New York State
Energy Research and Development Authority

CODE OF CONDUCT

A Guide for NYSERDA Employees
(April 2011)

Introduction

To maintain the confidence of the public, all NYSERDA employees shall 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 that NYSERDA employees and Board Members of NYSERDA are required to follow while acting in that capacity on behalf of the organization.

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 policy and procedure manuals. Legal guidance and direction is available through NYSERDA's Ethics Officer, who is an attorney in 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, or NYSERDA Officers. Additionally, you may contact the New York State Commission on Public Integrity directly about any questions or issues.

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 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 that 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.

You may not engage in outside activities that would conflict with scheduled work hours or that 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 New York State Commission on Public Integrity 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)

Improper Gifts

No gift of **any** value may be accepted if it would constitute a substantial conflict with the proper discharge of your duties. In addition, Section 73(5) of the Public Officers Law prohibits you from directly or indirectly soliciting, accepting, or receiving any gift of more than nominal value where the circumstances would permit the inference 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 tip, reward, or sign of appreciation for your official action.

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 New York State Commission on Public Integrity has issued regulations on gifts, and issues opinions concerning the Public Officers Law, including what constitutes acceptable and unacceptable gifts, and can be an additional source of guidance. The Commission has defined "nominal value" as an insignificant value, such as the value of a regular cup of coffee or a soft drink. Notably, a meal or alcoholic beverage is deemed to have a greater than "nominal value". *(See Personnel Handbook Section 2, the cited references in Section 2 and Appendix B and the New York State Commission on Public Integrity opinions and interpretations)*

Discriminatory Practices or Harassment

Discriminating against or harassing other employees or contractors 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 acquired by you in the course of your official duties may not be disclosed or used to further your or another's personal interests, including financial interests. *(See Public Officers Law section 74(3)(c), 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, or are likely, to participate or be 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 controlled substances while at the workplace or while performing in a work-related capacity is prohibited. Employees also are 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, personal digital assistants, stationary, supplies, copiers, postage, internal office, mail, inter-city couriers, and vehicles. Certain personal use is not prohibited when it is incidental and necessary and is limited in number and duration, such as the reasonable personal use of telephones and incidental personal electronic mail, and does not conflict with the proper exercise of the employee's duties and restricted use consistent with State policy of NYSERDA-owned vehicle assigned to the President and CEO, 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. You may not require employees or potential employees and contractors or potential contractors to reveal information on party affiliation or campaign contributions. 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 New York State Commission on Public Integrity. *(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, everywhere in NYSERDA. Section 55(1) of the Executive Law requires all state officers and employees to promptly report to the State Inspector General any information concerning corruption, fraud, criminal activity, conflicts of interest or abuse by another state officer or employee relating to his or her employment.

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

<u>Internal</u>
Mark Mitchell, Director of Internal Audit
Jeff Pitkin, Internal Control Officer
Hal Brodie, General Counsel (and all other Counsel's Office staff)

<u>External</u>
Fraud and Abuse Hotline 1-866-219-1122
NYS Commission on Public Integrity 1-800-87-ETHICS
NYS Office of the Inspector General 1-800-367-4448