

## **SAMPLE CODE OF ETHICS POLICY FOR ADOPTION BY FIRE DISTRICTS**

by Bradley Pinsky, Attorney-Firefighter

New state laws signed by the Governor in July 2006 requires that fire districts, departments and fire companies adopt "codes of ethics" meeting certain standards. The following is a proposed code for fire districts. The law also requires the fire department of the fire district to abide by the same policy. Another sample policy is posted at our website for use by fire departments and fire companies.

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### **CODE OF ETHICS**

#### Declaration of policy and purpose

The proper operation of the District requires that District commissioners and officers be impartial and responsible to the fire department and the public. They must not have interests that would be incompatible with the proper discharge of their responsibilities or tend to impair their independence of judgment or action in the performance of their official duties and responsibilities. Decisions and policies must be made in the proper channels of District structure and free from undue influence. Positions with the District must not be improperly used for personal gain. Commissioners and officers must strive to avoid even the appearance of impropriety. Each of these ideals is to ensure that the public has confidence in the integrity of this District. The purpose of this Code of Ethics is to maintain and enhance a tradition of responsible and effective public service by setting forth standards of ethical conduct to guide commissioners and officers in the conduct of their responsibilities.

This Code of Ethics, adopted by the District, shall apply to all Fire Commissioners, Officers, employees of the District, and all volunteer members of the fire district fire department. This Code of Ethics shall also be adopted by any fire department within the District. In order to ensure that all persons to whom this Code of Ethics applies are aware of the Code, a copy of the District's Code of Ethics shall be posted publicly and conspicuously in each building under the District's control and in each fire department building within the District, whether or not owned by the District.

#### Definitions

"Confidential Information" means any information, however transmitted or maintained, that is obtained, possessed or controlled by such District commissioners or officer by reason of his position with the District, and by its nature is such that it is not known to the general public or is not a matter of public record.

A prohibited gift, as addressed by this policy, shall include a gift of more than \$75.00 in value. Such a gift includes, but is not limited to, entertainment, food, beverage, travel and lodging to the extent that the gift value exceeds \$75.00 for any one occasion and \$150.00 total in any one year from the same person or business entity. A gift also includes a loan that is not commercially reasonable. Prohibited gifts do not include the following:

- A loan made on terms that is commercially reasonable and not more favorable than loans made in the ordinary course of business.
- Any gift regardless of value from a family member.
- Certificates, plaques or other ceremonial awards costing less than \$75.00, except for any award given by a municipality or fire district, not-for profit corporation, another fire District or ambulance service or this District for service as a District commissioners or officer.
- Honorary degrees.
- A meal, ticket, beverages, and lodging costing less than or equal to \$75.00, but only if the total of all such gifts from a particular person or business does not exceed \$150.00 in one year.

"Financial benefits" include promotions, commissions, rewards, raises and direct compensation.

An "interest" shall include a direct or indirect, pecuniary or material benefit accruing to such person as the result of a contract with the District.

Prohibited interests shall not include a contract or business advantage where no direct or indirect financial gain may be obtained, such as where a person is merely an employee that will not receive any financial benefit from the result of a decision of the District.

"Officers" for the purpose of this policy shall include the fire district secretary and treasurer and the chiefs of the fire department.

"Employees", for the purpose of this policy, shall include all paid employees of the District including, but not limited to, any paid firefighters.

"Volunteer members of the fire district fire department", for the purpose of this policy, shall include all volunteer members serving the District through participation in the fire district fire department, regardless of the position held in the fire department."

### Principles of the District

The principles which must guide the conduct of District commissioners and officers include, but are not limited to, the following:

- a. District commissioners and officers shall endeavor to pursue a course which shall not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust as District commissioners or officers;

b. No District commissioner or officer shall engage in, accept employment or render services when the employment or services: (1) are incompatible with the proper discharge of the official duties of such person; or (2) would tend to impair independence of judgment or action by such person in the performance of that person's official duty.

