

CAMP SARADAC

**CITY
PERSONNEL
POLICIES**



City of Saratoga Springs Legal Disclaimer

The City of Saratoga Springs Policy and Personnel Manual is intended to serve as a general guide, both for new employees during orientation, and for all employees as a reference. The Employee Manual should not be regarded as a contract with the City's bargaining units and, except where governed by law or collective bargaining agreement, the City of Saratoga Springs reserves the right to change the policies described in the manual.

Employment policies and practices for employees governed by a collective bargaining agreement may, in some cases, be different from the policies in the manual. Therefore, those employees should refer to their respective union contracts for further information.

City of Saratoga Springs employee

Date



City of Saratoga Springs' Employee Handbook
Title: City Identification Card Program
Date of Origin: 032007, Revised 060110, 040213
Responsible Party: Human Resources/Civil Service
Review: Annual

Title: City Identification Card Program

A. Policy:

The City of Saratoga Springs (City) Identification Card Program is a supplementary program of the City's Workplace Violence Prevention Program. This policy sets the standard for the issuance of City identification cards for City employees or volunteers. The City's Police Department shall be responsible for the ownership of the identification card hardware and software and shall have the responsibility of issuing identification cards on behalf of all City departments at the request of the Office of Human Resources or Civil Service.

B. Definitions: For the purpose of this policy:

City of Saratoga Springs Identification (ID) Card: An identification card provided by the City for the purpose of identifying those individuals who are employees or volunteers for the City.

Employee: An individual employed by the City of Saratoga Springs in either a full-time or part-time capacity.

Volunteer: An individual who provides non-paid services for the City of Saratoga Springs.

Department Head: Commissioner or Mayor.

Issuing Official: The Human Resources Administrator or the Secretary to the Civil Service Commission.

Official Capacity: While conducting City business.

C. Procedure:

1. Upon the request of the Office of Human Resources or Civil Service, the City's Police Department shall issue a City identification card to every new City employee or volunteer during orientation. The City's identification card equipment will be used and maintained by the Police Department.
2. The identification card must be prominently displayed on the employee's or volunteer's outer person with the photo side facing out when conducting City business
3. Police, Fire and Public Works field personnel will display their identification card per the protocols established within their respective departments.
4. The face plate for all identification cards, other than Police Officers or Firefighters, shall contain the following:
 - a. Name - (First, middle initial, last). If space for the full name is insufficient, the first name may be reduced to an initial. Hyphenated last names will be allowed.
 - b. Photograph - a full-face color image.
 - c. The Department to which the employee/volunteer is assigned and/or job title.
 - d. Logo – City of Saratoga Springs, NY logo and name.
7. The face plate of identification cards used by Firefighters shall contain the following:

- a. City of Saratoga Springs Fire Department Seal
 - b. Name - (First, middle initial, last). If space for the full name is insufficient, the first name may be reduced to an initial. Hyphenated last names will be allowed.
 - c. Photograph - a full-face color image.
 - d. EMT level/Paramedic Status
 - e. Shield Number
 - f. Department of Public Safety - Position Rank
5. The face plate of identification cards used by Police Officers shall contain the following:
- a. City of Saratoga Springs Police Badge image indicating rank
 - b. Name - (First, middle initial, last). If space for the full name is insufficient, the first name may be reduced to an initial. Hyphenated last names will be allowed.
 - c. Photograph - a full-face color image.
 - d. Police Badge Number
 - e. Department of Public Safety - Position Rank
6. The back of each identification card shall display the City address, employee ID number, and employee signature line. In addition, identification cards for Firefighters and Police Officers will contain their blood type, if known.
7. The City's official identification card may not be defaced or modified, in any manner.
8. The identification card shall be used SOLELY by the individual to whom it is issued.
9. Lost, damaged, or stolen identification cards must be reported to the Office of Human Resources or Civil Service as soon as possible
10. The cost of replacing an identification card shall be the responsibility of the employee/volunteer. There will be a five-dollar (\$5.00) replacement cost.
11. Department Heads shall be responsible for enforcing this policy with the employees/volunteers assigned to their department.
12. Employees/volunteers, who leave City service, or are out on extended Administrative Leave, shall surrender their City Identification Card to their Department Head or designee for return to the Office of Human Resources/Civil Service.
- D. Exceptions:**
- 1. Recreation Department coaches shall be exempt from this policy. However, they shall be identified in a manner as determined by the Recreation Department and in accordance with the intent of this policy.
 - 2. City volunteer commission and board members shall be exempt from this policy. However, they shall be identified in a manner as determined by the City and in accordance with the intent of this policy.



City of Saratoga Springs Employee Handbook
Title: Children in the Workplace
Date of Origin: June 20, 2005
Responsible Party: Human Resource Administrator
Date of Review: Annual

Title: Children in the Workplace

Policy

The City of Saratoga Springs strives to provide a place of professional employment to all employees which is free of disruptions to both the employee population and the community it serves.

Procedure

1. Employees are not permitted to bring their children to work except under extremely unusual circumstances such as a dire emergency, and only after permission is received by the Department Head.
2. In an emergency, the Department Head should be as liberal as possible in granting the use of personal time or compensatory leaves to the employee in such instances. This practice is not only for the welfare of an employee's children, but for fellow employees as well.
3. If an employee is granted permission to bring a child into the workplace because of an emergency, the child must be supervised at all times. The child's presence in the workplace shall be kept to a minimum. Many workplaces can be unsafe for children and their presence may interfere with the normal work of colleagues. Children onsite are expected to behave at all times and be kept as quiet as possible as not to interfere in the daily operations of the City.
4. If a complaint is received at any time from a fellow employee or a member of the public, the employee will be asked to leave and make other child care accommodations.
5. The City of Saratoga Springs insurance company will not cover children if they are injured in the workplace, and the potential liability is significant. State and Federal laws prohibit children in most work environments.
6. In the event a dispute arises involving children in the workplace, the Human Resource Administrator will be contacted and shall confer with the City Risk and Safety Manager and the City Attorney for further action as deemed appropriate.
7. At no time shall any child be allowed in a City owned, operated or maintained vehicle.



City of Saratoga Springs Employee Handbook
Title: Computer Policy
Date of Origin: June 20, 2005
Responsible Party: Human Resource Administrator
Date of Review: Annual

Title: Computer Policy

Policy

The City of Saratoga Springs Computer Systems are City property that are provided for general business purposes to increase productivity and employee effectiveness. To ensure the use of the City's computer systems in a productive manner, these policy guidelines have been incorporated. All employees are required to abide by these guidelines. Any improper use of City computer systems is not acceptable and will not be permitted. The City of Saratoga Springs has total discretion over an employee's access privileges and the nature of public discussions on the computer system.

City online systems may be used for occasional personal reasons within the guidelines of this agreement during time periods that would not interfere with normal work flow, such as during lunch breaks or before and after normal work hours.

Protocol:

A. Computer System Policies: Monitoring Tools

The City of Saratoga Springs routinely monitors usage patterns for its network communications. The reasons for monitoring are to leverage network productivity and to better plan and manage network resources. These monitoring tools allow the City to:

1. Collect data for Internet access to ensure that use during work hours stays productive
2. Track and control the flow of traffic
3. Improve internet capacity planning
4. Maintain availability of network bandwidth

B. Archive System

The City of Saratoga Springs is testing for future, permanent installation of an archiving system that retains and saves all e-mails sent or received on the City network. E-mails are saved regardless of whether the individual user deletes them, including e-mail items deleted from the trash or recycling bin. The reasons for this mirror those in item A. In addition the archive system may assist in compliance with FOIL and other legal circumstances.

Employees may request copies of their own archived e-mails. They must do so in writing, on the "Archived e-mail Request form located in the Information Technology Department. All requests for archived emails must be made by way of the FOIL (Freedom of Information Law) process through the City Attorney's Office.

