

Reference: EXECUTIVE
Section: GENERAL
Title: CODE OF ETHICS
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I. PURPOSE

The Purpose of this policy is to define the NFTA code of ethics.

II. POLICY

Public Officers Law

All NFTA and Metro employees are covered by the provisions of Sections 73 and 74 of the Public Officers Law. Section 73 regulates outside business or professional activities conducted by state employees.

Section 74 governs conflicts of interest. Please refer to the New York State Commission on Ethics and Lobbying in Government website that lists the Ethics Laws, and other information: <https://ethics.ny.gov>.

Procurement Guidelines Code of Ethics

NFTA will assure that ethical conduct is maintained by adhering to the following requirements:

1. No employee, officer, commissioner, or agent of the Authority shall participate in the selection, or in the award or administration of a contract, if a conflict of interest real or apparent would be involved. Such a conflict would arise when:
 - a. The commissioner, officer, employee, or agent,
 - b. The relative of any commissioner, officer, employee or agent,
 - c. The commissioner, officer, employee, or agent's partner, or
 - d. An organization that employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for award.

**** Note:** Relative is defined as any person living in the same household as the individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant. ******

2. The NFTA's commissioners, officers, employees, or agents will neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to sub agreements, or interested sources. An interested source is a person or entity that has a vested interest in influencing you or your agency (See 19 N.Y.C.R.R. 933.2).
3. No commissioner, officer or employee of the Authority should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation of any nature, which is in substantial conflict with the proper discharge of the commissioner's, officer's or employee's duties in the public interest. If an employee thinks there is a potential conflict of interest the commissioner, officer, or employee should immediately disclose this to their branch manager. The branch manager will then inform the Executive Director and General Counsel.
4. Standards:
 - a. No commissioner, officer or employee of the Authority should:
 - i. Accept other employment which will impair the commissioner's, officer's or employee's independence of judgment in the exercise of their official duties.
 - ii. Accept employment or engage in any business or professional activity which will require the commissioner, officer or employee to disclose confidential information which the commissioner, officer or employees has gained by reason of their official position or authority.
 - iii. Disclose confidential information acquired by the commissioner, officer or employee in the course of the commissioner's, officer's or employee's official duties nor use such

information to further the commissioner's, officer's or employee's personal interests.

- iv. Use or attempt to use his or her official position to secure unwarranted privileges or exemptions for himself or herself or others, including but not limited to, the misappropriation to himself, herself or to others of the property, services or other resources of the NFTA and/or Metro for private business or other compensated non-governmental purposes.
 - v. Engage in any transaction as representative or agent of the NFTA with any business entity in which the commissioner, officer or employee has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of the commissioner's, officer's or employee's official duties.
 - vi. By the commissioner's, officer's or employee's conduct, give reasonable basis for the impression that any person can improperly influence the commissioner, officer or employee or unduly enjoy the commissioner's, officer's or employee's favor in the performance of their official duties, or that the commissioner, officer or employee is affected by the kinship, rank, position or influence of any party or person.
- b. A commissioner, officer or employee of the Authority should:
- i. Abstain from making personal investments in enterprises which the commissioner, officer or employee has reason to believe may be directly involved in decisions to be made by the commissioner, officer or employee or which will otherwise create substantial conflict between the commissioner's, officer's or employee's duty in the public interest and the commissioner's, officer's or employee's private interest.
 - ii. Endeavor to pursue a course of conduct which will not raise suspicion among the public that the commissioner, officer or employee is likely to be engaged in acts that are in violation of the commissioner's, officer's or employee's trust.
 - iii. Any person involved in the negotiation of contracts shall ensure that all statements, communications and representations to contractor representatives are accurate and truthful.
 - iv. Great care must be exercised to ensure the proper recording and charging of all costs to the appropriate account, regardless of the status of the budget for that account. The falsification of time reports or other cost records will not be tolerated. Each supervisor is responsible for assuring that the work time of employees is recorded promptly and charged accurately.
 - v. No employee may submit or concur in the submission of any claims, bids, proposals or any other document that is false, fictitious or fraudulent.
 - vi. Great care must be exercised by supervisors to avoid placing, or seemingly to place pressure on subordinates which might cause them to deviate from acceptable norms of conduct.
 - vii. The purchase of supplies, materials, and services from suppliers, vendors, contractors and subcontractors must be done in a manner that preserves the integrity of NFTA's procurement process based on the bid process.
 - viii. Laws and regulations regarding entertainment, gifts and payments may be somewhat complicated. For this reason, questions regarding specific policies should be referred to Authority's Ethics Officer (NFTA General Counsel).
 - ix. Employees should report any instance in which they are offered money, gifts, or anything else of value by a supplier or prospective supplier or contractor of the Authority to the Authority's Ethics Officer.
 - x. Every employee is charged with the duty to preserve the Authority's assets, property, plant and equipment.

5. Violations:

In addition to any penalty contained in any other provision of law any such commissioner, officer or employee who shall knowingly and intentionally violate any of the provisions of this section may be subject to disciplinary action, suspended, or removed from office or employment in the manner provided by contract, law, or established employment policies.

The NFTA's Ethics Officer (NFTA General Counsel) is available to render advisory opinions to employees with respect to their proposed conduct as it relates to the code of ethics. The Ethics Officer is also available to review complaints charging employees with violations of the code of ethics.