

FASNY has reviewed the model Code of Ethics as it appears on the OSC's website www.osc.state.ny.us. It was determined that much of what would be required of fire districts would also be applicable to fire departments/companies. There is no requirement that OSC publish a model code for fire departments/companies. The model code for fire districts has been edited to make certain sections of it more suitable for use with fire departments/companies.

It is a guide that can be used by a fire department or company in consultation with Counsel that can assist elected personnel and fire department/company members in drafting a Code of Ethics. Each fire department/company may have unique characteristics requiring special adaptation of this language.

Code of Ethics of the [Insert Name] Fire Department/ Company:

Section 1. Purpose.

Officers and employees and the members of the fire department/company, hold their positions to serve and benefit the public, and not for obtaining unwarranted personal or private gain in the exercise and performance of their official powers and duties. In furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct. This code of ethics establishes those standards.

Section 2. Definitions.

- (a) "Employee" means a paid employee of the fire department/company including, but not limited to, paid firefighters.
- (b) "Family member" means a parent, sibling, spouse, child, uncle, aunt, first cousin, or household member.
- (c) "Fire department/company" means the [insert name].
- (d) "Interest" means a direct or indirect monetary, financial or other material benefit, but does not include any benefit arising from the provision or receipt of fire protection or other emergency services generally available to the residents of the area served. A person is deemed to have an interest in the contracts of any firm, partnership or corporation of which he or she is an owner, partner, director, officer, employee or stockholder.
- (e) "Fire department/company member" means a volunteer member of the fire department/company. The official powers and duties of a fire department/company member refer to the individual's powers and duties under laws, under rules or bylaws adopted by the fire department/company.
- (f) "Officer" means a person serving as a paid or volunteer officer of the fire department/company including, but not limited to, the president, vice president, treasurer, secretary, and the chief and assistant chiefs of the fire department/company

Section 3. Applicability.

This code of ethics applies to the officers and employees and to the members of the fire department/company. The provisions of this code of ethics shall apply in addition to all laws, rules or regulations or bylaws of the fire department/company.

Section 4. Appearance of impropriety.

No officer, employee or member of the fire department/company shall create an appearance of impropriety, by giving the impression that he or she will exercise or perform his or her official duties on the basis of family, private business or social relationships, or any consideration other than the welfare of the fire department/company.

Section 5. Use of position for personal or private gain.

(a) No officer or employee or no member of the fire department/company, may use his or her position to secure unwarranted personal or private gain for himself or herself, or for any other person or any organization. Unwarranted personal or private gain does not include any payment, benefit or opportunity that is available to any of the following groups of people:

- (1) all of the members of a fire department/company;
- (2) the general public.

(b) No member of the fire department/company, may use or permit the use of fire department/company resources for personal or private purposes. Fire department/company resources include, but are not limited to, use of personnel, or use of the money, vehicles, equipment, materials, supplies or other property.

(c) No officer or employee of the fire department/company, and no member of the fire department/company, shall cause the fire department/company to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

Section 6. Disclosure of interest in legislation.

(a) Every officer and employee of the fire department/company, and every member must disclose the nature of any interest, in any matter coming before the elected officers of the fire department/company for action, which any of the following people have:

- (1) the officer, employee or fire department/company member;
- (2) a family member of the officer, employee or fire department/company member; or
- (3) a family member of the spouse of the officer, employee or fire department/company member.

(b) For purposes of this section, a “matter coming before the officers of the fire department/company for action” means a motion, resolution or any other issue or question requiring a vote of the board.

(c) The disclosure required by this section must be in writing and must be made publicly to the elected officers of the fire department/company. The officers must cause the disclosure to be included in the minutes of the meeting at which the disclosure is made.

(d) Disclosure is not required with respect to interests in the following actions by the officers of the fire department/company:

- (1) adoption of the fire department/company’s annual budget;
- (2) authorization of lawful compensation for services as an officer or employee;
- (3) authorization of lawful payment or reimbursement for actual and necessary expenses incurred by an officer, employee or fire department/company member in the performance of his or her official duty; or
- (4) authorization of lawful benefits to the members of the fire department/company including, but not limited to, service awards, group life insurance, and benefits under the Volunteer Firefighters Benefit Law.

Section 7. Recusal and abstention.

(a) Except as otherwise required by law, no officer or employee of the fire department/company, and no member of the fire department/company, may participate in the discussion or vote on any matter, or exercise or perform any

other official powers or duties in connection with, any matter, when any of the following people have an interest in the matter:

- (1) the officer, employee or fire department/company member;
- (2) a family member of the officer, employee or fire department/company member; or
- (3) a family member of the spouse of the officer, employee or fire department/company member.

(b) In the event that subdivision (a) of this section prohibits an officer, employee or fire department/company member from exercising or performing his or her official powers or duties:

(1) if the officer has a deputy who is not prohibited by subdivision (a) from exercising or performing the power or duty, the deputy shall exercise or perform the power or duty; or

(2) in all other cases, the officer, employee or fire department/company member must refer the matter to his or her immediate supervisor or, if the person does not have an immediate supervisor, the officer, employee or fire department/company member must refer the matter to the elected officers of the fire department/company.

(c) When a matter is referred to a person's immediate supervisor or to the elected officers pursuant to subdivision (b) of this section, the power or duty shall be exercised or performed by the immediate supervisor or the elected officers. The supervisor or elected officers may delegate the power or duty to one or more persons who are authorized to perform the function and not prohibited from doing so by subdivision (a) of this section.

(d) This section does not prohibit an officer, employee or fire department/company member from performing a mandatory function that does not require the exercise of discretion.

Section 8. Holding of investments in conflict with official duties.

(a) No officer or employee of the fire department/company, and no member of the fire department/company may hold the following investments:

(1) personal investments that will be directly affected by the exercise or performance of the person's official powers and duties; or

(2) personal investments that would otherwise impair the person's independence of judgment in the exercise or performance of his or her official powers and duties.

(b) This section does not prohibit an officer, employee or fire department/company member from owning any of the following assets:

(1) real property located within the fire department/company or any other area served by the fire department/company and used as his or her personal residence;

(2) less than five percent of the stock of a publicly traded corporation; or

(3) bonds or notes issued by the fire department/company and acquired more than one year after the date on which the bonds or notes were originally issued.

Section 9. Private employment in conflict with official duties. – Should be reviewed on OSC's website to determine applicability.

Section 10. Future employment. – Should be reviewed on OSC's website to determine applicability.

Section 11. Confidential Information. – Should be reviewed on OSC's website to determine applicability.

Section 12. Gifts. – Should be reviewed on OSC’s website to determine applicability.

Section 13. Board of Ethics. – Should be reviewed on OSC’s website to determine applicability.

Section 14. Posting and distribution.

(a) The officers of the fire department/company must promptly cause a copy of this code of ethics, and a copy of any amendment to this code of ethics, to be posted publicly and conspicuously in each building under the fire department/company’s control.

(b) The president of the fire department/company or chief must promptly cause a copy of this code of ethics, including any amendments to the code, to be distributed to every person who is or becomes an officer and employee, or a member of the fire department/company.

(c) See OSC model code for fire districts. Language should be reviewed for applicability. Could be optional.

(d) See OSC model code for fire districts. Language should be reviewed for applicability. Could be optional.

Section 15. Enforcement. – Should be reviewed on OSC’s website for applicability.

Section 16. Effective date.

This code of ethics took effect on the first day of June, two thousand seven.