

**TOWN OF WINDSOR LOCKS**

**Ethical Standards and Guidelines**  
**For Municipal Officials and Employees**



**September 2020**

Draft

# **TOWN OF WINDSOR LOCKS**

## **Ethical Standards and Guidelines For Municipal Officials and Employees**

### **SECTION 1 - Purpose:**

1. Officials and employees of the Town of Windsor Locks (hereinafter referred to as the “Town” or “Municipality”) hold their position to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. The Town of Windsor Locks, acting through its Board of Selectmen, recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards for ethical conduct.

### **SECTION 2 - Definitions:**

1. “Board” means the Board of Selectmen and any other administrative board, commission, appointed committee, agency or body comprised of two or more municipal officers, officials, or employees.
2. “Interest” means a direct financial or material benefit, but does not include any benefit accruing from the provision or receipt of any services generally available to the residents or taxpayers of the municipality or an area of the municipality, or a lawful class of such residents or taxpayers. A municipal officer or employee is deemed to have an interest in any private entity when he or she, his or her spouse, or a member of his or her household, is an owner, partner, member, director, officer, employee, or directly or indirectly owns or controls more than five (5%) percent of the entity’s or ownership interest.
3. “Municipality” means the Town of Windsor Locks, Connecticut. The word “municipal” or “town” refers to the municipality.
4. “Municipal officer, official, or employee” means a paid or unpaid officer, official, or employee of the Town of Windsor Locks, Connecticut, including, but not limited to, the members of any municipal board or commission, whether elected or appointed.

5. "Relative" means a spouse, parent, step-parent, sibling, step-sibling, sibling's spouse, child, step-child, uncle, aunt, nephew, niece, first cousin, or household member of the officer, official, or employee.

**SECTION 3 – Applicability:**

1. These standards apply to the officers and employees of the Town of Windsor Locks, Connecticut, and shall supersede any prior statement or policy pertaining to the ethical conduct of municipal officials and/or employees. These standards shall apply in addition to any and all State and local laws relating to conflicts of interests and ethical conduct applicable to municipalities within the State of Connecticut.

**SECTION 4 – Prohibition on use of municipal position for personal or private gain:**

1. No municipal officer or employee shall use his or her municipal position or official powers and duties to secure a financial or material benefit for himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.

**SECTION 5 – Disclosure of interest in legislation and other matters:**

1. Whenever a matter requiring the exercise of discretion comes before a municipal officer or employee, either individually or as a member of a board, and disposition of the matter could result in a direct or indirect financial or material benefit to himself or herself, a relative, or any private organization in which he or she is deemed to have an interest, the municipal officer or employee shall disclose the nature of the interest.
2. The disclosure shall be made when the matter requiring disclosure first comes before the municipal officer or employee, or when the municipal officer or employee first acquires knowledge of the interest requiring disclosure, whichever is earlier.
3. In the case of a person serving in an elective municipal office, the disclosure shall be made to the Board of Selectmen. In all other cases, the disclosure shall be made, in the case of a municipal employee, to the employee's supervisor, and, in the case of a board or commission member, to the board or commission. Any disclosure made to a board or commission shall be made

publicly at a meeting of the board, and must be included in the minutes of the meeting.

**SECTION 6 – Recusal and abstention:**

1. No municipal officer or employee may participate in any decision or take any official action with respect to any matter requiring the exercise of discretion, including discussing the matter and voting on it, when he or she knows or has reason to know that the action could confer a direct or indirect financial or material benefit on himself or herself, a relative, or any private organization in which he or she is deemed to have an interest.
2. In the event that this section prohibits a municipal officer or employee from exercising or performing a power or duty:
  - a. if the power or duty is vested in a municipal officer as a member of a board, then the power or duty shall be exercised or performed by the other members of the board; or
  - b. if the power or duty that is vested in a municipal officer individually, then the power or duty shall be exercised or performed by his or her deputy or, if the officer does not have a deputy, the power or duty shall be performed by another person to whom the officer may lawfully delegate the function.
  - c. if the power or duty is vested in a municipal employee, he or she must refer the matter to his or her immediate supervisor, and the immediate supervisor shall designate another person to exercise or perform the power or duty.

**SECTION 7 – Prohibition inapplicable; disclosure, recusal and abstention not required:**

1. The prohibition on use of a municipal position (section 4), disclosure requirements (section 5), and requirements relating to recusal and abstention (section 6), shall not apply with respect to the following matters:
  - a. adoption of the municipality’s annual budget;

- b. any matter requiring the exercise of discretion that directly affects any of the following groups of people or a lawful class of such groups:
  - i. all municipal officers or employees;
  - ii. all residents or taxpayers of the municipality or an area of the municipality; or
  - iii. the general public; or
- c. any matter that does not require the exercise of discretion.

2. Recusal and abstention shall not be required with respect to any matter:

- a. which comes before a board when a majority of the board's total membership would otherwise be prohibited from acting by section 6 of these standards;
- b. which comes before a municipal officer when the officer would be prohibited from acting by section 6 of these standards and the matter cannot be lawfully delegated to another person.

**SECTION 8 – Investments in conflict with official duties.**

1. No municipal officer or employee may acquire the following investments:

- a. investments that can be reasonably expected to require more than sporadic recusal and abstention under section 6 of these standards; or
- b. investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

2. This section does not prohibit a municipal officer or employee from acquiring any other investments or the following assets:

- a. real property located within the municipality and used as his or her personal residence;
  - b. less than five (5%) percent of the stock of a publicly traded corporation;
- or

- c. bonds or notes issued by the municipality and acquired more than one year after the date on which the bonds or notes were originally issued

**SECTION 9 – Private employment in conflict with official duties:**

1. No municipal officer or employee, during his or her tenure as a municipal officer or employee, may engage in any private employment, including the rendition of any business, commercial, professional or other types of services, when the employment:
  - a. can be reasonably expected to require more than sporadic recusal and abstention pursuant to these standards.
  - b. can be reasonably expected to require disclosure or use of confidential information gained by reason of serving as a municipal officer or employee; or
  - c. requires representation of a person or organization other than the municipality in connection with litigation, negotiations or any other matter to which the municipality is a party.