C. Blocking of Internet Access

Different access levels may be given to employees depending on the nature of their work. The City of Saratoga Springs reserves the absolute right to block access to certain Internet sites if it becomes necessary. Current policy is to block access to all sites considered to be pornographic as rated by our

content blocking software. Attempts to circumvent any form of blocking are prohibited. All attempts to access blocked sites will be recorded.

D. Ownership of Electronic Communications

All messages created, sent, or retrieved over the City's network system are the property of the City of Saratoga Springs. Employees should not assume electronic communications are totally private. The City of Saratoga Springs reserves the absolute right to access and monitor all messages and files on the corporate computer systems. This access includes but is not limited to software virus checking of e-mail and attachments.

E. Maintaining a Hospitable Work Environment

To ensure that the City computer systems provide a productive and stable environment, the transmittal, retrieval or storage of information that is discriminatory, harassing, obscene, or pornographic is prohibited. The use of City computer systems for any purpose that is illegal, against City policy, or contrary to the City's best interest is prohibited.

F. Non-Discrimination

The transmittal of messages with derogatory or inflammatory remarks about a person's race, color, sex, age, disability, religion, national origin, physical attributes and sexual preference is prohibited.

G. Maintaining System Security

- a) **Virus Protection:** Although the City goes to great lengths to detect and prevent computer viruses, absolute protection is impossible. No unauthorized downloading/uploading of software or files is allowed in order to prevent viruses from entering the City computer systems. All downloaded software must be authorized by and registered to the City.
- b) **Infringement Risk:** Employee downloading or usage of unauthorized copyrighted software is illegal and therefore strictly prohibited. The City may be subject to fines up to \$50,000 per incident if copyrighted software is installed without proper licensing.
- c) **Password Security:** All passwords allowing access to employee workstations as well as access to online services should be treated as confidential information and not be disclosed. If you feel this information has been disclosed please contact computer support and have any compromised passwords changed immediately.

H. Public Image

- a) **Employee Online Conduct:** The City computer systems are a public place for business communications, and all communications over the City's online systems reflect our image. All employees are, therefore, responsible to maintain and enhance the city's public image: no abusive, discriminatory, harassing, inflammatory, profane, pornographic or offensive language or other materials are to be transmitted through the City's online system.
- b) **Employees' Identity:** No message can be transmitted without an employee identity. Transmittal of messages with anonymous or fictitious names is prohibited.

Violations or failure to comply with this policy may result in disciplinary action.



City of Saratoga Springs Employee Handbook
Title: Confidential Information in the Workplace
Date of Origin: June 20, 2005
Responsible Party: Human Resource Administrator and Risk and Safety Manager
Date of Review: Annual

Title: Confidential Information in the Workplace

Policy

The City of Saratoga Springs creates and maintains certain files throughout its departments in the course of conducting its municipal business for the community and its citizens, visitors, and employees. Many of these files may be of a confidential nature due to the business conducted. Whenever possible and as mandated by law, the City shall maintain the confidentiality of the files it creates and maintains.

The Freedom of Information Law has established that a public employee's salary is public information and may be accessed by any person.

Definition

Confidential Information shall be defined, but not limited to information and records including:

- Some personnel records
- Computer system passwords and security codes
- Incidents, claims and litigation pending or in process
- Settlements with confidentiality clauses
- Employee medical records including medical benefit claims
- Employee training records
- Birth, marriage, and death certificates as protected by law
- Land acquisition negotiations

The City Attorney shall have the responsibilities of handling any inquires of a legal nature pertinent to City Government issues.

Protocol

1. Employees are expected to maintain the confidentiality of their employment positions per the regulatory requirements of state and federal law.
2. Employees who are hired into positions that mandate confidentiality are expected to use discretion when dealing with such information.
3. Any inquiry from the written press, radio and/or television regarding the activity of a City function, project, and/or issue should be referred to the Department Head for handling. An exception to this rule is the provision of information by the Police Department and Fire Department in accordance with public law.
4. All inquiries from insurance companies, attorneys or private investigative firms should be immediately reported to the City Risk and Safety Manager for handling.
5. Any information pertaining to an employee's medical history is confidential and shall be treated as such accordingly. The Risk and Safety Manager shall be responsible for inquiries pertaining to an individual employee's medical history.

6. Confidential information shall be maintained in safe and secure places and not be accessible to public view. All confidential paper files are to be maintained in secure locked files. Computerized records and terminals should not be accessible to unauthorized users.
7. At no time shall any employee utilize their position or confidential City information for personal gain or satisfaction.
8. Unauthorized disclosure, or use of confidential information, may lead to disciplinary action per the employee's collective bargaining agreement.
9. An employee should consult with the City Attorney's and Risk and Safety Management Office when in doubt about the handling and disclosure of confidential information.



City of Saratoga Springs Employee Handbook
Title: Disciplinary Policy and Procedure
Date of Origin: June 20, 2005
Responsible Party: Human Resource Administrator
Date of Review: Annual

Title: Disciplinary Policy and Procedure

Policy:

The City of Saratoga Springs implements a Disciplinary Policy whereby employees not performing job duties will be disciplined. Notice of Verbal Warning and Employee Counseling Memos are available for Department Heads in the Human Resource Office. The Disciplinary Procedures are necessary for promoting fairness in the treatment of employees. This procedure will ensure a fair, consistent, and systematic approach to dealing with disciplinary issues.

Disciplinary Procedure:

1. No employee will be dismissed for a first misconduct except in the case of gross misconduct when the penalty may be dismissal without notice. All Civil Service Permanent Competitive positions are entitled to a Section 75 Hearing.
2. Should disciplinary action against an employee be warranted, it must be implemented as soon as possible after the disciplinary sanction has been determined.
3. Department Heads shall contact the Human Resource Administrator for all disciplinary meetings with Employees. Employees shall have the right to Union Representation.
Examples of misconduct include but are not limited to:
 - A pattern of lateness or absenteeism
 - Work errors, unsatisfactory performance
 - Failure or refusal to carry out reasonable instructions given by supervisors
 - Acts of insubordination
4. Following the Department Head's decision to discipline the employee after the disciplinary meeting, written confirmation by the Human Resource Administrator will be issued and include:
 - the precise details of employee misconduct
 - required improvement in conduct or performance
 - a warning that further action will be taken if same conduct is continued

If a part of this policy conflicts with a collective bargaining agreement, the bargaining agreement supersedes only to the extent of conflict.



City of Saratoga Springs Employee Handbook
Title: Emergency Days
Date of Origin: June 20, 2005
Responsible Party: Human Resource Administrator
Date of Review: Annual

Title: Emergency Days

Policy:

The City of Saratoga Springs values the health and well being of each and every employee and community member. To this end, there may be extraordinary weather and/or community issues that may jeopardize the livelihoods of City employees and the community they serve. In those extraordinary situations, a State of Emergency may be declared.

Procedure:

1. No workdays off will be authorized except as described in the City's collective bargaining agreements. An exception to this general rule shall be cases of a State of Emergency or when the operation of a City Facility could be hazardous to the lives of the City of Saratoga Springs employees. In these cases, the City of Saratoga Springs' Mayor may declare an emergency day.
2. Each Commissioner shall have, in conjunction with essential personnel only, the discretion of abiding by the emergency closure established by the Mayor's Office except in such cases where the United States or New York State Government enacts a global or Regional State of Emergency. In these specific cases, the Governor and/or the President of the United States mandates shall take precedent.
3. When such an Emergency Day is declared, non-essential emergency employees will receive regular pay.
4. No City employee, other than the City of Saratoga Springs Mayor, is authorized to declare an emergency day.
5. In those cases where essential employees are required to work given their levels of responsibility and/or the essential nature of their profession (i.e. Department of Public Works [in conjunction with emergency personnel only], Police and/or Fire) pay will be distributed according to established collective bargaining agreements.

If a part of this policy conflicts with a collective bargaining agreement, the bargaining agreement supersedes only to the extent of conflict.



