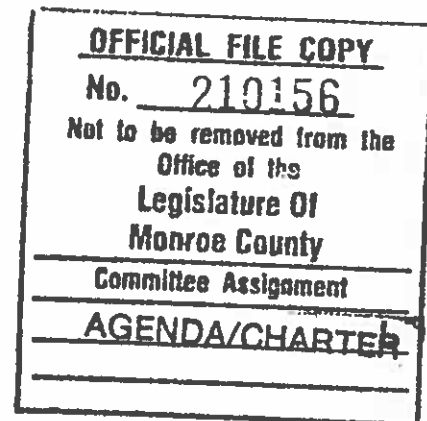




Office of the County Executive Monroe County Legislature

April 9, 2021



To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Enact a Local Law Amending the Code of Ethics of the County of Monroe

Honorable Legislators:

We recommend that Your Honorable Body enact a Local Law amending the Code of Ethics of the County of Monroe (the "Code of Ethics") to address harassment and sexual harassment involving members of the public and limit County employees and officers from doing business with the County during and after their employment or term.

Monroe County follows all federal and state laws regarding harassment and sexual harassment in the workplace, and requires its officers and employees to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of the public's trust. However, it is critical for the County to demonstrate that sexual harassment, unwanted sexual attention, and degrading or abusive behavior can never be tolerated. It is the responsibility of this Honorable Body to build a culture of respect and dignity for all persons, including the residents we serve.

This amendment to the Code of Ethics makes it clear, in no uncertain terms, that County officers and employees that engage in harassment or sexual harassment are in violation of the Code of Ethics. Through this amendment, Monroe County is affirmatively stating that any harassment, including towards members of the public, will not be allowed. The amendment also expressly empowers the Board of Ethics to fully investigate complaints or allegations it receives regarding harassment or sexual harassment. Last, this amendment to the Code of Ethics limits County employees and officers from doing business with the County during and after their employment or term.

The specific legislative actions required are:

1. Schedule and hold a Public hearing on the proposed Local Law.
2. Enact the Local Law amending the Code of Ethics.

The legislative action requested in this referral is not an "Action," as that term is defined in 6 NYCRR § 617.2(b), and is not subject to review under the State Environmental Quality Review Act.

This Local Law will have no impact on the revenues or expenditures of the current Monroe County budget.

We recommend that this matter be referred to the appropriate committee(s) for favorable action by Your Honorable Body.

Sincerely,



Adam J. Bello
Monroe County Executive



Rachel Barnhart
Monroe County Legislator
District 21



Joshua Bauroth
Monroe County Legislator
District 24



John B. Baynes
Monroe County Legislator
District 18



Linda Hasman
Monroe County Legislator
District 23



Howard Maffucci
Monroe County Legislator
District 10



Joseph D. Morelle, Jr.
Monroe County Legislator
District 17



Yversha M. Roman
Monroe County Legislator
District 26



Justin Wilcox
Monroe County Legislator
District 14



Michael Yudelson
Monroe County Legislator
District 13

By Legislators _____ and _____

Intro No. _____

LOCAL LAW NO. _____ OF 2021

ENACTING A LOCAL LAW AMENDING THE CODE OF ETHICS OF THE COUNTY OF MONROE

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 45-3 of the Administrative Local Laws of Monroe County is amended to read as follows:

INTEREST

A pecuniary or material benefit accruing to a municipal officer or employee, unless the context otherwise requires, and shall be deemed to include the business or financial affairs of the officer's or employee's spouse, minor children and dependents; a firm, partnership or association in which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by such officer or employee.

HARASSMENT

Verbal, written, or physical conduct that: (1) is based on an individual's protected class under federal, state or local law; (2) is unwelcome; and (3) rises above the level of what a reasonable victim of harassment or discrimination with the same protected characteristic would consider petty slights or trivial inconveniences.

MUNICIPAL AGENCY

Any department of the County of Monroe or division, board, district, commission or bureau of any department of the County, including but not limited to the Gates-Chili-Ogden Sewer District, Irondequoit Bay Pure Waters District, Northwest Quadrant Pure Waters District, Rochester Pure Waters District, and the Monroe County local social services district.

OFFICER OR EMPLOYEE

An officer or employee of the County of Monroe, whether paid or unpaid, including members of the Monroe County Legislature, and of any administrative board, commission or other agency of the Monroe County.

SEXUAL HARASSMENT

Harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. It includes unwelcome conduct, such as sexual advances, requests for sexual favors, sex stereotyping or other verbal, written, or physical conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Section 2. Section 45-4 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-4 General standard of conduct.

No officer or employee shall have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or ~~professional~~ activity or incur any obligation of any nature which is in conflict with the proper discharge of his duties in the public interest.

