

CNYRTA Employee Ethics Guide



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*Central New York
Regional Transportation Authority*

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Brian M. Schultz, Chief Executive Officer

Dear CNYRTA Employee:

As your Chief Executive Officer, I wish to take this opportunity to share my thoughts and expectations with you about working ethically at the Central New York Regional Transportation Authority and subsidiary operating companies (collectively the CNYRTA).

I believe that the CNYRTA's strong foundation is based largely upon the proper behavior and good standing of its employees and those with whom they interact. To that end, professional and ethical conduct of each of us must be our daily reality and a perception shared with the community as we work to provide quality public transportation and related services throughout Central New York.

This CNYRTA Ethics Guide ("Guide") is intended to provide each of us with information we need to maintain a healthy, productive, and principled work environment. The Guide was originally adopted in 2002 and has been issued to all employees, as well as to all employees hired since.

This Guide embodies the ethical standards currently in effect under the laws of New York State, the United States, and applicable rules and regulations which have the force of law. Therefore, this Guide supersedes all previous guides and policies, which should be discarded if in your possession.

Thank you for your commitment to the CNYRTA and to its requirements for ethical conduct. As you review this Guide, or at any point during your employment with the CNYRTA, please feel welcome to contact me for further guidance or if you have a question or concern about the Guide or any specific situation.

Thank you.

Brian M. Schultz,
Chief Executive Officer

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Introduction to the Central New York Regional Transportation Authority's Employee Ethics Guide

The Central New York Regional Transportation Authority and its subsidiary operating corporations (collectively CNYRTA) are considered "State Agencies" under New York State Ethics and Public Officers Laws, as well as under certain Federal laws. As employees of the CNYRTA, we are bound by the provisions of these and other applicable ethics laws, rules and regulations.

The purpose of this Guide is to provide employees with a summary of current State Ethics Laws and an understanding of their obligations and the ethical standards we are held to under applicable laws, rules, and regulations. It is each Employee's responsibility to understand the requirements outlined in this Guide and each relevant section of State Ethics Laws.

We must not only comply with applicable laws, rules, and regulations, we must carry with us the public perception of compliance. Maintaining and enforcing the highest standards of integrity and fairness in all of our internal and external business dealings will serve the CNYRTA and each of us well over the long-term. It will ensure that CNYRTA continues its high degree of credibility with customers, vendors, the media, Federal, State and local funding agencies, elected officials at all levels of government, and the citizens of the Central New York Community we serve.

While this Guide provides general standards and principles of appropriate conduct, you may face unique situations or confront unique issues which require interpretation of State Ethics Laws and additional or supplemental information concerning the rules and restrictions governing your conduct. Responsibility for compliance with State Ethics Laws, including related financial disclosure requirements, ultimately rests with you. If you have an ethics-related question, you are strongly encouraged to seek further guidance from the Chief Executive Officer or his designee.

Violations of this Guide or applicable statutory provisions may subject an employee to discipline up to and including dismissal and/or expose the employee to civil or criminal penalties. You may report an ethical concern without fear of reprisal. Employees at every level in the organization as well as Board Members are prohibited from retaliating against anyone reporting or commenting on an ethical concept.

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Online Resources

NYS Joint Commission on Public Ethics: www.jcope.ny.gov

Federal Office of Special Counsel: www.osc.gov/hatchact.htm(Federal Hatch Act)

* Statutory references may be amended from time to time, the most current amendment prevailing.

I. DEFINITIONS

As used in this Guide, capitalized terms shall have the meanings as indicated in the attached "Appendix A".