City of Saratoga Springs Employee Handbook
Title: Employee Complaint Procedure
Date of Origin: June 20, 2005
Responsible Party: Human Resource Administrator
Date of Review: Annual

Title: Employee Complaint Procedure

Policy:

The City of Saratoga Springs recognizes the need for a process by which employees may raise complaints and concerns related to their employment. Differences between an employee and the City shall be dealt with in accordance with these guidelines.

Guidelines:

1. An employee must initiate his or her own complaint in writing. The employee should make the complaint in a timely manner with the Department Head and/or his/her Union Representative. The Department Head shall discuss the complaint with the employee in a private meeting.

If the employee feels unable to discuss the matter with his/her Department Head, he/she may immediately consult the Human Resource Administrator. The Human Resource Administrator shall immediately inform the Department Head of the complaint.

2. In the event the matter is not satisfactorily addressed at the Department Head level, the employee may then file a formal grievance.
3. The Department Head may request assistance from the Human Resource Administrator as needed with employee complaints.
4. When a formal grievance is filed, the Department Head shall notify the Human Resource Administrator.
5. The Department Head shall have one (1) week after the parties meet to respond in writing to the complainant. The Human Resource Administrator will assist the Department in constructing the written response as requested.

It should be noted that employees may elect at any point to contact the Human Resource Office for assistance or guidance. The initiation of a complaint by an employee will not adversely affect any employee's job.

If a part of this policy conflicts with a collective bargaining agreement, the bargaining agreement supersedes only to the extent of conflict.



City of Saratoga Springs Employee Handbook
Title: Equal Opportunity Policy
Date of Origin: June 6, 2005
Responsible Party: Human Resource Administrator
Date of Review: Annual

Title: Equal Opportunity Policy

Policy:

The City of Saratoga Springs is committed to the provision of equal opportunity in employment and a work environment that values workplace diversity and respect for all employees.

The City of Saratoga Springs provides equal employment opportunity for all employees on the basis of qualification and merit. The City will not discriminate on the basis of race, color, creed, religion, national origin, age, disability, sex, sexual preference, marital status, veteran status or any other legally protected status in accordance with applicable local, state, and federal laws.

The City of Saratoga Springs' commitment to equal employment opportunity extends to all job applicants and employees and to all aspects of employment, including recruitment, hiring, training, promotion, compensation, transfer, layoffs, benefits, and termination. The City of Saratoga Springs shall ensure that minority group members and women are afforded equal employment opportunities without discrimination.

To the extent reasonably possible, the City of Saratoga Springs will accommodate individuals with disabilities in the application, hiring, and employment process.

Procedure:

1. All City departments shall abide by the federal and state Equal Employment Opportunity Laws without exception.
2. Any and all deviations from those employment practices established by the law will be dealt with in accordance with Civil Service and New York State Department of Labor regulatory compliance.



City of Saratoga Springs Employee Handbook
Title: Freedom of Information/Personnel Files
Date of Origin: June 21, 2005
Responsible Party: Human Resource Administrator
Date of Review: Annual

Title: Freedom of Information/Personnel Files

Policy

The Human Resource Department along with Civil Service maintains an accurate, current and complete personnel file for each employee. The personnel file contains such information as the employment application, report of personnel change, and other pertinent documents.

Procedure

1. All employees shall have the right to examine their personnel file.
2. An employee, upon seventy-two (72) hours written notice to the Human Resource Administrator and the employee's Department Head, shall be allowed to examine his/her personnel record.
3. Employees may have the CSEA representative present at such review.
4. The Department Head, Human Resource Administrator and/or Secretary to Civil Service may be present singularly or collectively when the employee reviews his/her personnel record.
5. Copies of an employee personnel record may be made with proper notice given in accordance with NYS Labor Law.
6. All employment record disputes must be submitted in writing to the Department Head and Human Resource Administrator for analysis.
7. The Human Resource Administrator in turn shall have responsibility for settling employment personnel record disputes in conjunction with the City Attorney and the City Risk and Safety Manager.

If a part of this policy conflicts with a collective bargaining agreement, the bargaining agreement supersedes only to the extent of conflict.



City of Saratoga Springs Employee Handbook
Title: Substance Abuse in the Workplace
Date of Origin: June 21, 2005
Responsible Party: Risk and Safety Manager
Date of Review: Annual

Title: Substance Abuse

Policy

The City of Saratoga Springs recognizes that alcohol and drug abuse are potential health, safety and security problems in the workplace. The City requires all employees to assist in maintaining a work environment free from the effects of alcohol, drugs or other intoxicating substances. Furthermore, the City expects all employees to follow the requirements of a drug-free workplace as required by federal and state law.

Protocol

1. The City prohibits all employees, appointed officials, volunteers and community members (hereby defined as employee) from the manufacture, possession, use, distribution-for-sale, or purchase of non-prescribed controlled substances and intoxicants on ANY City owned, operated and/or maintained property. The only exception to this provision shall apply to a leased or licensed activity in which a liquor license is used in a catered event as approved by the Commissioner of Public Works and/or the Commissioner of Accounts per the City Charter.
2. The City prohibits all employees from working under the influence of alcohol, drugs or other intoxicating substances.
3. Every City employee and volunteer are expected to report to their responsibilities in an appropriate mental and physical condition ready to work.
4. If an employee is impaired due to a medication prescribed by his/her personal physician, he/she is expected to discuss it with his/her supervisor before beginning work for that day. Clearance must be received from the supervisor prior to the employee being allowed to work.
5. Any employee who is convicted of any violation of a criminal statute including misdemeanors, DWI's and/or DUI's shall be governed under the City's Fleet Safety Program and may be subject to additional disciplinary proceedings including the loss of use of City property and vehicles. The Risk and Safety Manager and the Department Head shall determine loss of use of City property and/or vehicles. In each case, compliance with the law will prevail. Under no circumstances will an employee be given access to a City owned, operated or maintained vehicle while awaiting arraignment on a DWI or DUI.
6. Any employee who violates this policy shall be subject to the discipline per the City's Discipline Policy and Procedure.
7. If an employee is found to be impaired while on the job as a first offense, the employee will be counseled and sent home without pay for the day via an appropriate mechanism. A referral will be made to the Human Resource Administrator and the Risk and Safety Manager.
8. If an employee is found to be impaired while on the job as a second offense, the employee will be counseled, a written discipline action will be placed in his/her employee file and he/she will be sent home without pay for the day via an appropriate mechanism. The employee's personal physician will be required to give permission for the employee to return to work. Permission must be received from the Department Head, the Human Resource Administrator and the Risk and Safety Manager before the employee may return to work.

9. If an employee is found to be impaired while on the job as a third offense, the employee will be counseled, a written discipline action will be placed in his/her employee file and he/she will be sent home until such time as the Department Head, Human Resource Administrator and Risk and Safety Manager agree the employee may safely return to his/her duties. The employee will be required to show proof of participation in substance abuse program acceptable to the Human Resource Administrator and the Risk and Safety Manager. In this instance, the Department Head shall have the authority to commence termination of employment for a violation of workplace health and safety, as required by law.
10. ***An exception to the "three offense rule"*** is the operation of a City owned vehicle, hand tool or power tool. In this case, the Department Head and/or Risk and Safety Manager shall have the authority to immediately remove the employee from the operation of the equipment in question. A union representative shall be called in to mitigate the employee situation in coordination with the Department Head, the Human Resource Administrator and the Risk and Safety Manager. Further action shall be taken in accordance with the employee's Collective Bargaining Agreement.
11. At no time shall an employee be allowed to continue with a work assignment under the influence of a drug or alcohol.
12. In the event a Department Head disagrees with the Human Resource Administrator and/or Risk and Safety Manager on the ability of an employee to return to his/her work duties, the City's Labor Counsel shall be consulted to mediate a solution.

If a part of this policy conflicts with a collective bargaining agreement, the bargaining agreement supersedes only to the extent of conflict.



