



# **Town of Bristol**

## **Code of Ethics Personnel Policy**

**Adopted: May 20, 2016**

**Current Revision: January 7, 2021**

**Previous Revision: May 20, 2016**

**Code of Ethic Personnel Policy**  
**TOWN OF BRISTOL**  
**Effective as of January 7, 2021 (“Effective Date”)**

**Adopted:**

The Code of Ethics Personnel Policy was adopted by vote of the Town of Bristol Select Board on May 20, 2016. This current revision was adopted by vote of the Bristol Select Board on January 7, 2021. This policy amends and replaces all prior existing code of ethics policies.

**1. Preamble:**

The citizens of Bristol are entitled to a fair, ethical and accountable own government and the effective functioning of democratic government requires that:

- All of the Town’s employees shall comply with both the letter and the spirit of the laws;
- All of the Town’s employees shall be independent, impartial and fair in their judgment and actions;
- Public Office shall be used for the public good, not for personal gains; and
- Public deliberations and processes shall be conducted openly, unless legally confidential, in an atmosphere of respect and civility.

To this end, the Bristol Select Board has adopted this Code of Ethics Personnel Policy pursuant to the Select Board’s prudential authority under RSA 41:8. This Policy shall operate in conjunction with any Conflict of Interest Ordinance adopted by the Town. If there is a conflict between a provision in this Policy and a provision in a Town Conflict of Interest Ordinance, employees shall adhere to the more-restrictive provision.

**2. Purpose:**

The purpose of this Policy is to establish guidelines for the ethical standards of conduct for employees.

- We expect our public servants and volunteers to act in the best interest of the Town.
- We expect employees to disclose any personal financial or other interests in matters affecting the Town that come before them for action.
- We expect Town employees to remove themselves from decision making if they have a conflict of interest.
- We expect Town employees to be independent, impartial, and responsible to their fellow Townspeople in their actions.
- We expect that the Town’s official decisions and policies be made through the proper channels of government.

- We expect that public office or a volunteer position in our Town shall not be used for personal gain. It is important that the public has confidence in the integrity of its government and that Town employees have an opportunity to protect their personal reputation.

This Policy establishes a process by which one may obtain guidance regarding potential ethical issues and it establishes a course of action for resolving disputes in a manner that is fair to all of the parties involved.

### **3. Prohibited Activities:**

- I. All of the Town's employees shall accept no assignment: (i) that could reasonably be construed as being in conflict with their responsibility to the Town of Bristol; (ii) in which the employee has an unrevealed personal interest or bias; or (iii) in which the employee is not qualified to perform.
  - a. All employees must report in writing to their immediate supervisor when the employee has a personal interest or bias with respect to an assignment. A personal interest or bias includes but is not limited to: (i) any current, prospective, or contemplated personal interest or bias in the matter; (ii) any ownership interest in property, employment, agency (such as an independent contractor), or business affected by the matter, including contingent ownership interests; or (iii) any personal interest or familial relationship to a person having a personal interest or bias.
  
- II. Prohibited activities shall include those activities specifically identified by state law limiting acts of public employees:
 

RSA 95:1	Public Officials barred from certain private dealings
RSA 640:2	Bribery in official and political matters
RSA 640:3	Improper Influence
RSA 640:4	Compensation for Past Action
RSA 640:5	Gifts to Public Servants
RSA 640:6	Compensation for Services
RSA 641:7	Tampering with Public Records or information
RSA 643:1	Official Oppression
RSA 643:2	Misuse of Information
  
- III. Prohibited activities include violation of any federal, state, or local law.
  - a. Prohibited activities include any felonious criminal act, regardless of whether such act was committed while the employee was on duty with the Town.

- IV. Prohibited activities include inducing another to commit an act violative of the law or these canons of ethics.
- V. Prohibited activities include sexual harassment as defined under the Town's Sexual Harassment Policy.
- VI. Prohibited activities include any involvement in any matter after termination of employment with the Town in which the employee had a personal and substantial involvement while employed.

#### **4. Representation of Private Interests Before Town Agencies:**

No employee shall appear in their official capacity on behalf of any person or entity before any Town Board. No employee or official shall appear in their personal capacity on behalf of a third-party person or entity before any Town Board. This section shall not prohibit appearances upon matters only incidentally requiring official action which do not develop into a substantial part of the employment, provided that the retainer is not for the purpose of appearing before the agency, and provided, further that the compensation, in whole or in part, is not contingent or dependent upon the action of such agency.

#### **5. Representation of Private Interests in Litigation:**

No employee shall represent a third-party person or entity in any action or proceeding against the interests of the Town in any litigation to which the Town is a party.

#### **6. Duty to Disclose:**

All employees of the Town of Bristol shall not participate in the conduct of business on behalf of the Town or enter into discussion or deliberation of any matter without first publicly and on the record, stating all:

- Dealings
- Interests
- Relationships
- Friendships
- And possible conflicts

Which may exist between the employee, or the employee's family, and the principals of the issue under consideration.

#### **7. Conflict of Interest:**

In order to assure their independence and impartiality on behalf of the common good, all employees of the Town of Bristol shall not use their official positions to influence government decisions in which they have a conflict of interest. Employees of the Town of Bristol shall not

participate in any matter in which he/she, or a member of his/her family, has a conflict of interest.

A conflict of interest includes, but is not limited to: (i) any material financial interest; (ii) any direct family relationship with a person requesting or opposing any government action; (iii) any employment relationship with a person requesting or opposing government action; (iv) accepting gifts or consideration in the course of the employee's work, when the gift or consideration is given in the hope or expectation of receiving a favor or more favorable treatment; (v) having an ownership interest in property that is the subject of government decisions, or in property that abuts another property that is the subject of government decisions; or (vi) any other organizational responsibility, personal relationship, or personal interest which may give the appearance of a conflict of interest.