II. EMPLOYEE ETHICS ADMINISTRATION

1. **Ethics Officer:** The Chief Executive Officer of the CNYRTA, or his or her designee, shall serve as the Ethics Officer.
2. **Ethics Questions:** Any questions or concerns relating to Employee ethics generally, to any specific situation or to this Guide may be directed to the Ethics Officer. The Ethics Officer, however, may not act as counsel to any Employee respecting an actual or alleged violation of laws, rules, or regulations governing CNYRTA Employee conduct. An Employee with a complaint or allegation regarding the CNYRTA or another Employee may also contact the Commission.
3. **Revocation of Prior Guides:** This Guide supersedes all previously adopted Employee Ethics Guides which are hereby rescinded.
4. **Duty to Disclose:** All Employees have an obligation to promptly report any violation or potential violation of this Guide, or of any law, rule, regulation, policy or procedure relating or applying to the CNYRTA to the Ethics Officer, whether committed by an Employee, vendor or customer.
5. **No Retaliation:** Employees who report violations or potential violations of this Guide, or of any other policy, procedure, law, rule or regulation, will not be subject to punitive sanctions, reprisals or other penalties because of making such a report. However, an Employee who intentionally files a false or misleading report may be subject to appropriate disciplinary penalty, up to and including termination and/or civil penalties or criminal charges.
6. **Cooperation with Audit or Investigation:** Employees must cooperate fully and honestly with any audit or investigation respecting this Guide or State Ethics Laws or any reported, suspected, actual or potential violation thereof. Failure to cooperate fully and honestly may result in appropriate disciplinary penalty, up to and including termination. The Commission has subpoena power and authority over current and former Employees, pursuant to which such Employees may be compelled to appear or testify as witnesses and/or produce relevant documents, books or records. If so subpoenaed, an Employee must cooperate to the extent permitted by law.
7. **Ethics Training:** Employees and other persons required to file an annual FDS are required to complete ethics training (i) if newly subject to the financial disclosure requirement, a comprehensive ethics training course must be completed within three months of becoming subject to the disclosure requirement, or (ii) if not newly subject to the disclosure requirement and having previously completed a comprehensive ethics training course, attend an approved ethics seminar at least once every three years.
8. **Certifications:** Employees upon hire must certify receipt of this Guide by signing an acknowledgement form. Additionally, Employees are required to annually sign a certification attesting to their familiarity with this Guide and applicable State Ethics Laws.

III. GIFTS

1. Relevant Law: Public Officers Law § 73 & §74; 19 NYCRR Part 933
2. Gift Prohibition: Employees are prohibited from soliciting or receiving Gifts, directly or indirectly, from any Interested Source. The defined term "Gift" does not include Items of Nominal Value.
 - (a) Employees may accept Gifts from an Interested Source if these Gifts are reflective of a personal relationship independent of the relationship between the Interested Source and the CNYRTA. For example, if the sibling of a CNYRTA Employee worked for an Interested Source, the CNYRTA Employee could nonetheless accept a Gift that reflects this personal relationship. A gift shall not be considered representative of a personal relationship if (i) the donor seeks to charge or deduct the value of the Gift as a business expense, or (ii) the donor seeks reimbursement from an Interested Source, or (iii) when Gifts from the same Interested Source are offered to multiple Employees at or about the same time.
 - (b) Employees can accept modest, reasonable, and customary offerings on an occasion, such as a wedding or retirement.
 - (c) Employees are permitted to accept discounts or special offers from an Interested Source so long as those discounts or special offers are generally available to similarly situated employees of other public and private sector organizations. Employees should check with the Ethics Officer before accepting such discounts or special offers from an Interested Source.
 - (d) Under no circumstances may an Employee accept a Gift, even an Item of Nominal Value, in which it could be reasonably inferred that the item was intended to influence the Employee in the performance of the Employee's official duties or was intended as a reward for any official action on such Employee's part.
 - (e) An Employee may not designate a friend, Family Member, entity or other third party, organization, association or charity to accept a Gift the Employee would not be permitted to accept him or herself.
 - (f) Examples of Gifts which are prohibited:
 - (i) any solicitation or attempt to solicit a job for a Family Member from an Interested Source, including a summer job or internship;
 - (ii) any solicitation or acceptance of the following from an Interested Source:
 - (1) Tickets to a sporting event, play, show or concert
 - (2) Golf outing, weekend trip, vacation, use of a vacation home or airline ticket;
 - (3) Discount or special offer on goods or services based on or offered because of employment with the CNYRTA
 - (g) Examples of Gifts which are permitted:
 - (i) complementary attendance at a charitable or political event offered by a bona fide charitable or political organization which is not an Interested Source;
 - (ii) complementary attendance at a Widely Attended Event;
 - (iii) awards or plaques publicly presented in recognition of an Employee's service to the CNYRTA or non-job related public service. Approval from the Ethics Officer is required if the award or plaque is presented by an Interested Source;
 - (iv) promotional items having no substantial resale value, such as pens, mugs, calendars, hats and t-shirts bearing the offeror's name, logo or message promoting the offeror's cause;
 - (v) discounts for goods or services offered to the general public or a subset of the general public not based on status as a CNYRTA Employee; and
 - (vi) Meals for participants at a professional or educational program available to all participants.