City of Saratoga Springs
Title: Telephone Use Policy
Date of Origin: March 2, 2004
Adopted: March 2, 2004
Responsible Party: Commissioner of Accounts
Date of Review: Annual

Title: City of Saratoga Springs Telephone Policy

Policy:

This policy applies to the assignment of and use of cellular and digital telephones by City employees. It details the criteria for assignment and incidental personal use of the cellular telephone. This policy also applies to the personal use of City owned and maintained wired telephones.

Definitions:

- Wired Telephone:** Traditional land line local and long distance telephone service also known as POTS line (plain old telephone service line)
- Cellular telephone:** Cellular/digital telephone service. A wireless mobile telephone shall mean the device used by employees and other users of wireless telephone service to access such service, hereinafter referred to as cellular telephone.
- Telephone** Unless otherwise stated, telephone includes both wired telephones and cellular telephones

Protocol:

It is the policy of the City to utilize cost effective technological means in providing service to citizens and others reliant upon the City for service. The use of a cellular telephone has proven to be a cost-effective means for delivering such services. Traditional landlines will be the preferred method of use, whenever possible.

A. GUIDELINES FOR ISSUING CELLULAR TELEPHONES

The City has established the following guidelines for the issuance of cellular telephones and a process for tracking the custody of a cellular telephone issued to its employees. Those guidelines, as listed below, are to be considered by department heads before issuing cellular telephones. Those guidelines include, at a minimum, the following:

1. What responsibilities require the use of a cellular telephone? (For example, emergency related services as opposed to office administrative staff.)
2. When should a cellular telephone be shared by a group of employees? (for example, departments that operate on 24 hours shifts – should the cellular telephones be shared between working employees and employees not working?)
3. When are individual cellular telephones issued?
4. How are individual cellular telephones issued?
5. To whom should cellular telephones be issued?

1. Number of minutes required per month?
2. Desired coverage area?
3. Is there a need for data transmission including Internet access and faxing? (For example, the ITS employee may require such use.)

As of November 1, 2001, per Section 1225-c of the New York State Motor Vehicle and Traffic Law, it is against the law to utilize a handheld wireless or mobile telephone while operating a motor vehicle, unless using the speaker feature.

B. JUSTIFICATION FOR ACQUIRING CELLULAR SERVICE PLANS

Each department, in conjunction with the telecommunications specialist, will evaluate available cellular telephone service plans including those on state contract. If a department decides to procure a cellular telephone service plan that is not on the New York State contract, that department must clearly define those reasons for selecting another telephone service plan and obtain Council approval for that service. Departments are to use the guidelines as outlined under "Guidelines for Issuing Cellular Telephones" and those items listed below in determining the most cost effective service plan:

1. Law Enforcement: Cellular telephones may be acquired to supplement the two-way radio system as used by law enforcement officers and the associated administration of law enforcement activities of these officers.
2. Safety or Emergency response: Cellular telephones may be acquired to meet an emergency response mandate or to ensure the safety of employees or the general public in emergency situations.
3. Management benefits: Cellular telephones may be acquired to improve management activities that can be directly attributed to a positive cost benefit to the City.
4. Coverage area and reliability of equipment should be considered.

C. RECORD KEEPING/REIMBURSEMENT

Personal long distance calls made and received on City telephones will be considered the responsibility of the employee to whom the telephone is assigned, unless it can be shown that calls are the result of fraudulent use of the account or telephone by someone other than the employee. City telephones should not be used for personal long distance calls, except in an emergency. When the use occurs on wired telephones, the employee will contact the Telecommunications Specialist immediately after making the personal call and the dollar amount and documentation of the call will be provided to the employee and department head. Due to the increased time to oversee and regulate cellular telephone use, the detailed bill for each City cellular telephone must be reviewed by each department on a monthly basis as bills are received using the following procedure:

1. Each person assigned a cellular telephone must review the detailed bill and initial any personal calls made or received.
2. Each person will sign and date the bill, documenting all personal telephone calls and the total charge for all personal calls made or received.
3. Each person with personal calls will reimburse the City under the guidelines established under "Personal Use Reimbursement Guidelines". A check made payable to the Commissioner of Finance shall be submitted with a copy of telephone bill outlining the personal telephone calls.
4. Deputy Commissioners or Deputy Mayor, shall review the bill after all personal calls have been so noted to ensure that personal cellular reimbursement follows the guidelines in this policy.

D. GUIDELINES FOR PERSONAL CALLS

For wired telephones, it is recognized that it may be necessary to make or accept a limited number of personal telephone calls while at work. However, the frequency and duration of such personal calls must be kept to a minimum, and whenever possible, made during the lunch hour or authorized breaks.

Except in the case of emergencies, personal long distance calls should not be made from City telephones and charged to the City. Personal long distance calls can be made from wired City telephones if charged to a personal credit card or to a third party number.

For cellular telephones, personal calls made or received on City cellular telephones are only acceptable in emergency situations when no wired telephones are available for use.

Personal business, which involves an activity undertaken for profit or gain of any kind, shall not be conducted from a City telephone. Employees are prohibited from circulating their City telephone number as a telephone number at which they can be reached for personal business unless the telephone number is given as an emergency contact number. Calls to 1-900 numbers or other pay-per-call numbers are strictly prohibited. The City reserves the right to monitor the use of all City telephones.

E. ANNUAL REVIEW OF CELLULAR SERVICE

In June of each year, each department, in conjunction with the telecommunications specialist, shall complete a review of their individual and group cellular service needs.

In June of each year, an annual inventory of cellular telephones and accessory items will be conducted by each department.

That inventory shall include the make, model, serial number, telephone number and name of individual holding the cellular telephone. The annual inventory will be maintained within each department and with the telecommunications specialist. A copy will also be forwarded to the City's Risk & Safety Manager for inclusion in the City's Fixed Asset Recognition database.

F. PERSONAL USE REIMBURSEMENT GUIDELINES FOR WIRED TELEPHONES

The following guidelines are to be used to reimburse the City for personal long distance wired telephone usage. Each employee with personal long distance telephone usage will reimburse the City for those personal long distance calls. A check made payable to the Commissioner of Finance shall be submitted along with a copy of the documentation, which will be provided by the Telecommunications Specialist, detailing the call. Reimbursement checks shall be submitted to the Commissioner of Finance, within thirty (30) days the bill due date, accompanied by a memorandum indicating the appropriate charge code.

G. PERSONAL USE REIMBURSEMENT GUIDELINES FOR CELLULAR TELEPHONES

The following guidelines are to be followed when calculating reimbursement to the City of personal cellular telephone usage: Upon the department head's review of the monthly cellular telephone bill, all personal telephone usage for employees will be identified. Each employee making or receiving a personal telephone call will sign and date the bill, documenting the total charge for all personal telephone calls. All personal telephone calls made or received by employees will be reimbursed by the employee to the City at the rate of \$.25 per minute. A check made payable to the Commissioner of Finance shall be submitted with a copy of telephone bill outlining the personal telephone calls. Reimbursement checks shall be submitted to the Commissioner of Finance, within thirty (30) days the bill due date, accompanied by a memorandum indicating the appropriate charge code.

H. VIOLATIONS TO THIS POLICY

This policy will be presented to all employees for review and signature as follows:

- for current employees – by department head
- for new employees – upon entering on duty

Compliance with the provision rests within the Human Resource Department. The sign off form will be filed in an employee's personnel.

Violation of this policy will result in the loss of cellular telephone privileges. First violation will be a verbal warning with documentation in an employee's personnel file. Second violation will be written warning with documentation in an employee's personnel file. Third violation will result in termination of telephone use privileges.

Cellular telephones are the property of the City. If the cellular telephone is lost or stolen, a police report must be filed with a copy to the Department head and the City's Risk & Safety Manager. At the discretion of the Deputy Commissioner or Deputy Mayor, the employee may be required to pay for the missing cellular telephone.

TELEPHONE POLICY

I have read, understand and will abide by the City of Saratoga Springs Telephone Use Policy.

