Application
Each candidate for interview for a position with the BGADD, will be required to complete an Application for Employment. The BGADD may investigate all statements contained in the aforementioned documents at any time before or after employment commences. Any misrepresentation or omission of facts stated therein may be cause of immediate dismissal. An applicant is a person who completes a BGADD provided application for a specific position.

Applications for Positions
Official application forms supplied by the BGADD and completed by the candidate will require legally authorized:

- Information about the applicant’s training and experience;
- References and signed release form; and
- Whatever additional information is required for an evaluation of the applicant’s fitness for the position applied for. Additional testing or evaluations deemed necessary for employment may be identified and required.

Each resume will be reviewed by the Human Resources Director or appropriate Department Director and such other persons as deemed appropriate.

No person may be appointed to a position unless verified information on an official application form indicates that the person meets the qualifications set forth for the posted position.

All non-solicited resumes filed with the BGADD will be kept by the Human Resources Director, or designee, for three months.

Upon request, all applicants will be given a copy of the position description describing the job requirements and necessary qualifications.

The Executive Director or their designee will be the sole judge of the qualifications and competence of all employees and applicants for employment and will have the right to select, hire, promote, suspend, discipline, discharge, layoff, or make work assignments and/or transfer employees from one job to another. Employees understand that employment is “at will”.

Work Environment

Ethics
An employee of the Bluegrass Area Development District is a public employee bound by the basic moral and ethical principles inherent in any position of public trust. His/her conduct shall exemplify the highest standards of the professional ethics in the District’s relationship to the public, the constituent governments of the region, and all agencies and officials of local, state, and federal governments. To ensure adherence to these standards, please reference the complete code of professional ethics in Appendix E of this handbook.

Open Communication
The BGADD subscribes to the open door policy. To ensure effective working relations, it is important that misunderstandings or conflicts are resolved before serious problems develop. If a situation persists that you believe is detrimental to you or the BGADD, we encourage free discussion with your
Appendix E

Ethics Code
General Provisions

Purpose
An employee of the Bluegrass Area Development District is a public employee bound by the basic moral and ethical principles inherent in any position of public trust. His/her conduct shall exemplify the highest standards of the professional ethics in the District’s relationship to the public, the constituent governments of the region, and all agencies and officials of local, state, and federal governments. To ensure adherence to these standards, the following code of professional ethics is established.

It is the purpose of this chapter to provide a method of assuring that standards of ethical conduct for BGADD employees be clearly established, uniform in their application, and enforceable, and to provide the employees of the BGADD with advice and information concerning potential conflicts of interest which might arise in the conduct of their public duties.

Definitions
For the purpose of this chapter, the following words and phrases shall have the following meanings ascribed to them respectively.

Board of Ethics: The BGADD Board of Ethics which is created and vested by this chapter with the responsibility of enforcing the requirements of the BGADD's Code of Ethics.

Business Associate: Includes, but is not limited to, the following:
- A private employer;
- A general or limited partnership, or general or limited partner within the partnership;
- A corporation that is family-owned, or in which all shares of stock are closely-held, and the shareholders, owners, and officers of such corporation;
- A corporation, business association, or other business entity in which a local government official, officer, or employee serves as a compensated agent or representative.

Business Organization: Any corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, organization, self-employed individual, holding company, joint stock company, receivership, trust, professional service corporation, or any legal entity through which business is conducted for profit.

Candidate: Any individual who seeks nomination or election to a city office. An individual is a candidate when the individual files a notification and declaration for nomination for office with the County Clerk or Secretary of State, or is nominated for office by a political party, or files a declaration of intent to be a write-in candidate with the County Clerk or Secretary of State.

Employee: Any person, compensated or not, full-time or part-time, employed by or serving the BGADD who is not a BGADD official or officer.

Family Member: A mother, father, brother, sister, mother-in-law, father-in-law, sister-in-law, brother-in-law, niece, or nephew.
Ethics Code: General Provisions (Continued)

Member of Immediate Family: A spouse, child or any person, claimed by the individual or individual’s spouse for tax purposes.

Officer: Any person, whether full-time or part-time, and whether paid or unpaid, who is one (1) of the following: The Executive Director; A Member of the Board of Directors; The Chief Financial Officer.

Rules of Necessity: The BGADD may make or enter into a contract with an official, officer, or employee or members of his immediate family, a family member, or a business associate who has an economic interest if the nature of the transaction and the nature of the interest is publicly disclosed on the record prior to the time it is entered into; and a specific finding is made by the BGADD, and entered on the official record of the proceedings of the governing body that, notwithstanding the conflict, it is in the best interests of the BGADD because of limited supply, price, or documented emergency.