3. Monetary Gifts: Gifts of money to an Employee from an Interested Source are prohibited and shall be deemed an attempt to influence the Employee in the performance of the Employee's official duties.

Employees may not give or promise to give any portion of their compensation or any money or valuable thing to any person, nor shall any person accept any such money, or valuable thing, in connection with appointment, employment, promotion, assignment, or reassignment by the CNYRTA. Employees may not, directly or indirectly, make or accept any contribution or pay any assessment in order to secure promotion, compensation, or to affect job status, duties, or functions, or in consideration of being appointed or employed by the CNYRTA.

4. Reporting Gift or Gift Offers: An Employee to whom a Gift is offered or given shall promptly report such offer or Gift to the Ethics Officer.

IV. HONORARIA

1. Relevant Law: Public Officers Law §73, §73-a & §74; 19 NYCRR Part 930
2. Prohibited Honoraria: An Employee may not accept an Honorarium, or payment in lieu of Honorarium, that is offered for services related to his or her official duties for the CNYRTA. In addition, an Honorarium may not be accepted by any Employee from an Interested Source without the written approval of the Ethics Officer.
3. Honoraria Approval Procedures: Employees must submit a request for approval, in writing, to the Ethics Officer prior to performing the service or activity.
4. Conditions for Honoraria Approval: The following conditions must be satisfied for an Honorarium to be approved by the CNYRTA:
 - (a) CNYRTA personnel, equipment, and time are not used in preparing the service for which an Honorarium is offered;
 - (b) No CNYRTA funds are used to pay the Employee's attendance, registration, travel, lodging, or meal expenses;
 - (c) If the service is to be performed during the Employee's official workday, he or she must charge accrued leave (other than sick leave) to perform such service;
 - (d) If the Honorarium is offered by or on behalf of an Interested Source it must be determined that it is not reasonable, under the circumstances, to infer that the Honorarium was intended or expected to influence the Employee or intended as a reward for any official action;
 - (e) The offeror is not being used to conceal that the Honorarium is actually offered or paid by an Interested Source; and
 - (f) Neither performing the service or activity for which the Honorarium is offered nor accepting the Honorarium violate Public Officers Law Section 74.
5. Financial Disclosure Statement ("FDS") and Honoraria Reporting: All CNYRTA Employees required to submit an annual FDS, even those who are exempt from the Honoraria approval procedures, shall report any Honorarium in excess of \$1,000 (or all Honoraria the aggregate total of which exceed \$1,000 received from a single offeror) in his or her FDS for the applicable year.

V. OFFICIAL ACTIVITY EXPENSES AND SERVICE PAYMENTS

1. Relevant Law: Public Officers Law §73, §73-a & §74; 19 NYCRR Part 931
2. The General Rule: CNYRTA Employees may accept payment or reimbursement from third parties for travel and other expenses for an Official Activity or Service that is part of, and related to, his or her official position with the CNYRTA provided certain conditions are met.
3. Approval Procedures: Employees must submit a request for approval, in writing, to the Ethics Officer prior to engaging in the Official Activity for which an Official Activity expense payment or Service payment will be accepted.
4. Conditions for Official Activity Expenses and Service Payments Approval: The following conditions must be satisfied for an Official Activity expense or Service payment to be approved by the CNYRTA:
 - (a) The Official Activity expense payment or Service payment covers only the period of time that the Employee is reasonably required to be present for such Official Activity;
 - (b) The mode of travel and related expenses must be in accordance with CNYRTA's travel policy;
 - (c) If the payment is offered by or on behalf of an Interested Source:
 - (i) It is not reasonable to infer the payment was intended to influence the Employee;
 - (ii) The payment could not reasonably be expected to influence the Employee in the performance of his or her official duties; and
 - (iii) the payment is not intended as a reward for any official action on the Employee's part.
 - (d) The offeror is not being used to conceal that the payment is actually offered or paid by an Interested Source; and
 - (e) The payment is consistent with Public Officers Law section 74
5. FDS and Official Activity Expense and Service Payments Reporting: All CNYRTA Employees required to submit an annual FDS shall report any Official Activity expense payment in excess of \$1,000 (or all Official Activity expense payments the aggregate total of which exceed \$1,000 received from a single offeror) in his or her FDS for the applicable year.