Print Name

Signature of Employee

Date



City of Saratoga Springs Employee Handbook
Title: Workplace Attire
Date of Origin: June 21, 2005
Responsible Party: Human Resource Administrator
Date of Review: Annual

Title: Workplace Attire

Policy:

Employees of the City of Saratoga Springs shall dress in a clean, neat and professional manner as per the requirements of their job duties and/or the regulatory requirements of their employment.

Protocol:

1. Employees must adhere to the regulatory safety standards of their employment requirements. The following are examples, but are not all inclusive:
 - a. Workboots and/or appropriate workplace shoes : Flip flops and or sandals shall not be worn in those professions that require extensive walking from place to place;
 - b. Jeans and/or denim;
 - c. Safety Colors
 - d. Uniforms that are position specific;
 - e. Hats, helmets and hardhats that are position specific or mandated by health and safety regulations
2. Employees shall be required to maintain good personal hygiene and exhibit good grooming.
3. General workplace attire that is deemed to be unacceptable shall include, but not be limited to the following:
 - a. Jewelry that creates a workplace health and safety issue;
 - b. Facial piercing with the exception of ear piercings;
 - c. Graphic T-shirts that may be deemed offensive to the general public;
 - d. Facial hair and/or hair fashions that may create a health and/or safety issue;
 - e. Clothing that is revealing to an individual's personal attributes (i.e. tube tops, camisoles, halters, low rider pants); and/or
 - f. Shorts and/or skirts that are higher than fingertip length.
4. Employees who violate the generally accepted workplace standards as outlined in this policy shall be counseled by the Human Resource Administrator and may be asked to immediately correct any deficiency. Additional violations shall be handled via the City Discipline Policy and Procedure and in accordance with the employee's collective bargaining agreement.

If a part of this policy conflicts with a collective bargaining agreement, the bargaining agreement supersedes only to the extent of conflict.

CITY OF SARATOGA SPRINGS

LOCAL LAW NO. 1 FOR THE YEAR 2006

“CODE OF ETHICS”

A LOCAL LAW TO AMEND the CODE OF THE CITY OF SARATOGA SPRINGS by deleting and repealing Chapter 13 thereof, ETHICS, CODE OF, and replacing it with a new Chapter 13, to be entitled CODE OF ETHICS, which Chapter establishes a new and updated ethics code intended, pursuant to § 806 of the New York State General Municipal Law, to establish standards of ethical conduct for officers and employees of the City of Saratoga Springs.

BE IT ENACTED by the City Council of the City of Saratoga Springs, County of Saratoga and State of New York, as follows:

Section 1.

The CODE OF THE CITY OF SARATOGA SPRINGS is hereby amended by deleting and repealing

Chapter 13, ETHICS, CODE OF.

Section 2.

The CODE OF THE CITY OF SARATOGA SPRINGS is hereby amended by adding thereto a new chapter, to replace Chapter 13 hereinabove repealed, to be Chapter 13, CODE OF ETHICS, to read as follows:

Chapter 13

CODE OF ETHICS

- **§ 13-1. Purpose**
- **§ 13-2. Definitions**
- **§ 13-3. Standards of conduct**
- **§ 13-4. Annual Disclosure**
- **§ 13-5. Board of Ethics**
- **§ 13-6. Effect on filing of claims**
- **§ 13-7. Distribution of copies**
- **§ 13-8. Forms**

§ 13-1. Purpose

Pursuant to the provisions of § 806 of the General Municipal Law, the City Council of the City of Saratoga Springs recognizes that there are standards of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of city

government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the City of Saratoga Springs. These rules shall serve as a guide for official conduct of the officers and employees of the City of Saratoga Springs. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 13-2. Definitions

As used in this chapter, the following terms shall have the meanings indicated:

APPEAR and APPEAR BEFORE - Communicating in any form, including, without limitation, personally, through another person, by letter, facsimile, electronic mail, or by telephone.

CITY CLERK - The City Clerk of the City of Saratoga Springs.

CITY GOVERNMENT - Includes all departments, offices, bureaus and instrumentalities of the government of the City of Saratoga Springs, including the City Council.

CITY ATTORNEY - The City Attorney of the City of Saratoga Springs.

CONFIDENTIAL INFORMATION — Any data acquired through the course of employment or public office which is protected from disclosure by law.

CUSTOMER or CLIENT -

A. Any person to whom an officer or employee of the City of Saratoga Springs has supplied goods or services during the previous 24 months having, in the aggregate a value greater than \$1,000; or

B. Any person to whom an officer's or employee's outside employer or business has supplied goods or services during the previous 24 months having, in the aggregate, a value greater than \$1,000 but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.

FAMILY - A group of individuals with the following relationships: spouse, life partner, sibling, parent, children (including children of spouse or life partner), grandchildren and the spouses of any of said individuals.

GIFT and FINANCIAL BENEFIT - Includes anything of value including, but not limited to, money, services, licenses, permits, contracts, authorizations, loans, travel, entertainment, hospitality, or any promise thereof, or any other gratuity or promise thereof. A financial transaction may be a financial benefit but shall not be a gift unless it

is on terms not available to the general public. "Gift" and "financial benefit" do not include campaign contributions authorized by law.

NOT FOR PROFIT ENTITY - A legal entity created under the Not for Profit Corporation Law of the State of New York.

OFFICER OR EMPLOYEE OF THE CITY OF SARATOGA SPRINGS - An officer or employee of the City of Saratoga Springs, whether paid or unpaid, including without limitation, all decision making officers, employees, and members of any decision-making board, body, council, commission, agency, department, district, administration, bureau, or committee of the City of Saratoga Springs. "Officer or employee of the City of Saratoga Springs" shall not include a judge, justice, officer, or employee of the Unified Court System.

OUTSIDE EMPLOYER OR BUSINESS -

A. Any activity, other than service to the City of Saratoga Springs, from which the officer or employee of the City of Saratoga Springs receives compensation for services rendered or goods sold or produced;

B. Any entity, other than the City of Saratoga Springs, of which the officer or employee of the City of Saratoga Springs is a member, officer, or employee and from which he or she receives compensation for services rendered or goods sold or produced; or

C. Any entity in which an officer or employee of the City of Saratoga Springs has an ownership interest, except a corporation of which the officer or employee of the City of Saratoga Springs owns less than 5% of the outstanding stock. For purposes of this definition, "compensation" shall not include reimbursement for necessary expenses, including travel expenses.

PERSON - Includes both individuals and entities.

POLITICAL PARTY OFFICER - Any person serving or acting as the Chair, Vice Chair, First Vice Chair, Secretary, Treasurer or equivalent officers by whatever name or title known of any political party or committee organized for the purpose of nominating persons for elective office in the government of the City of Saratoga Springs.

RELATIVE - A member of one's family.

SUBORDINATE OF AN OFFICER OR EMPLOYEE OF THE CITY OF SARATOGA SPRINGS - Another officer or employee of the City of Saratoga Springs over whose activities he or she has direction, supervision, or control.

§ 13-3. Standards of conduct

A. General prohibition. A City officer or employee shall not use his or her official position or office, or take or fail to take any action, in a manner which he or she knows, or has reason to know, may result in a personal financial benefit for any of the following persons:

1. The City officer or employee;
2. His or her outside employer or business;
3. A member of his or her household;
4. A customer or client;
5. A relative; or
6. Any firm, corporation, association, partnership or other organization in which the City officer or employee, or a relative, serves as an officer or director, whether compensated or not compensated.

B. Specific City officers and employees.

1. Responsibilities.

(a) **Professionally licensed.** All City officers and employees with professional licenses are prohibited from knowingly exercising any discretion in any matter of City interest which shall involve any person, firm or corporation which is a client of his or her or a client of his or her firm.

