



TOWN OF WINTHROP

CONFLICT OF INTEREST POLICY

I. PURPOSE

This Policy outlines the legal and financial disclosure requirements governing the state's Conflict of Interest laws and the conduct of public officials and employees.

II. APPLICATION

This Policy applies to all employees of the Town of Winthrop, excluding those employees under the supervision and control of the School Committee. Of note, the state Conflict of Interest law applies to all municipal personnel, employees or officials, paid or unpaid, appointed or elected. Thus, while this Policy refers to "employees," all municipal personnel should be aware of, and adhere to, the state Conflict of Interest law, as well as the provisions of this Policy.

III. POLICY

The Policy of the Town is to ensure compliance with the requirements of Chapter 268A of the Massachusetts General Laws which governs conduct as a public official or public employee. In adopting this Policy, however, the Town expressly reserves the right to enact rules and procedures that are more stringent than the requirements of Chapter 268A.

IV. DEFINITIONS

Immediate Family: The employee and his or her spouse, and their parents, children, brothers and sisters.

V. PROCEDURES

A. Prohibitions

In accordance with G.L. c. 268A, Town employees may not:

- Ask for or accept anything (regardless of its value), if it is offered in exchange for the employee agreeing to perform or not perform an official act.
- Ask for or accept anything worth \$50 or more from anyone with whom the employee has official dealings. Examples of regulated gifts include: sports tickets, costs of drinks and meals, travel expenses, conference fees, gifts of appreciation,

entertainment expenses, free use of vacation homes and complimentary tickets to charitable events. If a prohibited gift is offered, an employee may

- refuse or return it;
 - donate it to a non-profit organization provided the employee does not take the tax write-off; or
 - pay the giver the full value of the gift; or, in the case of certain types of gifts, it may be considered “a gift to the public employer,” provided it remains in the office and does not ever go home with the employee.
- Accept honoraria for a speech that is in any way related to the employee’s official duties, unless the employee is a state legislator.
 - Hire, promote, supervise, or otherwise participate in the employment of the employee’s immediate family or his or her spouse’s immediate family.
 - Take any type of official action which will affect the financial interests of the employee’s immediate family or his or her spouse’s immediate family. For instance, an employee may not participate in licensing or inspection processes involving a family member’s business.
 - Take any official action affecting the employee’s own financial interest, or the financial interest of a business partner, private employer, or any organization for which the employee serve as an officer, director or trustee. For instance: an employee may not take any official action regarding an “after hours” employer, or its geographic competitors; an employee may not participate in licensing, inspection, zoning or other issues that affect a company he or she owns, or its competitors; if an employee serves on the Board of a non-profit organization, he or she may not take any official action which would impact that organization or its competitors.
 - Have more than one job with the same municipality, unless the employee qualifies for an exemption.
 - Have a financial interest in a contract with his or her public employer except under special circumstances. For instance: a company owned by the employee may not be a vendor to that Town unless the employee meet specific criteria, the contract is awarded by a bid process, and the employee publicly discloses his or her financial interest.
 - Represent anyone but the Town in any matter in which the Town has an interest. For instance, an employee may not contact other government agencies on behalf of a company, an association, a friend, or even a charitable organization.
 - Ever disclose confidential information, data or material without proper authorization, which the employee gained or learned as a public employee.

- Take any action that could create an appearance of impropriety or could cause an impartial observer to believe the employee's official actions are tainted with bias or favoritism, unless the employee makes a proper, public disclosure that includes all relevant facts.
- Use his or her official position to obtain unwarranted privileges, or any type of special treatment, for him/herself or anyone else. For instance, an employee may not approach subordinates, vendors whose contracts he/she oversee, or people who are subject to the employee's official authority to propose private business dealings.
- Use public resources for political or private purposes. Examples of "public resources" include: office computers, phones, fax machines, postage machines, copiers, official cars, staff time, sick time, uniforms, and official seals.
- After leaving public service, take a job involving public contractors or any other particular matter in which an individual participated as a public employee.

Should an employee have a question with respect to the application of any of the above-listed prohibitions, he or she should contact the Town Manager. Employees may also contact the State Ethics Commission's Legal Division regarding compliance with the requirements of Chapter 268A. The Legal Division can be reached at: (617) 371-9500 or (888) 485-4766.

B. Online Training Program

Within thirty (30) days after commencing employment with the Town, and every two (2) years thereafter, all employees must complete an online training program summarizing the conflict of interest law. The training program can be accessed on the State Ethics Commission website at <http://www.muniprogram.state.ma.us/>. Upon completion of the online training program, employees shall sign and print the certificate of completion provided at the end of the program, and provide said certificate to the Town Clerk, who shall retain it for no less than six (6) years.

C. Summary

Additionally, within thirty (30) days after commencing employment with the Town, and annually thereafter, each employee must review the attached summary, which can also be found online at:

<http://www.mass.gov/ethics/education-and-training-resources/implementation-procedures/municipal-employee-summary.html>

Upon review of the summary, employees shall provide acknowledgement of completion thereof to the Town Clerk, who shall retain such acknowledgment for no less than six (6) years (acknowledgement form contained on last page of attached summary).

VI. SANCTIONS

Violation(s) of any or all provisions of this Policy, or failure to timely complete the above-

referenced online training program or summary review, may result in disciplinary action, up to and including termination from employment.

CONFLICT OF INTEREST POLICY

This acknowledges that I have received and reviewed the Town of Winthrop Conflict of Interest Policy (“Policy”). By signing this form, I agree to abide by the Policy and any Guidelines promulgated thereunder, and I agree to review periodically any changes or modifications. I recognize that the law and associated Policy regarding financial disclosure and conflict of interest are continually evolving. Therefore, I understand that my regular review of this Policy, as it may be amended, is required.

Print Name: _____

Signature: _____

Date: _____

To be included in employee’s personnel file.