VI. CONFLICTS OF INTEREST

1. Relevant Law: Public Officers Law §73 & §74
2. The General Rule: No CNYRTA Employee shall engage in any outside activity which interferes or substantially conflicts with the proper and effective discharge of the Employee's official duties or responsibilities.
3. Standards of Conduct:
 - (a) No Employee shall accept other employment which will impair his or her independence of judgment in the exercise of his or her official duties.

Example: You are an IT Manager for the CNYRTA working on a contract for specific computer programs. CNYRTA has retained an outside IT firm to provide the computer programs. In your official capacity with the CNYRTA you review the outside IT firm's work to determine whether the contract has been complied with. The outside IT firm offers you a part time position as a consultant on a completely different project. Can you pursue this outside employment?

Answer: No. This outside employment creates a public perception that your objectivity in regard to your CNYRTA duties may be impaired since you are privately benefiting from the consulting relationship with the outside IT firm.

- (b) No Employee shall accept employment or engage in any business or professional activity which will require him or her to disclose confidential information which he or she has gained by reason of his or her official position.

Example: You are director of security for CNYRTA. In addition, you occasionally serve as an expert witness on security matters. You should be careful not to accept an assignment or give testimony that requires you to disclose confidential information which you have gained by reason of your CNYRTA Security position.

- (c) No Employee shall disclose confidential information acquired by him or her in the course of his or her official duties nor use such information to further his or her personal interests.

- (d) No Employee shall 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 of the property, services or other resources of the CNYRTA for private business or other purposes.

Example: In addition to working for the CNYRTA you also have a t-shirt printing business. On occasion you use the CNYRTA's computers and technical software to perform services for your t-shirt clients. By utilizing the CNYRTA's resources and equipment for the benefit of your private business you have committed an ethics violation.

- (e) No Employee shall engage in any transaction as a representative or agent of the CNYRTA with any business entity in which he or she has a direct or indirect Financial Interest that might reasonably tend to conflict with the proper discharge of his or her official duties.

Example: You are part of a team that evaluates bids from companies that will be providing new buses. In addition, you are also a board member of a corporation that is seeking to apply for one of the contracts. In your official capacity at the CNYRTA, can you participate in the evaluation of the corporation's bid?

Answer: No. Given the outside activity as a board member, there is at least an indirect financial interest in awarding the contract. The Employee must recuse themselves not only from participating in the CNYRTA's evaluation of bids, but also from assisting the corporation's Board and staff in preparing its bid.

- (f) No Employee shall, by his or her conduct, give reasonable basis for the impression that any person can improperly influence him or her in the performance of his or her duties, or that he or she is affected by the position or influence of any party or person.

Example: This is the "integrity standard" and sets the public "optics test" for professional behavior. If it looks like you could be improperly influenced, this is enough to violate this standard.

- (g) No Employee shall make personal investments in enterprises which he or she has reason to believe may be directly involved in decisions to be made by him or her or which will otherwise create substantial conflict between his or her duties in the public interest and his or her private interest.

Example: CNYRTA is considering changing all of its buses over to a new renewable energy model. You are part of a committee considering a proposal to make the change over to the new buses. Should the proposal proceed, the value of the company manufacturing the new buses could greatly increase. Employees must not invest in the company because it would create a substantial conflict between his or her duties and his or her personal financial interest.

- (h) No Employee shall participate in any decision to hire, promote, discipline or discharge a Family Member and No Employee shall award contracts to a Family Member or invest CNYRTA funds in any security in which a Family Member has a Financial Interest.

Example: Using the same example above regarding a proposal to purchase new renewable energy buses and assuming you are part of the committee at CNYRTA making the decision on whether to proceed with the proposal or not. In addition, your brother is a board member at the company who is seeking to provide the new renewable energy buses. The CNYRTA employee must recuse themselves from the decision process regarding this proposal and also must not advise his or her brother on preparing any proposals to be presented to the CNYRTA.

- (i) All Employees shall pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust.