Section 3. Section 45-5 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-5 Interest in business or professional dealings with County.

No officer or employee of the County of Monroe shall have an interest, direct or indirect, in any manner whatsoever except by operation of law, in any business or professional dealings with the County of Monroe or any ~~agency~~ Municipal Agency thereof.

Section 4. Section 45-6 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-6. Representing other persons or corporations in transactions with County.

No officer or employee of the County of Monroe shall act as attorney, agent, broker, representative or employee in business or professional dealings with the County or any ~~agency~~ Municipal Agency thereof ~~for any person or corporation in which he has a direct or indirect interest.~~

Section 5. Section 45-8 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-8. Incompatible employment.

- A. No officer or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services for private interest when such employment or service creates a conflict with or impairs the proper discharge of his official duties.
- B. Employees in the Management and Professional classification must seek approval for any outside employment pursuant to the County's Dual Employment Policy, as may be amended from time to time.
- C. If an officer or employee's outside employment creates a conflict with or impairs the proper discharge of his official duties with respect to a particular matter, the officer or employee must recuse himself from that matter. Such recusal shall be made in writing on a form prescribed by the County Law Department and shall be a matter of public record.

Section 6. Section 45-9 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-9. Future employment.

- A. No officer or employee shall, after the termination of service or employment with such municipality, appear or practice before any ~~board or agency~~ Municipal Agency of the County of Monroe in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.
- B. No person who has served as a County officer or employee in the Management and Professional classification shall within a period of two years after the termination of such service or employment appear or practice before any Municipal Agency of the County of Monroe or receive compensation for any services rendered by such former officer or employee on behalf of any person, firm, corporation, or association in relation to any case, proceeding, or application or other matter before such Municipal Agency of the County of Monroe.

Section 7. Section 45-12 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-12 Gifts.

No officer or employee shall, directly or indirectly, solicit any gift or accept or receive any gift having more than a nominal value, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or in any other form, from any person, firm, corporation or other entity that has a direct or indirect interest in any contract for the provision of goods or services to the County of Monroe or any ~~agency~~ Municipal Agency thereof. The term "gift" shall be defined pursuant to New York Legislative Law §1-c(j) as amended from time to time. Any local development corporation contracting with the County of Monroe shall include the requirements of the County Code of Ethics in its code of ethics.

Section 8. Section 45-13 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-13. Course of conduct.

A. Every officer or employee should endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust. He should not use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others. He should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties or that he is affected by the kinship, position or influence of any party or person.

B. It shall be a violation of the Code of Ethics of the County of Monroe for an officer or employee to engage in harassment or sexual harassment.

Section 9. Section 45-23 of the Administrative Local Laws of Monroe County is amended to read as follows:

§ 45-23 Penalties for offenses.

Any contract willfully entered into by or with Monroe County or any agency thereof in which there is an interest prohibited by this chapter shall be null and void and wholly unenforceable. 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 this code, including engaging in harassment or sexual harassment conduct, may be fined, suspended, censured, or removed from office or employment, as the case may be, in the manner provided by law.

Section 10. Section 45-25(B) of the Administrative Local Laws of Monroe County is amended to read as follows:

B. The Board may also accept from the general public, an officer or employee, or from its own members and consider any complaint or allegation of conflict of interest, harassment, or sexual harassment on the part of any officer or employee of Monroe County. All such complaints or allegations are to be kept in the confidential records of the Board. Should the Board determine that there is apparent merit in the complaint or allegation, it shall send a written invitation to the officer or employee so charged to appear at a private meeting of the Board and explain the apparent conflict of interest, allegation of harassment, or allegation of sexual harassment. Should: (1) such officer or employee fail to appear in response to such invitation or should he appear and; (2) such officer or employee fail to satisfy the Board that there is no conflict of interest; or (3) the Board substantiates an allegation that the employee

or officer engaged in harassment or sexual harassment, the Board shall send a written report on the matter to the County Executive. ~~The report~~ Reports concerning conflicts of interest shall not be made public except by the County Executive or by the unanimous vote of the Board. Reports finding that the employee or officer engaged in harassment or sexual harassment shall be made public with any identifying information regarding the compliant(s), witness(es), and victim(s) redacted. In the event the Board receives a complaint or allegation that involves harassment or sexual harassment in the workplace, such complaint shall be referred to the Monroe County Department of Human Resources and shall be subject to the provisions of the Monroe County Policy on Unlawful Discrimination and Harassment, as amended or changed.

Section 11. If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 12. This local law shall take effect in accordance with the provisions of the Municipal Home Rule Law and the Monroe County Charter.

_____, Committee; _____, 2021 - CV:
File No. 21-____.LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____

Added language is underlined.
Deleted language is ~~stricken~~.