

**CODE OF ETHICS  
FOR EMPLOYEES OF THE YONKERS CITY SCHOOL DISTRICT**

The Board of Education is committed to avoiding any situation in which the existence of conflicting interests of any employee may call into question the integrity of the management or operation of the school district. Adherence to a code of ethics promotes public confidence in the schools and furthers the attainment of district goals.

The Board also recognizes its obligation to adopt a code of ethics setting forth the standards of conduct required of all employees under the provisions of the General Municipal Law [§806(1)(a) GML]. Therefore, every employee of the district, whether paid or unpaid, shall adhere to the following standards of conduct.

Statutory Conflicts of Interest

It is a conflict of interest for an employee to benefit personally from contracts made in their official capacity.

- “**Contract**” is defined broadly to include any claim or demand against the district or account or agreement with the district, whether expressed or implied which exceeds the sum of \$750.00 in any fiscal year. [§800(2) GML]
- An “**interest**” is defined as a direct or indirect benefit that runs to the employee as a result of a contract with the district. [§800(3) GML]

No employee shall have an “**interest**” (i.e., receive a direct or indirect benefit as the result of a contract with the district) in:

1. a firm, partnership or association in which he/she is a member or employee;
2. a corporation in which he/she is an officer, director or employee;
3. a corporation in which he/she, directly or indirectly, owns or controls 5% or more of the stock;
4. a contract between the district and his/her spouse, minor child or dependents, except for an employment contract between the school district, a spouse, minor child or dependent of a Board member authorized by §800(3) of the General Municipal Law or §3016 of the Education Law.

No chief school officer, treasurer or his/her deputy or employee shall have an interest in a bank or other financial institution that is used by the district he/she serves, unless otherwise exempted by exception under law (see 9120-E for a list of such exceptions). [§801(2) GML]

### Disclosure Requirements

All employees must publicly disclose the nature and extent of any non-exempted interest they or their spouse have, will have or later acquire in any actual or proposed contract, purchase agreement, lease agreement or other agreement involving the school district (including oral agreements), even if it is not a prohibited interest under applicable law. Such disclosure must be in writing and made part of the official record of the school district. Disclosure is not required in the case of an interest that is exempted under section 802 of the General Municipal Law (see 2160-E); however, board members and officers are encouraged to voluntarily make such disclosure. [§803 GML, as amended by Ch. 499, Laws of 2005]

### Other Prohibited Activities

No employee shall:

- Use or attempt to use his/her official position to secure unwarranted privileges or exemptions for such employee or officer or others; [§§800(2);(806(1)(a) GML]
- By his/her conduct give reasonable basis for the impression that any person can improperly influence him/her or unduly enjoy special favor in the performance of official duties, or that he/she is affected by the kinship, rank, position or influence of any party or person. [§800(2) GML]

No employee shall hire, supervise, evaluate, promote, review or discipline any other employee who is a member of the same family. In the event that marriage, promotion, or reorganization results in a situation not in compliance with this policy, reassignment or transfer will be effected, in accordance with the applicable provisions of any collective bargaining agreement, to correct the situation.

No employee shall negotiate or execute any contract on behalf of the district for the purchase, sale or lease of real or personal property, services of any nature, nor for insurance without first having determined the common price for such property, services or insurance, or requesting bids from all potential providers of such property, services or insurance.

No employee shall allow any matter, concern or interest, personal, financial or otherwise, to influence or interfere with the performance of his or her duties. Should such a matter, concern or interest arise, the employee shall bring the matter to the attention of his or her supervisor or the Board to seek ways to reduce or eliminate the influence or interference.

No employee shall engage in, solicit, negotiate for or promise to accept private employment when that employment or service creates a conflict with or impairs the proper discharge of his or her official duties. [§806 (1)(a) GML]

No employee shall, after the termination of service/employment with the district, appear before the Board in relation to any action, proceeding, or application in which he/she personally participated during the period of his/her service or employment or that was under his/her active consideration. [§806 (1)(a) GML]

#### Confidentiality Requirements

No employee shall disclose confidential information acquired by them in the course of their official duties or use such information to further their personal interests. [§805-a(1)(b)] In addition, employees may not disclose the following matters discussed in executive session or as contained in Board informational materials issued by the Superintendent:

1. matters which will imperil the public safety if disclosed;
2. any matter which may disclose the identity of a law enforcement agent or informer;
3. information relating to current or future investigation or prosecution of a criminal offense;
4. discussions regarding proposed, pending or current litigation;
5. collective negotiations under the Taylor Law;
6. the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of a particular person or corporation;
7. the preparation, grading or administration of examinations;
8. the proposed acquisition, sale, or lease of real property or securities, but only when publicity would substantially affect the value thereof;
9. student records pursuant to the Family Educational Rights and Privacy Act (FERPA);
10. matters subject to the attorney-client privilege.