(b) **Authorized to conduct inspections and issue permits.** All City officers and employees with the authority to conduct inspections or issue permit approvals shall not engage in a business or have a financial interest in any firm engaged in a business within the City where said business conducts, as a regular and significant part of its business, matters requiring such inspections or such permits. In addition, any such City officer and/or employee shall recuse himself/herself from conducting any such inspection or issuing any necessary permits that directly pertain to his or her outside employer or business.

(c) **Public safety.** No public safety officer shall have any interest in or be employed in the City by any company, corporation, partnership, association or individual for the purpose of providing private investigations, accident reconstruction, fire prevention, or fire inspection or any other activity related to such public safety officer's employment with the City. This shall not be construed as prohibiting membership or service in volunteer fire or emergency medical organizations. Additionally, public safety officers may be employed in the City for the purpose of providing security or traffic services consistent with City policies.

2. The foregoing City officers and employees are listed due to the unique nature of their offices and positions which, in turn, raise ethical conflicts unique to those offices and positions. This list is not to be deemed all-inclusive. Every City officer and employee shall endeavor to pursue a course of conduct consistent with the spirit of this chapter as well as the actual provisions and strive to act so as not to raise suspicion among the public that he or she is likely to be engaged in activities that are in violation of his or her trust.

C. Gifts. Except as set forth below, a City officer or employee shall not directly or indirectly solicit, accept or agree to accept any gift or favor, whether in the form of money, services, loan, travel, entertainment, hospitality, thing, promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence such City officer or employee, or could reasonably be expected to influence such city officer or employee in the performance of his or her official duties, or was intended as a reward for any official action taken by such City officer or employee. This restriction shall not be construed as applying to the following situations in which gifts or benefits are:

1. received by the officer or employee from his or her parent, spouse, child or sibling;
2. accepted on behalf of the City and transferred to the City;
3. received as refreshments or meals at a widely attended gathering;
4. received for the solemnization of a marriage by an officer or employee of the City of Saratoga Springs listed in § 11 of the Domestic Relations Law at a place other than his or her normal place of business or at a time other than his or her normal hours of business, and which have a value of \$75 or less;
5. received as non-monetary awards from charitable organizations; or
6. received as City services or benefits, or the use of City facilities, generally available on the same terms and conditions to residents or a class of residents in the municipality.

D. Confidential information. He or she shall not 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 or the personal interest of other individuals or entities.

E. Representation before one's own agency. He or she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he or she is an officer, member or employee or of any municipal agency over which he or she has jurisdiction or to which he or she has the power to appoint any member, officer or employee.

F. Representation before any agency for a contingent fee. He or she shall not receive or enter into any agreement, express or implied for compensation for services to be rendered in relation to any matter before any agency of his or her

municipality whereby his or her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

G. Disclosure of interest in legislation. To the extent that he or she knows thereof, a member of the City Council and any officer or employee of the City of Saratoga Springs, whether paid or unpaid, who participates in the discussion or gives official opinion to the City Council on any legislation before the City Council 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 legislation, including any involvement in current or past litigation.

H. Investments in conflict with official duties. He or she shall not invest or hold any investment, directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his official duties.

I. Outside Employer or Business. He or she shall not engage in, solicit, negotiate for or promise to accept work for an outside employer or business which creates a conflict with or impairs the proper discharge of his official duties.

J. Future employment. He or she shall not, after the conclusion of service or employment with such municipality, appear before any board or agency of the City of Saratoga Springs in relation to any case, proceeding or application in which he or she personally participated during the period of his or her service or employment or which was under his or her active consideration.

K. Right to engage in political activity; prohibition on coercion; prohibition on political solicitation in a City workplace. Unless otherwise prohibited by law, officers and employees shall not be denied the right to support or refuse to support a political party or committee, or a candidate for public office outside of the workplace. Officers or employees shall not coerce, or request or authorize another to coerce, any officer or employee to support or refuse to support a political party or committee, or a candidate for public office. Officers or employees shall not make use of a City workplace to request, or authorize another to use a City workplace to request, that any officer or employee participate in an election campaign, political event, or contribute to a political party or committee. Officers or employees shall not display, distribute or otherwise utilize election campaign literature or materials at a City workplace.

L. Inducement of others. An officer or employee of the City of Saratoga Springs shall not induce, threaten or coerce or aid another officer or employee of the City to violate any of the provisions of this Code of Ethics.

M. City employees. No officer or employee shall direct or cause any subordinate officer or employee to do or perform any service or work outside of the scope of his or her public work responsibilities or employment. Subordinate officers and employees may voluntarily perform such service or work, with or without compensation, outside of the hours during which they are assigned to perform duties for the City.

N. City property. No officer or employee shall use or request or permit the use of City-owned property; including, but not limited to, vehicles, equipment, materials or supplies, for personal convenience, use or profit; except when such goods or

services are available to the public generally or are used by the officer or employee in compliance with City policy for such use, or where the use of City-owned property for personal use is part of the officer or employee's compensation.

O. Conflict with other codes of conduct.

1. Recognizing the need for professional integrity and the fact that various professional associations have adopted standards of conduct for their members, the City hereby requires that each City officer or employee who is affected by a professional Code of Ethics be bound, in addition to the within chapter, by his or her respective Codes of Ethics. Any conflict between the provisions of this chapter and a given professional code of conduct of a City officer or employee is to be resolved by the Ethics Board. However, the Ethics Board must at all times give the greatest latitude to said individual's professional code of conduct and, whenever possible, reconcile this to complement and respect the individual's professional code of conduct.
2. Substantial consideration shall be given to the effect deviation from an individual's professional code of conduct will have on that individual's ability to practice his/her profession. If need be, the Ethics Board is authorized and required to obtain advisory opinions from the appropriate professional association to clarify any given situation.

P. Interests in Contracts with the City.

1. Prohibited interests. No City officer or employee shall have an interest in a contract with the City, or an interest in a bank or trust company, that is prohibited by § 801 of the General Municipal Law of the State of New York. Any contract willfully entered into by or with the City in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by § 804 of that law.
2. Disclosable interests. Any City officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the City shall disclose in writing the nature and extent of that interest in accordance with § 803 of the General Municipal Law and promptly file such written disclosure with the City Clerk. The City Clerk shall cause a copy of that disclosure to be filed promptly with the Ethics Board.
3. Violations. Any City officer or employee who willfully and knowingly violates the provisions of this section shall be guilty of a misdemeanor, to the extent provided by § 805 of the General Municipal Law.

Q. Recusal. When a City officer or employee is required to recuse himself or herself under this Code of Ethics, he or she must state that he or she is doing so on the public record, if available; if not, by submitting a written statement. The Employee or Officer must then immediately refrain from participating in the

matter further, and must physically remove himself or herself from the room when the matter is being discussed.

R. Provisions A – Q hereinabove are a comprehensive, but not necessarily exclusive list of provisions regarding ethical behavior of City employees and officers. City employees and officials should seek the assistance of the Board of Ethics when in doubt regarding any particular behavior or issue.

§ 13-4. Annual Disclosure

A. Every Official and Employee listed in §13-4(B) hereinafter must file an Annual Disclosure form with the Board of Ethics. The first disclosure pursuant to this chapter shall be due 90 days after the effective date of this legislation. In every calendar year thereafter, Annual Disclosure forms shall be due for filing by February 15th. Annual Disclosure Forms shall be maintained in the Office of the City Attorney.

B. Employees and Officers Who Must File Annual Disclosure Forms:

- City Council Members
- Deputy Commissioners and Deputy Mayor
- City Attorney
- Assistant City Attorney
- Members of Boards:
- Planning Board, Zoning Board of Appeals, Design
- Review Commission; Board of
- Assessment Review, Board of Ethics, Civil
- Service Commission, Recreation
- Commission, and Special Assessment Districts
- Director of Finance
- City Tax Revenue Supervisor
- Assistant to Purchasing Agent
- Director of Urban Heritage Area Program
- Secretary to City Council
- Secretary to Civil Service Commission
- Building Inspector
- Code Enforcement Officers
- City Planner
- Assistant City Planner
- City Engineer
- Assistant Assessor
- City Recreation Director
- Director of Public Works
- Police Chief
- Fire Chief
- Administrator of Planning and Economic Development
- Human Resource Administrator
- Risk and Safety Manager
- Administrator of Parks, Recreation and Open Space

C. Annual Disclosure Form
See § 13-8. Forms

§ 13-5. Board of Ethics

A. Ethics Board established

The Board of Ethics for the City of Saratoga Springs which shall consist of five members is hereby established, one of whom shall be an officer or employee of the City. The City Attorney or Assistant City Attorney in his or her stead shall serve as counsel to the Board of Ethics.