An employee with a conflict of interest with respect to any matter shall recuse themselves from discussion and decision-making with respect to that matter. Recusal means to remove oneself completely from all further participation in the matter in question.

All employees of the Town of Bristol who have been recused shall immediately leave the room or seat themselves with the other members of the public who are present. When recused, the employee shall not participate in further discussions, unless he/she clearly state for the record that he/she is doing so only as a general member of the public. As a recused person, he/she shall not deliberate or vote on the matter in question.

#### **8. Gifts and Favors:**

All employees of the Town of Bristol shall not take any special advantage of services or opportunities for personal gain, by virtue of their public office that is not available to the public in general. They shall refrain from accepting any gifts or other consideration (or allow acceptance of such gift by a family member), favors or promises of future benefit which might compromise their independence of judgment or action or give the appearance of being compromised.

Prohibited Conduct shall include knowingly accepting a gift or other consideration with a value in excess of fifty dollars (\$50.00) or allowing acceptance of such a gift by a family member from any individual, group or corporation knowingly dealing with an area of city government in which the employee or official, whether elected, appointed or hired has an interest or jurisdiction. The foregoing does not apply to gifts from family members. Prohibited Conduct shall include knowingly accepting a gift or consideration of any value when the gift or consideration is given in the hope or expectation of receiving a favor or more favorable treatment from the employee or official.

The prohibition against gifts and favors shall not apply to an occasional non-pecuniary gift, insignificant in value, or an award publicly presented in recognition of public service or any gift which would have been offered or given to him or her if he or she was not an employee of the Town of Bristol or unsolicited advertising or promotional items or materials of nominal intrinsic value.

It shall not be a violation for an employee of the Town of Bristol to accept donations for the expressed purpose of financing a political campaign, provided that such contributions are reported in accordance with all local, state and federal laws pertaining to such donations or services and/or financial value.

The mere purchase of goods or services from a person or business in the ordinary course of that person's or business's retail or service business shall not prevent an or employee of the Town of Bristol from introducing, discussing, approving or voting upon a mater which relates to that person or business.

#### **9. Confidential Information:**

Employees of the Town of Bristol shall respect the confidentiality of information concerning the property, personnel, or affairs of the Town. They shall neither disclose confidential information without proper legal authorization, nor use such information to advance their personal, financial or other private interests.

#### **10. Use of Public Resources:**

Employees of the Town of Bristol shall not use public resources not available to the public in general, such as Town staff time, equipment, supplies, or facilities for private gain or personal purposes.

#### **11. Education:**

- I. At the time that an employee begins their employment, they shall receive a copy of this Policy and acknowledge in writing that they have received a copy of this Policy.
- II. The Select Board shall hold a meeting each spring for new employees so they may familiarize themselves with the provisions of this Policy.
- III. It shall be the responsibility of the Supervisor of any new employee to ensure that the new employee familiarizes themselves with the provisions of this Policy.

## **12. Inquiries:**

The Select Board shall establish a mechanism by which employees, officials, and residents of the Town of Bristol may obtain advice and counsel from the Board regarding ethical issues that may arise from time to time. Upon request of an employee, the Select Board may issue a written advisory opinion in response to such an inquiry. Such written advisory opinions will become permanent amendments to this Code of Ethics Personnel Policy as an addendum.

## **13. Definitions:**

- Board – Any board, committee or commission, permanent or special, established by the Town or the Select Board under New Hampshire law.
- Complainant – A resident of the Town of Bristol who has submitted a petition to the Select Board requesting an inquiry or alleging a violation of the Code of Ethics.
- Employee - A person who is paid by the Town of Bristol for his/her services, but who is not an independent contractor.
- Family - Any person who is related to the employee or official, whether elected, appointed or hired of the Town of Bristol in one of the following ways: spouse, parent, grandparent, child, grandchild, sibling, or similar relation to the individual's spouse. This includes all persons who are members of the same household as the employee or official of the Town of Bristol in question, regardless of whether they are related by blood or marriage.
- Interest - Any legal or equitable right, share, or claim, whether or not subject to an encumbrance or a condition, which is owned or held, in whole or in part, jointly or severally, including but without limitation, a right, share or a claim to land.
- Principals - Those people who are the subject of the action or application, which is before the Board.

## **14. Exclusions:**

The provisions of the Code of Ethics shall not be interpreted so as to bar:

- I. Employees who are residents of the Town of Bristol from fully participating in any Town Meeting, or from exercising any other right, in the person's personal capacity, which all other residents of the Town are able to exercise.
- II. Acceptance of donations for the expressed purpose of financing a political campaign provided such contributions are reported in accordance with all local, state and federal laws that pertain to such donations.
- III. Participation in a matter that relates to a person or business from which an employee merely purchased goods or services, if the individual in question has no other conflict of interest relating to that person or business.

- IV. Police officers, fire fighters, and other emergency personnel from acting in the course of their official capacities when responding to emergencies in accordance with the rules and regulations of their departments; and
- V. Supervisors of Town employees from appropriately carrying out personnel policies.



**Receipt and Acknowledgement  
of the Town of Bristol's  
Code of Ethics Personnel Policy**

I have received a copy of the Town of Bristol's (the "Town") Code of Ethics Policy, and I understand that I am responsible for reading the policies and guidelines within it.

If I have questions regarding the content or interpretation of this Policy, I will bring them to the attention of the Town Administrator.

Employee Name \_\_\_\_\_ Date \_\_\_\_\_

Employee Signature \_\_\_\_\_

Please sign above and return this form to your Department Head.