

**Town of Vienna**  
**Local Law No. 2 of 2016**

**A local law creating a formal Anti-Nepotism policy applicable to Town of Vienna Officials and Employees.**

**Be it enacted by the: Town Board of the Town of Vienna as Follows:**

**Section 1: Intent.**

The Town Board of the Town of Vienna hereby finds that the enactment of this law, which is designed to address the employment, supervision, transfers, or recommendation of immediate family members, regardless of time worked, of elected and appointed officials as defined under this law, shall promote the public interest, avoid the possibility of personal bias, and strengthen public confidence in the integrity of the Town government. This law will ensure public confidence in the integrity of municipal personnel practices by requiring Town Board approval of the hiring, transfer or promotion of municipal officials' relatives who are assigned positions not subject to competitive examination pursuant to New York Civil Service Law.

**Section 2: Applicability.**

The provisions of this law shall apply to all appointments (including transfers) made on or after the effective date of this law. This law shall not apply to employment and supervisory arrangements which existed and which were in effect in accordance with applicable Town policy prior to the effective date of this law. These arrangements will be grandfathered for the remaining period of service or end of appointment term. When the relationship is severed, or term of appointment expires, filling of the vacancy shall follow the hiring practices herein defined.

**Section 3: Definitions.**

As used in this law, the following items shall have the meanings indicated:

**APPOINTED OFFICIAL**

Any person holding a position which is not elective in nature, compensatory or non-compensatory, including any advisory boards or committees.

**ELECTED OFFICIAL**

The Supervisor, Highway Superintendent, Town Clerk, and all members of the Town board.

**IMMEDIATE FAMILY**

Spouse, grandfathers, grandmothers, grandsons, granddaughters, fathers, mothers, stepfathers, stepmothers, sons, daughters, stepsons, stepdaughters, brothers, sisters, uncles, aunts, nieces, nephews, first cousins, fathers-in-law,

mothers-in-law, brothers-in-law, sisters-in-law, daughters-in-law, sons-in-law, and the spouses of any members of the employee's immediate family. Immediate family also includes, for the purposes of this law, a person who is in a spouse-like relationship to the employee.

#### **Section 4: Prohibited Employment.**

A. Any individual holding an elected or appointed position as defined under this law, for which payment is made from funds administered by the Town of Vienna, shall be prohibited from supervising, employing, appointing, or voting for the appointment of members of his or her immediate family, in or to any position or employment when the salary, wages, pay or compensation of such appointee is to be paid out of such funds administered by Town of Vienna.

B. Town Officials, appointed or elected, may at no time lobby for, or against, the hiring of an immediate family member. Town officials may not exert, or attempt to exert, undue influence on the decision making person(s), body, or any member thereof, with regard to the process or final determination of employment.

#### **Section 5: Affidavit.**

Any individual hired or promoted to a position not being filled pursuant to Civil Service Law competitive examination shall sign a sworn affidavit at least five business days prior to the commencement of employment with the Town of Vienna stating whether or not such individual is a relative of any Town official, elected or appointed, as defined in this law. This affidavit shall be filed with the Town of Vienna Clerk at least one business day prior to the commencement of employment with the Town.

#### **Section 6: Exceptions.**

A. In the event that a search for employment candidates, when conducted for a reasonable amount of time, no less than 90 days, results in finding no qualified nonfamily member, as defined under Section 3 above, the hiring process may consider recommending family members who are deemed to possess the necessary qualifications, providing the Town Official removes him/herself from the decision making process in entirety.

B. The hiring of a family member pursuant to Subsection 6(A), above, shall be limited to employment in departments where no family member is employed, and where there is no direct line of supervision.

C. Only the Town Board may approve an exception to the prohibitions under this law where it is determined to be in accordance with other applicable town law and in the best interest of the Town to grant an exception.

D. Requests for exceptions must be submitted as a resolution by a member of the Town Board. The Town Board shall hold a public hearing at a regularly advertised and scheduled meeting; the Town Board may have the opportunity to question the proposed employee at said hearing. A majority vote of the Town

Board, present at the meeting, shall be required to approve such an exception for employment.

**Section 7: Sanctions.**

Any individual that fails to file an affidavit as required under Section 5 above, shall be subject to immediate termination from employment with the Town of Vienna. Additionally, any false statements submitted on the affidavit may be punishable in accordance with New York Penal Law.

**Section 8: Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

**Section 9: Effective Date.**

This law shall take effect immediately after it is has been filed with all appropriate State Departments or agencies, as required by law.

Motion By: Councilman Spellicy

Seconded By: Councilman Lamb

Motion Carried.

Voting Record:

Councilwoman Lorraine Padavan	<u>Aye</u>
Councilman Jason Lamb	<u>Aye</u>
Councilman Jason Spellicy	<u>Aye</u>
Councilwoman Gail Whitham	<u>Nay</u>
Supervisor William Graham	<u>Aye</u>

Dated: 6/1/2016

---

Donna M. Clark, Town Clerk

(SEAL)