VII. OUTSIDE ACTIVITY RESTRICTIONS

1. **Relevant Law:** Public Officers Law §73 & §74; 19 NYCRR Part 932
2. **The General Rule:** All Employees of the CNYRTA, prior to engaging in any outside activities, should seek advice from the Ethics Officer or Commission concerning the propriety of such activity under the applicable laws and regulations.
3. **Outside Activity With Other State Agencies:**
 - (a) No CNYRTA Employee, who serves on other than an unpaid or per diem basis, shall sell any goods or services having a value in excess of \$25 to any State Agency unless such goods or services are provided pursuant to an award or contract awarded after public notice and competitive bidding.
 - (b) CNYRTA Employees, who serve on other than an unpaid or per diem basis, are prohibited from rendering services for compensation before any State Agency in relation to:
 - (i) The purchase, sale, rental or lease of real property, or goods or services;
 - (ii) Any proceeding relating to rate making;
 - (iii) The adoption or repeal of any rule or regulation having the force and effect of law;
 - (iv) the obtaining of grants of money or loans;
 - (v) Licensing or permitting; or
 - (vi) Any proceeding relating to a franchise provided for in the Public Service Law.
 - (c) CNYRTA Employees who serve on an unpaid or per diem basis are subject to the requirements of Public Officers Law Section 74 with regards to any outside activity.
4. **Required Prior Approval for Salaried Policy Makers:** A Policy Maker, who serves the CNYRTA on other than an unpaid or per diem basis, shall obtain the following approvals prior to engaging in the activities listed below:

Outside Activity	Required Approvals/Actions
A job, employment, or business venture that generates, or is expected to generate, between \$1,000 and \$5,000 in compensation annually	Ethics Officer must approve
A job, employment, or business venture that generates, or is expected to generate, more than \$5,000 in compensation annually	Ethics Officer and the Commission must approve

Holding elected or appointed office (regardless of compensation) as an outside activity	Ethics Officer and the Commission must approve
Serving as a director or officer of a for-profit entity (regardless of compensation)	Ethics Officer and the Commission must Approve
Serving as a director or officer of a not-for-profit entity and annual compensation is \$0 - \$999	Approval not required, but must notify the Ethics Officer in writing prior to commencing the service
Serving as a director or officer of a not-for-profit entity and annual compensation is between \$1,000 and \$5,000	Ethics Officer must approve
Serving as a director or officer of a not-for-profit entity and annual compensation is more than \$5,000	Ethics Officer and the Commission must approve

5. Outside Activity Approval Procedures: The approval procedures for outside activity are set forth in 19 NYCRR Part 932.

VIII. POLITICAL ACTIVITY

1. Relevant Law: Civil Service Law §107; Federal Hatch Act
2. Restrictions on Political Activities:
 - (a) Policy Makers, including those in an unpaid or per diem position, are prohibited from serving as an officer of any Political Party or Political Organization Policy Makers, including those in an unpaid or per diem position, are prohibited from serving as a member of any political committee.
3. Political Activity in the Workplace: The term "political activity" means doing something in active support of or opposition to a Political Party, a candidate for partisan political office, or a partisan political group.
 - (a) Employees of the CNYRTA and prospective Employees may not be questioned, directly or indirectly, about their political affiliation as a condition of employment nor may any Employee or prospective Employee be asked whether or not they have made any political contributions or how they voted.
 - (b) No person can use his or her official CNYRTA position to coerce, intimidate or influence other Employees for any political purpose, action or contribution, or interfere with any election.
 - (c) CNYRTA offices may not be used for soliciting or collecting any political contributions.
 - (d) No CNYRTA Employee shall corruptly use or promise to use any official authority or influence in exchange for political action on another's part.
4. Examples of Political Activity Violations:
 - (a) Circulating a candidate's nominating petition within your office.
 - (b) Using the computer in your office after work to produce a brochure in support of a candidate's campaign.
 - (c) Sending e-mail invitations to campaign events to friends within the CNYRTA.
 - (d) Using CNYRTA internet connection to forward e-mail messages received from a partisan campaign or someone supporting a partisan candidate.