Conflicts of Interest in General

Every officer and employee of the BGADD shall comply with the following standards of conduct.

- No BGADD official, officer or employee, or member of his immediate family, or family member shall have an interest in any business organization, engage in any business, transaction, or professional activity which is in substantial conflict with the proper discharge of his officially assigned duties.

- No BGADD official, officer or employee shall use or attempt to use his or her official position to secure unwarranted privileges or advantages for himself or herself.

- No BGADD official, officer or employee shall act in his or her official capacity in any matter in which a member of his or her immediate family, family member, or a business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably expected to impair his or her objectivity or independence of judgment.

- No BGADD official, officer, or employee shall undertake any employment or service, compensated or not, which might reasonably be expected to prejudice or influence his independent judgment in the exercise of his or her official duties.

- No BGADD official, officer, or employee, member of his or her immediate family, family member, or business organization, in which he or she has an interest, shall solicit or accept any gift, favor, loan, political contribution, service, promise or future employment, or other item of value based upon an understanding the gift, favor, loan, political contribution, service, promise, or other item of value was given or offered for the purpose of influencing his or her directly or indirectly, in the discharge of him or her official duties. This provision shall not apply to the solicitation or acceptance of contributions to the campaign of an announced candidate for elective public office as governed by the Kentucky Revised Statutes.

- No BGADD official, officer, or employee shall be prohibited from giving or receiving an award, publicly presented in recognition of public service, commercial loans made in the ordinary course of the lender’s business, or reasonable hosting, including travel and expenses, entertainment, meals, or refreshments furnished in connection with public events, appearances, ceremonies, or fact-finding trips related to official governmental business.

- No BGADD official, officer, or employee shall use or allow to be used, his or her office or employment, or any information, not generally available to the members of the public,
Ethics Code: General Provisions (Continued)

which he or she receives or acquires for the purpose of securing financial gain for himself or herself, any member of his or her immediate family, family member, or any business organization which he or she is associated.

- No BGADD official, officer, or employee, or business organization in which he or she has an interest shall represent any person or party other than the local government in connection with any clause, proceeding, application, or other matter pending before any agency in the local government in which he or she serves.

- No BGADD employee, shall allow their responsibilities outside of work to create a conflict of interest. If an employee has an opportunity to serve on a board or committee in our community, they should first weigh the possibility of conflict. If conflict of interest is unavoidable, the employee should decline such offers to serve.

- In cases where family members of employees are employed by or serve on committees of our local governments, partners, etc. you are required to notify human resources to make a formal notice of such association. A permanent record may be made and placed in your file. In this way, we can avoid potential scenarios which can be damaging to the reputation of the employee and BGADD.

- No BGADD official or officer shall be deemed in conflict with these provisions if, by reason of his or her participation in the enactment of any ordinance, resolution, or other matter required to be voted upon or which is subject to executive approval or veto, no material or monetary gain accrues to him or her as a member of any business, profession, occupation, or group, to any greater extent than gain could reasonably be expected to accrue to any other member of such business, profession, occupation, or group.

Receipt of Gifts
No officer or employee of the BGADD shall directly, or indirectly, through any other person or business, solicit or accept any gift having a fair market value of more than one hundred dollars ($100.00) per year, whether in the form of money, service, loan, travel, entertainment, hospitality, item, or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence, or could reasonably be expected to influence, the officer or employee in the performance of his public duties.

Use of BGADD Property, Equipment, Personnel
No officer or employee of the BGADD shall use or permit the use of any BGADD time, funds, personnel, equipment, or other personal or real property for the private use of any person, unless the use is specifically authorized by a stated BGADD policy, or the use is available to the general public, and then only to the extent and upon the terms that such use is available to the general public.

Nepotism Prohibited
- No officer or employee of the BGADD shall advocate, recommend or cause the: employment, appointment, promotion, transfer or advancement of a family member or an immediate family member to an office or position of employment with the BGADD. The Bluegrass Area Development District refrains from employing a staff member’s family member.

- No officer or employee of the BGADD shall supervise or manage the work of a family member or an immediate family member.
Ethics Code: General Provisions (Continued)

- No officer or employee shall participate in any action relating to the employment or discipline of a family member or immediate family member, except that this prohibition shall not prevent an elected or appointed official from voting on or participating in the development of a budget which includes compensation for a family member or immediate family member, provided that the family member or immediate family member is included only as a member of a class of persons or a group and the family member or immediate family member benefits to no greater extent than any other similarly situated member of the class or group.
- The prohibitions in this section shall not apply to any relationship or situation that would violate the prohibition, but which existed prior to the effective date of this code.

