



**TOWN OF NORTH HEMPSTEAD
OFFICE OF THE TOWN ATTORNEY**

**PROPOSED LOCAL LAW ESTABLISHING
CHAPTER 16B OF THE TOWN CODE ENTITLED "ANTI-NEPOTISM"**

LOCAL LAW MEMORANDUM

Purpose of Law:

The purpose of the local law is to establish regulations addressing the employment, supervision, transfer or recommendation of relatives of Town officers or employees..

Budget Implications:

The adoption of the proposed local law will not have any direct budgetary implications.

Explanation:

Matter in **bold** and underscored is new; matter in brackets with strikethrough [~~—~~] is old law to be omitted.

**TOWN OF NORTH HEMPSTEAD
LOCAL LAW NO. ____ OF 2016**

**A LOCAL LAW ESTABLISHING CHAPTER 16B OF THE
TOWN CODE ENTITLED "ANTI-NEPOTISM"**

BE IT ENACTED by the Town Board of the Town of North Hempstead, as follows:

Section 1. Legislative Intent.

The Town Board of the Town of North Hempstead hereby finds that that the enactment of this chapter, which is designed to address the employment, supervision, transfer or recommendation of relatives by Town officers or employees shall promote the public interest, avoid the possibility of personal bias, and strengthen public confidence in the integrity of the Town government.

Section 2.

Chapter 16B of the Town Code is hereby established as follows:

Chapter 16B Anti-Nepotism

§16B-1 Legislative Intent

The Town Board of the Town of North Hempstead hereby finds that that the enactment of this chapter, which is designed to address the employment, supervision, transfer or recommendation of relatives by Town officers or employees shall promote the public interest, avoid the possibility of personal bias, and strengthen public confidence in the integrity of the Town government.

§16B-2 Applicability

The provisions of this Chapter apply to full-time, part-time and seasonal employees within the Town of North Hempstead.

§16B-3 Definitions

BOARD

Any administrative board, commission, committee, agency or body of the Town of North Hempstead comprised of two or more officers or employees (e.g. Board of Zoning Appeals, Board of Ethics), excluding the Town Board.

ELECTED OFFICIAL

The Supervisor, Town Clerk, Tax Receiver and all members of the Town Board.

OFFICER or EMPLOYEE

A paid or unpaid officer or employee of the Town of North Hempstead, including but not limited to Board members. "Officer or employee" shall not include independent contractors engaged to provide services, goods or materials to the Town.

RELATIVE

The spouse, domestic partner, child, stepchild, stepparent, parent, grandparent, niece, nephew, aunt, uncle, first cousin, second cousin, grandchild, brother, sister, stepbrother or stepsister, adopted children or any person so related to an employee's spouse or domestic partner.

§16B-4 Prohibited Actions

- A. No person who is a relative of an elected official, as defined under this chapter, shall be employed by the Town, except as required by Civil Service Law and the rules promulgated thereunder.
- B. No Town officer or employee, either individually or as a member of a Board shall participate in any decision to appoint, hire, promote, demote, discipline or discharge a relative working as an employee. If an employment or hiring matter arises relating to a relative, then the officer or employee must advise his or her supervisor of the relationship, and must be recused from any and all discussions or decisions relating to the matter.
- C. No officer or employee of the Town shall directly or indirectly supervise the work of any relative employed by the Town except:
 1. As required by the collective bargaining agreement and/or the Civil Service Law or rules promulgated thereunder;
 2. Pursuant to a supervisory arrangement which cannot be modified or an exception negotiated by the union prior to the effective date of this Chapter;
 3. Pursuant to a temporary arrangement not exceeding thirty (30) consecutive days;
or
 4. With the written approval of the Town Board.

§16B-5 Disclosure of Relationships

- A. Within sixty (60) days of the adoption of this local law, every officer and employee who has not previously filed a disclosure pursuant to any other chapter of the Town Code shall disclose in writing to the Department of Human Resources any relative currently employed within any department, board, commission, committee or agency. In addition, every officer or employee shall disclose to the Department of Human Resources that

another officer or employee has become a relative of such officer or employee within sixty (60) days of the officer or employee becoming a relative.

- B. Within sixty (60) days of the adoption of this Local Law, the Board of Ethics shall provide to the Department of Human Resources a listing of all Town officers and employees who have previously disclosed, on any previously-filed annual statement of financial disclosure, the identity of a relative employed by the Town and the name(s) of the relative(s) disclosed. In addition, the Board of Ethics shall annually, on or before October 15th, provide to the Department of Human Resources a listing of all Town officers and employees who that have, on their most recently filed annual statement of financial disclosure, disclosed the identity of a relative employed by the Town and the name(s) of the relative(s) disclosed
- C. Any person seeking employment with the Town shall sign a statement, in a form approved by the Town Attorney, upon application for employment with the Town of North Hempstead stating whether or not such person is a relative of any Town officer or employee, as defined under this Chapter, and stating the name(s) of such officer(s) or employee(s). Such statement shall be filed with the Department of Human Resources prior to the Town Board considering such person for employment.
- D. The Department of Human Resources, in consultation with the Town Attorney's Office, shall review the disclosed relationships to determine compliance with Section 16B-4 hereof.

§16B-6 Enforcement

- A. Any officer or employee who willfully violates this Chapter may be censured, fined, suspended or removed from office or employment in a manner consistent with the collective bargaining agreement or as provided by applicable law.
- B. Violations; Procedure. The Town Attorney shall receive complaints alleging violations of this Chapter and shall have the power to conduct any investigation necessary to carry out the provisions of this Chapter. Pursuant to this authority, the Town Attorney or his/her designee may administer oaths or affirmations, subpoena witnesses, compel their attendance and require the production of any books or records which it may deem relevant or material. Any person alleged to have violated a provision of this Chapter shall be afforded an opportunity to be heard.

Section 3.

This Local Law shall take effect upon filing with the Secretary of State.