IX. RESTRICTIONS RELATING TO PRIOR AND FUTURE EMPLOYMENT

1. Relevant Law: Public Officers Law §73 & §74
2. Reverse Two-Year Bar: If you are starting employment with the CNYRTA and coming from the private sector, the “reverse two-year bar” may, depending on the circumstances, require you to recuse yourself from matters directly involving your former private sector employer for a two year “cooling off” period.
3. Two-Year Bar: The “two-year bar” also creates a “cooling off” period after the termination of employment with the CNYRTA to prevent the appearance that you could unduly influence the CNYRTA or its Employees. There are two types of restrictions which apply for two years immediately following your separation from the CNYRTA:
 - (a) Appearance/Practice Prohibition. You may not appear or practice before the CNYRTA. This prohibition applies to both paid and unpaid work.

Examples: negotiating a contract with the CNYRTA or submitting a proposal or application to the CNYRTA.
 - (b) Backroom Services Prohibition. You may not be paid to perform certain services on behalf of a client that are in relation to a matter before the CNYRTA even if those activities do not involve appearing or practicing before the CNYRTA. This prohibition applies only to paid work.

Examples: preparing documents for a private firm when it is reasonably foreseeable that the documents will be reviewed by the CNYRTA; assisting another person in the creation or development of an application to be submitted to the CNYRTA; and assisting another person in the creation or development of a plan or strategy for influencing a decision of the CNYRTA.
4. The Lifetime Bar: No person who has served as an Employee of the CNYRTA shall after the termination of such employment appear, practice, communicate or otherwise render services before the CNYRTA or receive compensation for any such services rendered on behalf of any person, firm, corporation or other entity in relation to any matter in which the Employee was directly concerned and in which he or she personally participated during the period of his or her employment , or which was under his or her active consideration.
5. Negotiation of Future Employment: If you receive an unsolicited offer from an entity or individual that has a specific matter pending before you, or if you are interested in soliciting an employment opportunity with such entity or individual, you may only pursue an employment opportunity after waiting 30 days from:
 - (a) the date the matter before you closed; or
 - (b) the date on which you notified your Ethics Office of your intent to pursue a job offer and recused yourself from the matter and any further contact with the entity or individual.
 - (c) You have a duty to promptly notify your Ethics Officer if you receive an unsolicited job offer or if you intend to solicit a job offer from an entity or individual that has a specific matter pending before you.

X. FINANCIAL DISCLOSURE STATEMENTS

1. Relevant Law: Public Officers Law §73& §73-a; 19 NYCRR part 935 & 936
2. Overview: An annual Financial Disclosure Statement (" FDS") is a publicly available record containing financial and professional information about the FDS filer and his or her spouse. The purpose of the FDS is to provide transparency in order to prevent conflicts of interest between a person's professional duties and his or her private financial interests and affiliations. The process of completing an FDS also assists an FDS filer in identifying and managing potential conflicts of interest.
3. Who is Required to File: Officers, Members, Directors, and Employees of the CNYRTA must file an FDS if they are:
 - (a) Designated as a Policy Maker; or
 - (b) Threshold Filers.
4. What is Disclosed: CNYRTA Employees required to file a FDS will be required to disclose:
 - (a) Officer or any positions of authority held in a business entity, organization or Political Organization;
 - (b) Ownership in, or professional affiliation with, any business entity;
 - (c) Ownership in, and income from, Financial Interest, investments, securities, real property, and other assets;
 - (d) Debts, liens, mortgages and other financial obligations; and
 - (e) Certain Gifts, Honoraria, and other payments.
5. Filing Dates: CNYRTA Employees required to file a FDS must do so by May 15th for the previous calendar year.
 - (a) Extensions past May 15th may be given under certain circumstances. Procedures for requesting an extension are set forth in 19 NYCRR Part 936.
 - (b) The Commission has the discretion to grant Threshold Filers and exemption from the filing requirement under certain circumstances. Procedures for requesting an exemption are set forth in 19 NYCRR Part 935.
6. Failure to File: If you fail to file a required FDS, or if you file a deficient FDS you will be notified by the Commission. If you fail to comply the Commission will send a notice of delinquency that advises you of fees and penalties. If you still fail to file your FDS, you may be subject to disciplinary action up to and including termination, a civil penalty up to \$40,000 after a hearing, or criminal prosecution as a misdemeanor offense.
7. Privacy Concerns: The Commission automatically redacts the name of any minor child from the copy of the FDS that is made publicly available. The FDS form asks for a business address only and the address of a primary residence is not required. For other FDS questions related to real property, the general location of a primary residence can be disclosed in lieu of the physical address.

