCT & ETHICS
MEETING MINUTES
NOVEMBER 17, 2020

The Ad Hoc Committee on Employee and Official Conduct & Ethics of the Broome County Legislature met remotely via Zoom Videoconferencing on Tuesday, November 17, 2020.

Members Present: S. Flagg (Chair), K. Myers, S. Ryan, Legislature; R. Behnke, Law; T. Behan, Personnel

Members Absent: C. O'Brien, Legislature; K. McManus, County Exec's Office

Others Present: M. Tanzini, C. Hall, R. O'Donnell, Legislature; B. Norris, Security

The remote Ad Hoc Committee on Employee and Official Conduct & Ethics meeting was called to order by the Chair at 4:02 PM. A motion was made by Mr. Behan to open the meeting for discussion, seconded by Mr. Behnke.

Mr. Flagg stated that that he has researched it, and it doesn't appear that anyone requires an annual acknowledgement of either their Code of Ethics or conduct policy, but still thinks there should still be a mechanism to make employees aware of them or any changes. He further shared a draft Acknowledgement Statement and he worked up (see attached).

Mr. Behnke stated that currently the County is required to notify employees of changes to the code of ethics, but that they aren't required to acknowledge them. He offered to review Mr. Flagg's draft and offer changes to the language. One such suggestion was to change it from the employee agreeing to follow the standards, he suggested that it should read that the employee would follow them as they are conditions of employment.

Ms. Myers asked if the County should really be mandating this yearly and suggested that the County possibly require this at the time of employment, as we do currently, and whenever changes are made to the Code of Ethics or any employee handbooks, manuals, codes of conduct, etc. The Committee was agreeable to that suggestion.

Mr. Behan made the suggestion that the acknowledgement be available for employees and officials to complete electronically. The Committee agreed to that suggestion. Mr. Norris suggested that the acknowledgement and policies be posted to the County's Intranet, to which Mr. Flagg and Mr. Behan responded that that was the plan.

Mr. Flagg also mentioned that another outstanding issue is whether to define "nominal" in relation to the County's gift policy and also how to better define when officials should abstain or recuse themselves on official actions, and whether to add them to the Charter. Mr. Behnke stated that he has suggestions for abstentions and recusals that he will share with the Committee and he also stated that the State defines nominal as anything with a value under \$15.00. Many of the Committee members expressed their support for tying our nominal value definition to the State's definition, that way if they changed it, ours would follow suit.

Mr. O'Donnell shared two duty to report and anti-retaliation provisions from Rensselaer and Ulster Counties to go along with the one from Niagara County that was discussed at the last meeting in October. Mr. Flagg asked that he share them with Mr. Behnke as he is compiling all

the documents to make the legal recommendations for the acknowledgement and policy changes.

Mr. Flagg also mentioned that Legislative Chairman Reynolds had suggested the Committee consider how to address an anti-bullying policy for the County. It was questioned whether it should be standalone policy or a part of the anti-harassment policy.

Mr. Flagg stated that he is looking to hold two more meetings in December to finish up the Committee's work and make recommendations to the Legislature Chairman. He mentioned that the next meeting will most likely be held in early December, with the second meeting being later in December. The Committee agreed to that meeting structure in order to discuss the County Attorney's recommendations when they are available and to wrap up business before the end of the year.

There being no further business to come before the Ad Hoc Committee at this time, a motion to adjourn was made by Ms. Myers and seconded by Ms. Ryan. The meeting adjourned at 4:55 PM.

Annual Acknowledgment and Certification of Compliance with the Code of Conduct

This is to acknowledge that I have received and reviewed the County of Broome Ethics Policy and Code of Conduct. I agree to comply with the standards referenced in the Code and all related policies and procedures. I acknowledge that the Code is a statement of principles for individual conduct and that it is my responsibility to understand and follow all policies and standards and to adhere to the ethical principles outlined in the Code of Conduct.

These policies and code together form the basis of our commitment to ethical behavior and compliance with legal requirements. Because we cannot include or anticipate every legal or ethical issue that may arise, you must also use your own judgment, and employees must comply with all applicable laws, regulations, policies, and ethical practices whether or not they are specifically addressed in the Code. It is a duty to report any potential violation of which I become aware promptly to my supervisor. I understand that the County of Broome maintains a policy of non-retaliation provided that the report is made in good faith. I understand that any violation of the Code of Conduct or any ethics or compliance policy or procedure is grounds for disciplinary action, up to and including termination from employment.