

AD HOC COMMITTEE ON EMPLOYEE AND OFFICIAL CONDUCT & ETHICS
MEETING MINUTES
SEPTEMBER 10, 2020

The Ad Hoc Committee on Employee and Official Conduct & Ethics of the Broome County Legislature met remotely via Zoom Videoconferencing on Thursday, September 10, 2020.

Members Present: S. Flagg (Chair), C. O'Brien, S. Ryan, Legislature; R. Behnke, County Attorney's Office; T. Behan, Personnel Dept.

Members Absent: K. Myers, Legislature; K. McManus, County Exec's Office

Others Present: D.J. Reynolds, A. Martin, R. O'Donnell, M. Tanzini, C. Hall, J. Bertoni, Legislature

The remote Ad Hoc Committee on Employee and Official Conduct & Ethics meeting was called to order by the Chair at 4:03 PM. Ms. O'Brien made a motion to open the meeting for discussion, seconded by Ms. Ryan.

The Chair stated that Committee Members should prepare recommendations for internal discussion by next month in order to meet the deadline of presenting findings to the full Legislature on or before December 31, 2020.

The Chair further stated that he'd prepared a short presentation reviewing the County's ethics policies. Presentation attached herein.

The Committee then discussed several possible additional policies and implementations that could be considered on top of what the County currently has in place, including County standard acknowledgement statements from contractors, annual ethics acknowledgments from existing and new employees, additional bullying/harassment provisions, etc.

The Chair further suggested that the Committee work to address matters of clarity and uniformity throughout the County's several different official sources for Ethics and Employee Conduct policies, including referencing said policies and the Charter and Code where appropriate.

Mr. Reynolds stated that he'd like to see the policies regarding workplace intimidation, bullying and sexual harassment more clearly outlined in the County's various Codes of Conduct and Ethics documents. The Personnel Officer stated these issues had been worked on recently and agreed to provide the Committee with new County materials regarding the aforementioned issues that may prove helpful for discussion/research purposes.

Committee Members agreed to continue researching and reviewing the policies and procedures to better understand how to proceed as far as Broome County Government is concerned. The Committee will meet again to discuss research/findings.

There being no further business to come before the Ad Hoc Committee at this time, a motion to adjourn was made by Ms. Ryan and seconded by Ms. O'Brien. The meeting adjourned at 4:51 PM.

County Code of Ethics Review

Steve Flagg
September 10, 2020

Good points

- Considered employees of this policy whether paid or unpaid.
- Articles (I ,II, III) are clearly written.
- Article II is really more related to Board of Ethics and I found no concerns on how this is code is written. This section does a good job on clearly defining the rules and duties of the board.
- Article III is more for our subcontractor expectations and I had real no concerns. One idea proposed in next slide.

Gap Assessment

- Article I Section 53-3 (A) – Should Purchasing employees have a more strict policy on receiving gifts as even awarding tickets or receiving promotional items of value could be used as influence to gain favor with Purchasing? Since purchasing has the authority to commit county dollars, should they get a limited dollar value gift?
 - Discussion – they do use the bid process to compete and use best value criteria for award. Maybe not necessary...
- Article I Section 53-5 (B)(2) has listing of required personnel to file annual financial disclosures – the Director of Purchasing must file, but should the Buyers as well?
- The professional service agreement section is good, but should we make new suppliers or service providers to the county be made to acknowledge our ethics policy when added to our system? It's a certification that we aren't doing business with unethical entities.

Gap Assessment (cont'd)

- Article I Section 53-3 (A)
 - Define dollar value of “nominal value”?
- Article I Section 53-3 (A)(8)
 - Clarify personnel conduct while on county per diem travel?
- Article 1 – Section 53-7 Distribution of Code of Ethics
 - Institute an annual Code of Conduct acknowledgement? Can be online.
- Nothing in Code about using Company Assets (phones, computers)?
 - You may not use county assets for any illegal purpose, to support personal business ventures, for political purposes, or for any purpose that could cause harm to the county.
- Examples of harassment include unwelcome conduct that is sexual in nature, racial slurs, threatening remarks, or remarks related to age, gender, sexual orientation, religion, or disability.
- You must not use, be under the influence of, possess, sell or distribute controlled substances, or be intoxicated while conducting county business or while present on county property. Should this be included in employee per diem travel expectations?

Witnessing Ethics Violations

Should there be a duty to report conduct violations if something is overheard or witnessed?

Possible scenario questions to consider:

- Have I witnessed conduct from one employee or a group of employees to another employee or group of employees that appears to be unwelcome, is sexual in nature, and appears to occur somewhat frequently?
- Have I witnessed a co-worker sometimes returning from lunch with slurred speech and smelling of alcohol?
- Have I overheard a co-worker make derogatory remarks of a threatening nature about another co-worker?