#### Limitation on Gifts

No employee shall, directly or indirectly, solicit any gift or accept or receive any gift having a value of \$75.00 or more under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her in the performance of his/her official duties or was intended as a reward for any official action on his/her part. If an employee receives any gift having a value of \$75.00 or more, such gift shall be returned. [§805-a GML; Op. Atty. Gen. (inf) 99-16]

#### Voiding of Contracts

Contracts willfully entered into in violation of Article 18 of the General Municipal Law are deemed void.

### Penalties

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of the Board's code of ethics may be subject to disciplinary action, including reprimand, fine, suspension or termination of employment, in accordance with due process of law, if applicable, for violating this policy.

### Distribution, Posting and Filing Requirements

The Superintendent of Schools shall distribute to every employee of the district a copy of this code of ethics. [§806(2) GML]

This code of ethics shall be filed in the State Comptroller's Office annually. [§806(3) GML]

In accordance with §807 of the General Municipal Law, the Superintendent must ensure that a copy of Article 18, General Municipal Law is posted in each public building in a conspicuous place.

Ref: General Municipal Law §§800; 801; 802; 805; 806-808  
 Education Law §§306; 1709; 2103; 2553; 2554; 2559; 3016  
 Public Officers Law §30(1)(h)  
*Appeal of Kelly*, 45 EDR Dec. No. 15253 (2005)  
*Application of Nett & Raby* 45 EDR Dec. No. 14314 (2005)  
*Appeal of Taber*, 42 EDR 251 (2003)  
*Appeal of Gill*, 42 EDR 89 (2002)  
*Matter of Grinnell*, 37 EDR 504 (1998)  
*Appeal of Vivlemoe*, 33 EDR 174 (1993)  
*Matter of Cox*, 27 EDR 353 (1988)  
*Matter of Granirer*, 26 EDR 393 (1987)  
*Op. of Atty. Gen.*, [Inf.] 99-16  
*Op. State Comptroller*, 91-26

Adoption date: November 15, 2006

## EXCEPTIONS TO CONFLICT OF INTEREST

Employees will not be deemed to have a conflict of interest in any of the exceptions listed in §802 of the General Municipal Law, including:

1. Contracts with membership corporations or other voluntary not-for-profit corporations or associations (e.g., Taylor Law collectively negotiated agreements, contract with a not-for-profit health services organization). [§802(1)(f) GML] [*Note*: No Board member is prohibited from voting on collectively negotiated agreements which are applicable to his/her spouse or child];
2. Appointment of a teacher who is a relative or spouse of a Board member, is permitted upon a two-thirds supermajority vote, without limiting any Board member's right to vote. [§3016 Education Law]
3. The employment of a Board member as school physician is permitted upon a two-thirds vote of the Board. [§802(1)(i) GML]
4. Contracts entered into by the district with a person who is subsequently elected or appointed to the Board, a school district office or employment remain valid, except the contract may not thereafter be renewed. [§802(1)(h) GML]
5. A contract with a corporation of which the interest of the Board member or officer is, by reason of stockholding, less than 5% of the outstanding shares. [§802(2)(a) GML]
6. Contracts between the district and a Board member or officer in which the total amount does not exceed \$750 in any fiscal year. [§802(2)(e) GML]
7. Where application of the conflict of interest rules would necessitate the engagement of a bank or trust company outside of the municipality or school district, the Board may designate a bank or trust company in which the Board president, treasurer or deputy treasurer has an interest in such entity. The designation shall be as a depository, paying agent or registration agent for the investment of funds. [§802(1)(a) GML]
8. A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest prohibited solely by reason of employment as an officer or employee of such other entity, if their compensation will not be directly affected as a result of the contract with the municipality or school district and duties do not directly involve the procurement, preparation or performance of any part of the contract. [*Appeal of Vivlemoe*, 33 EDR 174 (1993)]
9. The designation of a newspaper, including an official newspaper, for the publication of notices, resolutions or other proceeding where publication is otherwise required or authorized by law. [§802(1)(c) GML]
10. The purchase of real property or any interest therein when approved upon a petition to the State Supreme Court by the board of education. [§802(1)(d) GML]
11. Acquisition of real property or an interest in real property through eminent domain proceedings. [§802(1)(f) GML]
12. Sale of bonds and notes pursuant to section 60.10 of the Local Finance Law. [§802(1)(g) GML]