B. Qualifications of members of Ethics Board.

1. No Ethics Board member shall hold office in a political party or hold elective office in the City.
2. At any given time, no more than two Ethics Board members may be registered in the same political party, except that this requirement shall not apply to the City officer or employee.
3. Ethics Board members must be residents of the City of Saratoga Springs throughout their tenure as Board members, provided however that a member appointed because he or she is an officer or employee of the City shall not be subject to this requirement.

C. Appointment of Ethics Board members; term of office.

1. The Mayor shall appoint the members of the Ethics Board, with the consent of a majority of the City Council. The Board of Ethics shall select its chairperson annually.
2. One initial Board Member shall serve for a term ending December 31, 2006; the second initial Board Member shall serve for a term ending December 31, 2007; the third initial Board Member shall serve for a term ending December 31, 2008, the fourth initial Board Member shall serve for a term ending December 31, 2009, and the fifth initial Board Member shall serve for a term ending December 31, 2010. The initial Board Members shall be appointed within sixty (60) days of the effective date of this chapter. Thereafter, each Board Member shall be appointed to a five year term after the expiration of the prior Member's term.
3. An Ethics Board member shall serve until his or her successor has been appointed. Consecutive service on an Ethics Board shall not exceed two full terms; initial terms as defined in paragraph 2 hereinabove may not be used in calculating the number of terms served.

D. Ethics Board vacancies.

Vacancies on the Board of Ethics shall be filled by Mayoral appointment with City Council approval for the unexpired term of the member.

E. Removal of Ethics Board members.

An Ethics Board member may be removed from office by the City Council for

failure to meet the qualifications set forth in this chapter, substantial neglect of duties of office, or violation of this chapter, after written notice and opportunity for reply.

F. Ethics Board meetings.

The Ethics Board shall meet at least quarterly. A quorum shall be three members and a majority of the full Board shall be required for the Ethics Board to take formal action. The Chair or any member may call a meeting of the Ethics Board.

G. Jurisdiction, powers and duties of Ethics Board.

1. The Ethics Board may only act with respect to officers and employees of the City of Saratoga Springs subject to the Ethics Board's jurisdiction.
2. The termination of a municipal officer's or employee's term of office or employment with the City (on a voluntary or involuntary basis) shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed by this chapter or by the Act, if any, on a former officer or employee. However, in no event shall the Ethics Board have jurisdiction over a former officer or employee where a hearing has not been commenced pursuant to the provisions of this chapter within one year of the termination of a City officer's or employee's term of office or employment with the City.
3. The City Ethics Board shall have the following powers and duties:

(a) To prescribe and promulgate rules and regulations by resolution of the Board, governing its own internal organization and procedures in a manner consistent with this and to cause to be filed with the office of the City Clerk and the office of the City Attorney a copy of those rules and regulations and any amendments thereto;

(b) To request that the Mayor appoint such staff as is necessary to carry out its duties under this chapter, and to delegate authority to such staff to act in the name of the Ethics Board between meetings of the Ethics Board, provided that the delegation is in writing and the specific powers to be delegated are enumerated and further provided that the Ethics Board shall not delegate the power to conduct hearings, determine violations, recommend disciplinary action, refer any matter to a prosecutor, or render any advisory opinion;

(c) To review, index, and maintain on file lists of officers and employees, annual and other disclosure statements filed with the Ethics Board, pursuant to this chapter;

(d) To review, index, maintain on file, and dispose of written complaints and to make notifications and conduct inquiries pursuant to this chapter;

(e) To conduct hearings, recommend disciplinary action to the appropriate appointing authority, pass resolutions of censure where appropriate, make referrals, and initiate appropriate actions and proceedings pursuant to this chapter;

(f) To render, index, and maintain on file advisory opinions pursuant to this chapter;

(g) To provide for training, assistance, and education to officers and employees pursuant to this chapter, including the development and distribution of a plain language ethics guide for use by City employees and officers including all forms developed by the Ethics Board;

(h) To report annually to the Mayor and the City Council regarding the Board's operations of the previous year, and to make recommendations to the Mayor and the City Council, as needed, for changes to this chapter; and

H. Review of lists and disclosure statements.

1. The Ethics Board shall review:

(a) The lists of officers and employees, prepared pursuant to this chapter which must file annual disclosure statements to determine whether the lists are complete and accurate.

(b) All annual disclosure statements to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this chapter or the local Ethics Act, if any.

(c) All other disclosure statements.

2. If the Ethics Board determines that an annual disclosure statement or other disclosure statement is deficient or reveals a possible or potential violation of this chapter, the Ethics Board shall notify the person in writing, state the deficiency or possible or potential violation, provide the person with a thirty-day period to cure the deficiency, and advise the person of the penalties for failure to comply with this chapter. Such notice shall be confidential to the extent permitted by the Public Officers Law. If the person fails to cure the deficiency within the specified time period, the Commission shall send a notice of delinquency:

(a) To the reporting person; and

(b) In the case of the Mayor or a City Council Member, to the entire City Council; and

(c) In the case of the all other municipal officers and employees, to the appointing authority for such person.

I. Inquiries

1. Upon receipt of a written complaint by any person alleging a violation of this chapter, or upon determining on its own initiative that a violation of this chapter may exist, the Ethics Board shall have the power and duty to conduct any inquiry necessary to carry out the provisions of this chapter. The Ethics Board may administer oaths or affirmations. In conducting any inquiry pursuant to this section, and after first having sought and been denied cooperation and voluntary compliance with the course of its inquiry, the Ethics Board may subpoena witnesses, compel their

- attendance, and require the production of any books or records which it may deem relevant and material.
2. Nothing in this section shall be construed to permit the Ethics Board to conduct an inquiry of itself or of any of its members or staff. In the event the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this chapter, or any other law, the Board shall promptly transmit to a copy of the complaint to the Mayor and City Council.
 3. The Ethics Board shall state in writing the disposition of every written complaint it receives and of every inquiry it conducts and shall set forth the reasons for the disposition. All such statements and all written complaints shall be indexed and maintained on file by the Ethics Board.
 4. Any person filing a written complaint with the Ethics Board shall be notified in writing of the disposition of the complaint.

J. Hearings; disciplinary action.

1. **Disciplinary action.** In its discretion, after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend appropriate disciplinary action pursuant to the provisions of this chapter. In the case of a hearing held by the Board, the due process procedural mechanisms shall be substantially similar to those set forth in Article 3 of the State Administrative Procedure Act. The recommendation of the Ethics Board shall be made to the appointing authority or person or body authorized by law to impose such sanctions. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board refers the matter to the authority or person or body authorized by law to impose disciplinary action or unless the Ethics Board refers the matter to the appropriate prosecutor. If such a referral is made, or if a matter is the subject of another governmental inquiry investigation or judicial proceeding, the Ethics Board may adjourn the matter pending a final determination of such matter by the other authority, person, body, or prosecutor.
2. **Prosecutions.** The Ethics Board may refer to the appropriate prosecutor possible criminal violations. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any criminal violation.
3. **Construction as to Ethics Board.** Nothing in this section shall be construed to permit an Ethics Board to take any action with respect to any alleged violation of this chapter, or of any other law, by an Ethics Board Member or members. Any Inquiries regarding Ethics Board Members shall be conducted by the City Council under procedures consistent with the procedures set forth in this chapter.

