

# CODE OF CONDUCT

## A Guide for NYSERDA Employees

Revised September 2008

### **Introduction**

In order to maintain the confidence of the public, it is essential that all NYSERDA employees conduct business in an honest and ethical manner, reflecting such values as integrity, fairness, and trustworthiness. This Code of Conduct summarizes a number of basic standards and State and Federal laws which NYSERDA employees are required to follow.

This Code of Conduct is not intended to cover all situations and answer all questions. Additional administrative guidance and direction can be found in NYSERDA's five policy and procedure manuals. Legal guidance and direction is available through the Counsel's Office. Questions about a specific situation should be directed to your supervisor, the Director of Internal Audit, the Manager of Human Resources, the Counsel's Office, NYSERDA Officers, or the State Ethics Commission.

### **General Conduct**

You are expected to maintain the standards of conduct described in this Code of Conduct. You must:

- Conduct yourself in a manner that will withstand public, media, and legal scrutiny.
- Conduct yourself in a manner that is consistent with NYSERDA policies and procedures and the State and Federal laws that apply to you as a NYSERDA employee.
- Conduct yourself in a manner that is consistent with the public trust and the proper performance of your duties, including refraining from engaging in outside activities that would impair your independence of judgment.
- Conduct business with NYSERDA contractors in a manner that does not give the impression that any person can improperly influence you or unduly enjoy your favor.

*(See Personnel Handbook Section 2 and cited references)*

### **Conflicts of Interest**

As a public employee, you are bound by the Public Officers Law and must endeavor to pursue a course of conduct which will not raise suspicion among the public that you are likely to be engaged in acts of violation of your public trust. You must not use your official position to secure special privileges for yourself or others or engage in outside business activities that might interfere with or compromise your ability to perform your official NYSERDA duties. Actual or potential conflicts of interest with individuals or entities doing business with NYSERDA should be disclosed to supervisory personnel immediately. Copies of the Public Officers Law are available on NYSERDA's intranet at <http://www2.nyserda.org>

You may not engage in outside activities which would conflict with scheduled work hours or which would impair your judgment or compromise or interfere with your ability to properly perform your duties. You may not use NYSERDA time, materials, equipment, or other assets in connection with outside activities. NYSERDA employees who have been designated policymakers must obtain approval before engaging in any outside activity if the amount to be earned exceeds \$1,000 annually.

The State Ethics Commission publishes opinions concerning the Public Officers Law, including what constitutes a conflict of interest and can be an additional source of guidance. *(See Personnel Handbook Section 2 and the references cited in Section 2, State Ethics Commission regulations Section 932, and State Ethics Commission's opinions and interpretations)*

### **Improper Gifts**

Section 73(5) of the Public Officers Law prohibits you from directly or indirectly soliciting, accepting, or receiving any gift worth more than a nominal amount, when it could reasonably be inferred that the gift:

- was intended to influence you, or could reasonably be expected to influence you, in the performance of your duties; or
- was intended as a reward for your official action.

Furthermore, no gift of **any** value may be accepted if it would constitute a substantial conflict with the proper discharge of your duties.

A gift may be in many forms, including but not limited to, money, property, service, loan, travel, meals, special favors, refreshments, entertainment, hospitality, promise, or discount.

The State Ethics Commission issues opinions concerning the Public Officers Law, including what constitutes acceptable and unacceptable gifts, and can be an additional source of guidance. For example, it has determined that multiple gifts from a single source given over a twelve-month period that add up to \$75 or more are deemed to be one gift equaling the total value of all the gifts. *(See Personnel Handbook Section 2, the cited references in Section 2 and Appendix B and State Ethics Commission opinions and interpretations)*

### **Discriminatory Practices or Harassment**

Discriminating against or harassing other employees, contractors, or guests of NYSERDA on the basis of race, religion, sex, national origin, age, disability, marital status, or sexual orientation is strictly prohibited. *(See Personnel Handbook Section 11 and the references cited in Section 11)*

### **Confidential Information**

Confidential, proprietary, and trade secret information may not be disclosed or used to further your or another's personal interests, including financial interests. *(See Personnel Handbook Section 2 and cited references and Operations and Procedures Handbook Section 4.5)*

### **Financial Interests**

You should not retain or obtain a financial interest in any person or organization that does business with NYSERDA if you are involved or are likely, to become involved in the decision-making process at NYSERDA in a matter involving that person or organization.

You should not: provide inside information to any person except in carrying out NYSERDA's corporate purposes, or give advice or make recommendations or suggestions to another person on the basis of inside information. *(See Personnel Handbook's Section 2, references cited in Section 2, and Appendix B)*

### **Controlled Substances and Alcohol**

The sale, attempt to sell, possession or purchase of non-prescribed and illegal controlled substances while at the workplace or while performing in a work-related capacity is prohibited. Employees are also prohibited from being impaired by controlled substances or alcohol while on the job or on the work site. *(See Personnel Handbook Section 16)*

### **Use of NYSERDA Assets**

You are expected to use all equipment, materials, and other office property in a responsible manner. Employees should not use NYSERDA time, property, equipment, or supplies for personal use or private gain. This includes, but is not limited to, NYSERDA's telephones, computer systems, stationery, supplies, copiers, mail system, and vehicles. Certain personal use is not prohibited when it occurs on an exception basis such as the reasonable personal use of telephones while on travel status and the restricted use consistent with State policy of the Authority-owned vehicle assigned to the President, subject to income tax reporting requirements. *(See Personnel Handbook Section 2)*

### **Political Activity**

Employees are under no obligation to contribute to any political fund or perform any political service. Employees may not use job-related influence to force political activity on the part of others nor may others make the demand on them. Should you intend to run for political office, you should obtain your supervisor's and Counsel's Office concurrence that the public office to be sought will not interfere with your official NYSERDA duties and is allowed under State and Federal Law. Policymakers seeking public office for which more than nominal compensation will be paid must first obtain the approval of the State Ethics Commission. *(See Personnel Handbook Section 2 and State Ethics Commission regulations Section 932)*

### **Reporting Violations**

You must remain alert to possible violations of law, policy, or public trust. With regard to matters pertaining to NYSERDA, you must promptly report such violations to the Internal Control Officer, the Director of Human Resources, the Director of Internal Audit, the Fraud and Abuse Hotline, or a member of Counsel's Office.

You must cooperate in any official investigation of a violation.

Retaliation against any employee who in good faith reports a violation of law, policy, or public trust is prohibited. *(See Personnel Handbook Section 11)*

### **Resources Available**

#### Internal

Mark Mitchell, Director of Internal Audit

Jeff Pitkin, Internal Control Officer

Vice President for Administration

Hal Brodie, General Counsel (and all other Counsel's Office staff)

Bette Lee Foley-Flynn, Director of Human Resources

#### External

Fraud and Abuse Hotline 1-866-219-1122

NYS Ethics Commission 1-800-87-ETHICS