Board of Ethics Established

- There is hereby created a Board of Ethics which shall have the authorities, duties, and responsibilities as set forth in this chapter to enforce the provisions of this code.
- The Administrative Review and Finance Committee shall function as the Board of Ethics.
- (C) Appointments to the Administrative Review and Finance Committee shall be conducted as set forth in the By-laws.

Powers; Duties of Board

The Board of Ethics shall have the powers and duties as set forth below.

- Jurisdiction over the administration of this code and enforcement of the civil penalties prescribed by this code;
- May receive and initiate complaints, initiate investigations on its own motion and conduct investigations, inquiries, and hearings concerning any matter covered by this code;
- May administer oaths, investigate and have the deposition of witnesses taken in the manner prescribed by the Kentucky Rules of Civil Procedure for taking depositions in civil actions;
- May render advisory opinions whether or not a given set of facts and circumstances constitute a violation of any provision of this code;
- Shall promulgate and provide forms for reports, statements, notices, and other documents required by this code;
- Shall determine whether the required statements and reports have been filed and conform with the requirements of this code and shall promptly notify the filer if corrections, explanations, or deficiencies are determined; and
- May retain private counsel at the expense of the BGADD.

Filing; Investigation of Complaints

- Upon receipt of a complaint signed under penalty of perjury by any person, or upon its own motion, the Board of Ethics shall investigate all alleged violations of this code.
- Not later than ten (10) days after the Board of Directors receives the complaint, the Board shall initiate a preliminary inquiry into any alleged violation.
- Within thirty (30) days of the commencement of the inquiry, the Board shall forward a copy of the complaint and a general statement of the applicable law to the person alleged to have committed a violation.
- All Board proceedings and records relating to a preliminary investigation shall be in conformance with the Open Meetings and/or Open Records Acts as set forth by statute except the Board may refer to the Commonwealth's Attorney or County Attorney of the
Ethics Code: General Provisions (Continued)

jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings.

- The Board of Ethics shall afford the subject of a preliminary investigation an opportunity to respond to the allegation contained in the complaint. The person shall have the right to be represented by counsel, to appear and be heard under oath, and to offer evidence in response to the allegations of the complaint.

- If the Board determines in the preliminary investigation that the complaint does not allege facts sufficient to constitute a violation of this code, the Board shall immediately terminate the inquiry and notify the complainant and the person alleged to have committed a violation, in writing. The Board may inform the alleged violator of the potential violations and provide information to ensure future compliance with the law.

- If the Board, during the course of its preliminary investigation, finds probable cause to believe that a violation of this code has occurred, the Board shall notify the alleged violator of the findings, and the Board may, by majority vote:
  1. Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the BGADD, or lack of significant impact on public confidence in government, reprimand, in writing, the alleged violator for potential violations of the law and provide a copy of the reprimand to the Chairman and Board of Directors.
  2. Initiate an adjudicatory proceeding to determine whether there has been a violation.

- Any person who knowingly files, with the Board, a false complaint of misconduct on the part of any elected or appointed official or officer or other person shall be guilty of a Class A misdemeanor.

Adjudicatory Proceedings; Action by Board; Appeal

- The Kentucky Rules of Civil Procedure and the Kentucky Rules of Evidence shall apply to all Board adjudicatory hearings. All testimony in an adjudicatory proceeding shall be taken under oath. All parties shall have the right to call and examine witnesses, to submit evidence, and to be represented by counsel and any other due process rights, privileges, and responsibilities of a witness appearing before the courts of the Commonwealth of Kentucky. All witnesses shall be entitled to be represented by counsel.

- Any person whose name is mentioned during adjudicatory proceedings of the commission and who may be adversely affected thereby may appear personally before the Board on the person's own behalf, with or without counsel, to give a statement of opposition to the adverse mention or file a written statement of that opposition for incorporation into the record of the proceeding.

- All adjudicatory proceedings of the Board carried out pursuant to the provisions of this section shall be public, unless the members vote to go into executive session in accordance with KRS 61.810.

- Within thirty (30) days after the end of an adjudicatory proceeding, pursuant to the provisions of this section the Board shall meet in executive session for the purpose of reviewing the evidence before it. Within thirty (30) days after completion of deliberations, the commission shall publish a written report of its findings and conclusions.

- If the Board of Ethics concludes in its report that in consideration of the evidence produced at the hearing, there is clear and convincing proof of a violation of this code, the Board may:
Ethics Code: General Provisions (Continued)

1. Issue an order requiring the violator to cease and desist the violation;
2. Issue an order requiring the violator to file any report, statement, or other information as required by this code;
3. In writing, publicly reprimand the violator for potential violations of the law and provide a copy of the reprimand to the Chairman and Executive Board;
4. Issue an order requiring the violator to pay a civil penalty of not more than five hundred dollars ($500.00);
5. Refer evidence of criminal violations of this code to the County Attorney or Commonwealth's Attorney for prosecution, if there is potential or actual conflict.