**SECTION 10 – Future employment:**

1. No municipal officer or employee may ask for, pursue or accept a private post-government employment opportunity with any person or organization that has a matter requiring the exercise of discretion pending before the municipal officer or employee, either individually or as a member of a board, while the matter is pending or within the 30 days following final disposition of the matter.
2. No municipal officer or employee, for the 12 month period after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any matter involving the exercise of discretion before the municipal office, board, department or comparable organizational unit for which he or she serves.
3. No municipal officer or employee, at any time after serving as a municipal officer or employee, may represent or render services to a private person or organization in connection with any particular transaction in which he or she

personally and substantially participated while serving as a municipal officer or employee.

**SECTION 11 – Personal representations and claims permitted:**

1. These standards shall not be construed as prohibiting a municipal officer or employee from:
  - a. representing himself or herself, or his or her spouse or minor children before the municipality; or
  - b. asserting a claim against the municipality on his or her own behalf, or on behalf of his or her spouse or minor children.

**SECTION 12 – Use of municipal resources:**

1. Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.
2. No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:
  - a. any use of municipal resources authorized by law or municipal policy;
  - b. the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or
  - c. the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.
3. No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals, or lodging in connection with official travel.

### **SECTION 13 – Interests in Contracts:**

1. No municipal officer or employee may have an interest in a contract so as to create a conflict of interest as herein defined or impair his fair dealing as a municipal officer or employee.
2. Every municipal officer and employee shall disclose personal financial interests in any contracts with the municipality.

### **SECTION 14 – Nepotism:**

1. Except as otherwise required by law:
  - a. No municipal officer or employee, either individually or as a member of a board, may participate in any decision specifically to appoint, hire, promote, discipline or discharge a relative for any position at, for or within the municipality or a municipal board.
  - b. No municipal officer or employee may supervise a relative in the performance of the relative's official powers or duties.

### **SECTION 15 – Political Solicitations:**

1. No municipal officer or employee shall directly or indirectly compel or induce a subordinate municipal officer or employee to make, or promise to make, any political contribution, whether by gift of money, service or other thing of value.
2. No municipal officer or employee may act or decline to act in relation to appointing, hiring or promoting, discharging, disciplining, or in any manner changing the official rank, status or compensation of any municipal officer or employee, or an applicant for a position as a municipal officer or employee, on the basis of the giving or withholding or neglecting to make any contribution of money or service or any other valuable thing for any political purpose.

### **SECTION 16 – Confidential Information:**

1. No municipal officer or employee who acquires confidential information in the course of exercising or performing his or her official powers or duties may



disclose or use such information unless the disclosure or use is required by law or in the course of exercising or performing his or her official powers and duties.

**SECTION 17 – Gifts:**

1. No municipal officer or employee may solicit, accept, or receive any gift from any person or organization when:
  - a. the gift reasonably appears to be intended to influence the officer or employee in the exercise or performance of his or her official powers or duties;
  - b. the gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
  - c. the gift is intended as a reward for any official action on the part of the officer or employee.
  
2. For purposes of this section, a “gift” includes anything having a value of twenty-five dollars (\$25.00) or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift is the gift’s fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater.
  - a. A gift to a municipal officer or employee is presumed to be intended to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
  - b. A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve months.

3. This section does not prohibit any other gift, including:

- a. gifts made to the municipality;
- b. gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift;
- c. gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary;
- d. unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
- e. awards and plaques having a value of seventy-five dollars (\$75.00) or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community; or
- f. meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional or educational conference or program and the meals and refreshments are made available to all participants.

**SECTION 18 - Complaints and investigations:**

- 1. Any member of the public, officers or employee who has a concern relating to a violation of these standards shall submit their concern or complaint, in writing, to the office of the First Selectman. The First Selectman, or his designee, shall acknowledge the receipt of the writing or complaint within ten (10) business days, and shall conduct an initial investigation as to the merits of the complaint. The First Selectman shall refer the matter to the appropriate department head or board for further investigation and appropriate action. The department head or board may take any action permissible under state law, and may, if appropriate, refer the matter to the State's Attorney's Office in the event that a criminal offense is found to have occurred.

**SECTION 19 – Posting and distribution:**

1. The First Selectman must promptly cause a copy of these standards and a copy of any amendment to these standards, to be posted publicly and conspicuously in each building under the municipality's control and on the Town's website. These standards must be posted within ten (10) days following the date on which these standards take effect. An amendment to these standards must be posted within ten (10) days following the date on which the amendment takes effect.
2. The failure to post these standards or an amendment to these standards does not affect either the applicability or enforceability of these standards or the amendment. The failure of a municipal officer or employee to receive a copy of these standards or ethics or an amendment to these standards, or to acknowledge receipt thereof in writing, does not affect either the applicability or enforceability of these standards or amendment to these standards.

**SECTION 20 – Enforcement:**

1. Any municipal officer or employee who violates these standards may be censured, suspended or removed from office or employment in the manner provided by Laws of the State of Connecticut.

**SECTION 21 – Effective date:**

1. These standards shall take effect on [\_\_\_/\_\_\_/\_\_\_\_\_].