



"Standards of Conduct"

MGL Chapter 268A - Section 23

"Resignations"

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Summaries for Municipal Employees

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THE COMMONWEALTH OF MASSACHUSETTS
GENERAL LAWS
STANDARDS OF CONDUCT
GENERAL LAWS, CHAPTER 268A, Section 23

23. SUPPLEMENTAL PROVISIONS: STANDARDS OF CONDUCT

In addition to the other provisions of this chapter, and in supplement thereto, standards of conduct, as hereinafter set forth, are hereby established for all state, county and municipal employees.

No current officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

accept other employment involving compensation of substantial value, the responsibilities of which are inherently incompatible with the responsibilities of his public office;

use or attempt to use his official position to secure for himself or others unwarranted privileges or exemptions which are of substantial value and which are not properly available to similarly situated individuals.

act in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that any person can improperly influence or unduly enjoy his favor in the performance of his official duties, or that he is likely to act or fail to act as result of kinship, rank, position or undue influence of any party or person. It shall be unreasonable to so conclude if such officer or employee has disclosed in writing to his appointing authority or, if no appointing authority exists, disclose in a manner which is public in nature, the facts which would otherwise lead to such a conclusion.

(Standards of Conduct continued)

No current or former officer or employee of a state, county or municipal agency shall knowingly, or with reason to know:

accept employment or engage in any business or professional activity which will require him to disclose confidential information which he has gained by reason of his official position or authority.

improperly disclose materials or data within the exemptions to the definition of public records as defined by Section 7 of Chapter 4, and were acquired by him in the course of his official duties nor use such information to further his personal interest.

(d) Any activity specifically exempted from any of the prohibitions in any other section of this chapter shall also be exempt from the provisions of this section. The state ethics commission, established by Chapter 268B, shall not enforce the provisions of this section with respect to any such exempted activity.

(e) Where a current employee is found to have violated the provisions of this section, appropriate administrative action as is warranted may also be taken by the

appropriate constitutional officer, by the head of a state, county or municipal agency. Nothing in this section shall preclude any such constitutional officer or head of such agency from establishing and enforcing additional standards of conduct.

(f) Upon qualification for office following an appointment or election to a municipal agency, such appointed or elected person shall be furnished by the city or town clerk with a copy of this section. Each such person shall sign a written acknowledgement that he has been provided with such copy.

Resignation of Appointees or Elected Officials

Chapter 41: Section 109.

Resignation; notice; residence requirements

Section 109. No resignation of a town or district officer shall be deemed effective unless and until such resignation is filed with the town or district clerk or such later time certain as may be specified in such resignation.

Upon receipt of a resignation the clerk shall notify the remaining members, if the resignation is received from a board of two or more members, and he shall further notify the executive officers of the town or district and such notification shall include the effective date of the resignation. Unless otherwise provided by general or special law, ordinance or by-law, a person need not, in order to accept appointment to a public office in a town or district, be a resident of such town or district; provided, however, that if an appointed town or district officer is required to become a resident within a period of time specified at the time of his appointment by the board or officer making the appointment but fails to do so within the time specified, or if an elected or appointed town or district officer removes from the town or district in which he holds his office, he shall be deemed to have vacated his office.

This means that if you resign, no vacancy shall be deemed to exist until your resignation, with an original signature, is filed with the Town Clerk.