

**Reference:** EXECUTIVE  
**Title:** CODE OF ETHICS  
**Policy Number:** 01-01-04  
**Revision Date:** 10-30-07

## **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 Ethics Commission website that lists the Ethics Laws: <http://www.nyintegrity.org/law/ethics.html>

### 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. Any member of his\*\* immediate family, (\*\* For editorial convenience, this use of the masculine personal pronoun is deemed gender neutral throughout this document)
  - c. His 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.
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.
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 his duties in the public interest. If any employee thinks he or she has a potential conflict of interest they 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 his independence of judgment in the exercise of his official duties.
    - ii. 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.
    - iii. Disclose confidential information acquired by him in the course of his official duties nor use such information to further his personal interests.
    - iv. Use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.
    - v. Engage in any transaction as representative or agent of the NFTA with any business entity in which he has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his official duties.
    - vi. By his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official

duties, or that he 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 he has reason to believe may be directly involved in decisions to be made by him or which will otherwise create substantial conflict between his duty in the public interest and his private interest.
  - ii. Endeavor to pursue a course of conduct which will not raise suspicion among the public that he is likely to be engaged in acts that are in violation of his trust.
- c. Anyone involved in the negotiation of contracts shall ensure that all statements, communications and representations to contractor representatives are accurate and truthful.
- d. 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. Every supervisor is responsible for assuring that the work time of employees is recorded promptly and charged accurately.
- e. No employee may submit or concur in the submission of any claims, bids, proposals or any other document that is false, fictitious or fraudulent.
- f. 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.
- g. The purchase of supplies, materials, and services from suppliers, vendors, contractors and subcontractors must be done in a manner that preserves the integrity of our procurement process based on the bid process.
- h. 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).
- i. 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.
- j. 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