

POLICY # A2-3.1

CONFLICT OF INTEREST ALL EMPLOYEES

It is the policy of the Town of Wayland that employees comply with the provisions of Massachusetts General Law Chapter 268A which govern the conduct of public employees. This section will highlight some of the general rules to be followed to avoid disciplinary action and civil and criminal penalties.

In accordance with the General Rules under the Conflict of Interest Law, employees may not:

- Ask for or accept anything (regardless of its value), if offered in exchange for your agreeing to perform or not perform an official act. All solicitations should be reported to the employee's supervisor.
- Ask for or accept anything of nominal value from anyone with whom the employee has official dealings. * Examples: sports tickets, cost of drinks and meals, travel expense, conference fees, free use of vacation homes and/or complimentary tickets to charitable events. If a prohibited gift is offered employees may: refuse it, return it, donate it to a non-profit, or pay the giver the full value. Gifts to a public employer may be kept provided it remains in the office and does not ever go home with an employee.
- Hire, promote, supervise, or otherwise participate in the employment of an immediate family member or a spouse's immediate family member.
- Take any type of official action that will affect the financial interests of an employee's immediate family or an employee's spouse's immediate family. Example: an employee may not participate in licensing or inspection processes involving a family member's business.
- Take any official action affecting their own financial interest, or the financial interest of a business partner, private employer, or any organization for which they serve as an officer, director or trustee.
- Unless qualified for an exemption, have more than one job with the same municipality or county, or more than one job with the state.
- Except under special circumstances, have a financial interest in a contract with their public employer. Example: a company an employee owns may not be a vendor to that town unless specific criteria are met, i.e., a contract is awarded by a bid process, and the employee publicly discloses his/her financial interest.
- Represent anyone but their public employer in any matter in which their public employer has an interest. Example: 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 that was 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 their official actions are tainted with bias or favoritism, unless a proper public disclosure – including all the relevant facts – has been made.
- Use their official position to obtain unwarranted privileges, or any type of special treatment, for themselves or anyone else. For instance: an employee may not approach his/her subordinates, vendors whose contracts he/she oversees, or people who are subject to hi/her 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 contracts or any other particular matter in which they participated as a public employee.

There are some exemptions to these rules. Employees may seek free and confidential legal advice from the State Ethics Commission regarding how the law would apply to a particular situation by calling (617) 727-0060 or (888) 485-4766, fax (617) 723-5851 or at www.magnet.state.ma.us/ethics.

* The value of multiple gifts by a single donor to an individual recipient is aggregated.

Personnel Board Approved: April 7, 2004