c. District commissioners and officers shall not disclose confidential information acquired in the course of their duties as District commissioners or officers, nor use such information to further their own personal, family or present or known future business interests. This shall not prohibit revealing information known to the public at large;

d. District commissioners and officers shall not use or attempt to use their positions or influence to secure unwarranted privileges or exemptions for themselves or others, either before the District or otherwise;

e. District commissioners and officers shall not engage in any transaction as a representative of the District or municipality which contracts with the District or with any business entity in which they have a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of their duties as a District commissioners or officers;

f. District commissioners and officers shall not accept a gift, as defined above, from any person or business which has any pending business transactions or has an interest in a decision of the District, including but not limited to decisions involving purchases, provisions of supplies, construction, hiring and legislation. District commissioners and officers shall not accept privileges unavailable to the general public which are offered in order to gain favor from such individual regarding a decision of the District.

g. District members shall comply with the District's "Prohibition of Financial Interests" policy.

## **PROHIBITION OF FINANCIAL INTERESTS**

### Application of Policy

This policy shall regulate the conduct of District commissioners and officers. It shall apply to such person's financial and business interests.

Persons regulated by this policy shall be deemed to have an interest in a contract or business of:

- his or her spouse, minor children and dependents;
- a firm, partnership or association of which such individual is a partner, member or employee;
- a corporation of which such individual is an officer, director or employee; and
- a corporation, any stock of which is owned or controlled directly or indirectly by such individual, except that a prohibited interest shall not include an investment interest in a business in which such person owns or controls less than five (5%) percent of the business or outstanding shares.

This policy shall not apply to a contract in which a commissioner or officer has an interest if the total consideration payable under that contract, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the fiscal year, does not exceed the sum of seven hundred fifty (\$750.00) dollars.

### Prohibitions

No interested commissioner or officer of the District may:

- vote or speak on any matter in which he has any interest, financial or otherwise, direct or indirect;
- vote to do business with any entity in which he has a prohibited interest;
- attempt to implement, prevent or change any legislation before the fire district, which is in substantial conflict with the proper discharge of his duties as a District commissioner or officer or would obtain a financial advantage or himself, family, or business; or
- represent a client before the District or appear before the District on behalf of a client;
- Express an opinion on any matter in which such person has a prohibited or conflict of interest.

### Required conduct upon conflict arising

Prior to any vote, any duality of interest or possible conflict of interest on the part of any commissioner or officer shall be disclosed to the other persons voting on the matter and shall be noted in the minutes.

Such interested person may be counted in determining the quorum for the meeting. The minutes of the meeting shall reflect that a disclosure was made, the abstention from voting and the quorum situation.

No member, director or executive or line officer having a duality of interest or conflict of interest on any matter shall vote or use his personal influence on the matter.

No conflict may be waived, even by vote of the commissioners. A person accused of having an interest but disagreeing with the accusation may vote by secret ballot. Such person's vote shall be sealed. Should the vote of such person affect the outcome of the matter, the District may seek an opinion from the Comptroller, the Attorney General, the District's attorney or a Code of Ethics Committee, or from any other trusted and non-interested source as to whether a conflict exists.

Every new commissioner and officer of the District, or a new chief must be advised of this policy upon entering on the duties of his office. Forms acknowledging this policy must be executed by every new commissioner, officer or chief. This policy shall be reviewed at least annually with every commissioner, officer and chief.

Commissioners and officers shall be required to disclose annually, in writing, all financial interests in which they or family members may have before the District and any other information as required by the District.

Commissioners and officers must exercise their duties and responsibilities in the public interest of the inhabitants of the municipality(s) served.

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**A sample (brief) form is as follows:**

Name: \_\_\_\_\_

Date of acknowledgement: \_\_\_\_\_ for the calendar year of \_\_\_\_\_.

Position held:  member  director  executive officer  line officer

List all potential businesses with which the District presently does business in which any personal, family or business interest exists, as defined by the code of ethics policy. \_\_\_\_\_

Do you now or in the next year expect to represent any person or business entity before the District? \_\_Yes \_\_No

Do you now or in the next year expect to solicit any business from the District? \_\_\_yes \_\_\_no. If yes, state in full such disclosure.

**ACKNOWLEDGMENT**

I acknowledge that I have read the District's conflict of interest policy and code of ethics and I agree to abide by such policies at all times. I have made a full disclosure of all interests and shall make an additional written disclosure should such a conflict arise.

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[name]