- Findings of fact or final determinations by the Board that a violation of this code has been committed, or any testimony related to the Board's findings of fact or final determinations shall not be admissible in criminal proceedings in the courts of the Commonwealth of Kentucky. Evidence collected by the Board may be used in a criminal proceeding if otherwise relevant.

Appeals
Any person who is found guilty of a violation of any provision of this code by the Board of Ethics may appeal this action to the Fayette Circuit Court within thirty (30) days after the date of the final action by the Board of Ethics by filing a petition with the court against the Board. The Board shall transmit to the Clerk of the Court all evidence considered by the Board at the public hearing. The court shall hear the appeal upon the record as certified by the Board.

Reprisals Against Persons Disclosing Violation Prohibited
- No officer or employee of the BGADD shall be subject to reprisal, or directly or indirectly use, or threaten to use, any official authority to influence in any manner whatsoever which tends to discourage, restrain, deter, prevent, interfere with, coerce, or discriminate against any person who, in good faith, reports, discloses, divulges, or otherwise brings to the attention of the Board of Ethics or any other agency or official of the city or the Commonwealth any facts or information relative to an actual or suspected violation of this chapter.
- This section shall not be construed as prohibiting disciplinary or punitive action if an officer or employee of the BGADD discloses information which he or she knows:
  1. To be false or which he discloses with reckless disregard for its truth or falsity;
  2. To be exempt from the required disclosure under the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884;
  3. Is confidential under any other provision of law.

Penalty
- Any person who violates the provisions pertaining to filing of statements of financial interests shall, in addition to any other penalties set out in this code, be subject to the following penalties:
Ethics Code: General Provisions (Continued)

1. Any person who fails or refuses to file a financial interests statement or who fails or refuses to remedy a deficiency in the filing identified in the notice under § 25.205 within the time period established in the notice shall be guilty of a civil offense and shall be subject to a civil fine imposed by the Board of Ethics in an amount not to exceed twenty-five dollars ($25.00) per day, up to a maximum total civil fine of five hundred dollars ($500.00). Any civil fine imposed by the Board of Ethics under this section may be recovered by the ADD in a civil action in the nature of debt if the offender fails or refuses to pay the penalty within a prescribed period of time.

2. Any person who intentionally files a statement of financial interests which he knows to contain false information or intentionally omits required information shall be guilty of a Class A misdemeanor.

- Except when another penalty is specifically set forth in this code, any officer or employee of the BGADD who is found by the Board of Ethics to have violated any provision of this code shall be deemed guilty of a civil offense and may be subject to a civil fine imposed by the Board of Ethics not to exceed one thousand dollars ($1,000.00), which may be recovered by the BGADD in a civil action in the nature of a debt if the offender fails to pay the penalty within the prescribed period of time.

- In addition to all other penalties which may be imposed under this code, any officer or employee of the BGADD who is found by the Board of Ethics to have violated any provision of this code shall forfeit to the BGADD an amount equal to the economic benefit or gain which the officer or employee is determined by the Board to have realized as a result of the violation. The amount of any forfeiture may be recovered by the BGADD in a civil action in the nature of debt, if the offender fails to pay the amount of forfeiture within a prescribed period of time.

- In addition to all other penalties which may be imposed under this code, a finding by the Board of Ethics that an officer or employee of the BGADD is guilty of a violation of this code may be sufficient cause for removal, suspension, demotion, or other disciplinary action by the executive authority of the BGADD, or by any other officer or agency having the power of removal or discipline. Any action to remove or discipline any officer or employee for a violation of this code shall be taken in accordance with all applicable ordinances and regulations of the BGADD and all applicable laws of the Commonwealth.

References: In addition to all provisions of the BGADD Ethics Code, the Bluegrass ADD Executive Committee has incorporated all provisions of the Lexington-Fayette Urban County Government (LFUCG) Ethics Act, in its entirety, into the BGADD Ethics Code General Provisions. The LFUCG Ethics Act can be found at https://www.lexingtonky.gov/ethics In situations where the two provisions conflict, or where the Bluegrass ADD provisions are found to be less stringent, the LFUCG ethics act will take precedence.
This amended Ethics Code General Provisions was adopted by the Executive Committee September 26, 2018.

Motion made by Judge/Executive ______, and seconded by Judge/Executive ______
John Wilson
Harold McKinney

____________________
Chair

____________________
Secretary

9.26.18
Date

9-26-18
Date