K. Advisory opinions

1. Upon the written request of any officer or employee, the Ethics Board may render a written advisory opinion with respect to the interpretation or application of this chapter. Any other person may similarly request an advisory opinion but only with respect to whether his or her own action might violate a provision of this chapter.
2. Advisory opinions and requests for advisory opinions shall be indexed and maintained on file by the Ethics Board in the City Attorney's Office.

L. Public inspection of records; public access to meetings.

1. Records of the Ethics Board are available for public inspection pursuant to the provisions of §§ 84 through 90 of the Public Officers Law
2. Meetings of the Ethics Board shall be accessible to the public pursuant to the provisions of §§ 100 through 111 of the Public Officers Law.

§ 13-6. Effect on filing of claims

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the City of Saratoga Springs, or any agency thereof, on behalf of himself, herself or 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.

§ 13-7. Distribution of copies.

The Mayor of the City of Saratoga Springs shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the city within thirty (30) days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code nor the enforcement of provisions thereof.

§ 13-8. Forms

The Annual Disclosure Form required by § 13-4 of this Chapter shall be in the following format:

DISCLOSURE STATEMENT
CITY OF SARATOGA SPRINGS, NY
Last Name First Name Middle Initial
Home Address

If the answer to any of the following questions is "none" or "not applicable", please so indicate. The City of Saratoga Springs is hereinafter referred to as the "City". "Applicant" or "you" shall refer to the person executing and filing this Disclosure Statement.

1. List the positions you hold as a City Officer or employee, or as a member of or counsel to a City Office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee, whether paid or unpaid:

2. For each position you hold, please list the name of your immediate supervisor and their job title:

3. List the telephone number(s) at which you may be contacted between 9:00 a.m. and 4:30 p.m. from Monday through Friday:

4. List the address of each piece of property in which you or a member of your family (including your spouse and children, if any) have a financial interest. List only real estate in the City. (Attach additional sheets if necessary.)

Name of Family

Member

Relationship to

Applicant

Address of Real

Estate

Type of Interest,

Control of Ownership

5. List the name of any outside employer, business, organization or association from which you or a member of your family receive compensation for services rendered or goods sold or produced or for which you or a member of your family is an officer, director or employee. Also include any entity in which you or a member of your family have an ownership interest, except a corporation of which you or a member of your family own less than five percent (5%) of the outstanding stock. Identify the type of business, such as partnership, incorporated association or other unincorporated business, and list such person's relationship to the employer or business (i.e., you are, or are a relative of, an owner, partner, officer, director, LLC member, employee, or shareholder). (Attach additional sheets if necessary).

Name of Entity

Type of Business or

Activity

Nature of Entity (i.e., corp., not-for-profit, self employment, etc.)

Your relationship (owner, partner, officer, director, LLC member, etc.)

6. If any entity identified in 5 above is currently or has within the last (two) years been licensed and/or regulated by any City department, please list the name of the entity, the name of such City department and the type of license or permit

received from City. (Attach additional sheets if necessary). Name
City Licensing or Permitting
Department Type of License or Permit

7. If an entity identified in 6 above, as a regular or significant part of the business or activity of said entity, does business with or did business within the last two (2) years with a City department, please list the name of the entity, the name of such City department and the nature of the business conducted by such entity with such City department. (Attach additional sheets if necessary).

Name City Department
Nature of Business with City

8. Please list below all liabilities (including the name of the creditor) of you or a member of your family to any entity doing business with or having any matter considered by the City or any instrumentality thereof (do not include credit cards or ordinary consumer debt such as automobile and mortgage loans, or ordinary business loans from banks, savings and loan associations and credit unions):

Name of Creditor Type of Obligation, Due Date and Nature

9. Any additional information:

I make the above statement to the City of Saratoga Springs of my assets, affiliations and sources of income as of the close of business set forth above. The information contained in this Annual Statement of Disclosure constitutes a full and complete financial statement as of the date indicated and, to the best of my knowledge, I have no conflict of interest prohibited by the City of Saratoga Springs Code of Ethics for the position(s) I hold with the City.

Applicant's Signature

Date

Section 3. Severability.

If any section of this local law or the application thereof to any person or circumstance shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any provision of any section of the application of any part thereof to any other person or circumstances, and to this end, the provisions of each section of this local law are hereby declared to be severable.

Section 4. Effective date

This local law shall become effective the day after publication as provided for in Title 9 of the Charter of the City of Saratoga Springs, New York.

ADOPTED: April 11, 2006

**DISCLOSURE STATEMENT
CITY OF SARATOGA SPRINGS, NY
(Pursuant to City Code § 13-4)**

| | | |
|-----------|------------|----------------|
| Last Name | First Name | Middle Initial |
|-----------|------------|----------------|

Home Address

If the answer to any of the following questions is "none" or "not applicable", please so indicate.

The City of Saratoga Springs is hereinafter referred to as the "City". "Applicant" or "you" shall refer to the person executing and filing this Disclosure Statement.

1. List the positions you hold as a City Officer or employee, or as a member of or counsel to a City Office, board, body, advisory board, council, commission, agency, department, district, administration, division, bureau, unit or committee, whether paid or unpaid:

2. For each position you hold, please give the name of your immediate supervisor and his or her job title.

3. List the telephone number(s) you may be contacted at with respect to this document between 9:00 a.m. and 4:30 p.m. from Monday through Friday: _____

4. List the address of each piece of property in which you or a member of your family (including your spouse and children, if any) have a financial interest. List only real estate in the City. (Attach additional sheets if necessary.)

| Name of Family Member | Relationship to Applicant | Address of Real Estate | Type of Interest, Control or Ownership |
|-----------------------|---------------------------|------------------------|--|
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5. List the name of any outside employer, business, organization or association from which you or a member of your family receive compensation for services rendered or goods sold or produced or for which you or a member of your family is an officer, director or employee. Also include any entity in which you or a member of your family have an ownership interest, except a corporation of which you or a member of your family own less than five percent (5%) of the outstanding stock. Identify the type of business, such as partnership, incorporated association or other unincorporated business, and list such person's relationship to the employer or business (i.e., you are, or are a relative of, an owner, partner, officer, director, LLC member, employee, or shareholder). (Attach additional sheets if necessary).

| Name of Entity | Type of Business or Activity | Nature of Entity (i.e., corp., not-for-profit, self employment, etc.) | Your relationship (owner, partner, officer, director, LLC member, etc.) |
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6. If any entity identified in 5 above is currently or has within the last (two) years been licensed and/or regulated by any City department, please list the name of the entity, the name of such City department and the type of license or permit received from City. (Attach additional sheets if necessary).

| Name | City Licensing or Permitting Department | Type of License or Permit |
|------|---|---------------------------|
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7. If an entity identified in 6 above, as a regular or significant part of the business or activity of said entity, does business with or did business within the last two (2) years with a City department, please list the name of the entity, the name of such City department and the nature of the business conducted by such entity with such City department. (Attach additional sheets if necessary).

| Name | City Department | Nature of Business with City |
|------|-----------------|------------------------------|
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8. Please list below all liabilities (including the name of the creditor) of you or a member of your family to any entity doing business with or having any matter considered by the City or any instrumentality thereof (do not include credit cards or ordinary consumer debt such as automobile and mortgage loans, or ordinary business loans from banks, savings and loan associations and credit unions):

| Name of Creditor | Type of Obligation, Due Date and Nature |
|------------------|---|
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| | |

| Name of Creditor | Type of Obligation, Due Date and Nature |
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9. Any additional information:

I make the above statement to the City of Saratoga Springs of my assets, affiliations and sources of income as of the close of business set forth above. The information contained in this Annual Statement of Disclosure constitutes a full and complete financial statement as of the date indicated and, to the best of my knowledge, I have no conflict of interest prohibited by the City of Saratoga Springs Code of Ethics for the position(s) I hold with the City.

Applicant's Signature

Date