XI. LOBBYING

1. Relevant Law: State Finance Law §139-j & §139-k
2. Procurement Contracts and Restricted Contacts: State Finance Law requires that the CNYRTA designate a contact person or persons whom an Offeror may contact during the Restricted Period of the procurement process. An Offeror is restricted from having contact with members, officers, or Employees of the CNYRTA, other than the designated person or persons, from the earliest notice of intent to solicit offers via a request for proposal through the final award and approval of the procurement contract by the Board of Members, unless it is a contact that is included among certain statutory exceptions set forth in State Finance Law.
3. Duty to Disclose: All Employees of the CNYRTA have an ethical obligation to notify the Ethics Officer immediately regarding violations or attempted violations of State Finance law regarding restricted contacts during the procurement process. Any contact where a reasonable person would infer that the communication was intended to influence the award of the Procurement contract should be immediately reported to the Ethics Officer.

II. DISCIPLINE AND PENALTIES FOR VIOLATIONS

1. Relevant Law: Executive Law§ 94; Civil Service Law §107; 19 NYCRR 941
2. Employees who violate any provision of the State Ethics Laws may be subject to disciplinary action consistent with that administered for violations of the rules and regulations of the CNYRTA, up to and including termination.
3. Employees who violate certain provisions of the State Ethics Laws may be subject to civil penalties of up to \$40,000 and the value of any gift, compensation, or benefit received as a result of such violation.
4. Employees who violate certain provisions of the State Ethics Laws may be subject to criminal prosecution.
5. The process for adjudicatory and appeals proceedings relating to alleged violations of State Ethics Laws are set forth in 19 NYCRR Part 941.

Appendix A

Definitions:

1. "Approving Authority" for an Employee shall mean the Chief Executive Officer of the CNYRTA or his or her appropriate designee. In the case of the Chief Executive Officer of the CNYRTA, it shall mean the New York State Joint Commission on Public Ethics.
2. "Bona Fide Charitable Event" shall mean a function the primary purpose of which is to provide financial support to a Charitable Organization.
3. "Bona Fide Political Event" shall mean a function the primary purpose of which is to provide financial support to Political Organization(s) or Political Candidate(s).
4. "Business" shall mean any activity, paid or unpaid, by any individual, firm, company, corporation or other entity whose goal or purpose is obtaining monetary income or other thing of value in exchange for goods or services provided or rendered, whether or not for profit.
5. "Central New York Regional Transportation Authority" (the "CNYRTA") shall collectively mean the Central New York Regional Transportation Authority and its subsidiary operating companies, including CNY Centro, Inc., Centro of Oswego, Inc., Centro of Cayuga, Inc., Centro of Oneida, Inc., Centro Call-A-Bus, Inc., Centro Parking, Inc., and Intermodal Transportation Center, Inc. all public benefit corporations of the State of New York.
6. "Charitable Organization" shall mean:
 - (i) an entity as defined in Executive Law §171- a(l) that is registered with the Office of the Attorney General, as required by Executive Law §172, unless otherwise exempted from filing pursuant to Executive Law §172-a; or
 - (ii) an entity organized and operated exclusively for charitable purposes and qualified as an exempt organization by the United States Department of Treasury under section 501(c)(3) of the Internal Revenue Code; or
 - (iii) a person who requests contributions for the relief of any individual, specified by name at the time of the solicitation, if all of the contributions collected, without any deductions whatsoever, are paid to or for the benefit of the named beneficiary, provided the individual has submitted a form entitled "Charitable Solicitation for the Relief of an Individual" with the Charities Bureau of the Office of Attorney General prior to the event.
7. "Commission" shall mean the Joint Commission on Public Ethics established within the State of New York under section 94 of the New York Executive Law pursuant to the Public Integrity Reform Act of 2011.
8. "Compensation" shall mean the financial consideration received in exchange for services rendered, (e.g., wages, salaries, benefits, professional fees, royalties, bonuses, or commissions on sales). Compensation shall also include income received from any business venture, whether or not incorporated, that is owned or controlled by an individual who is subject to this Code. Notwithstanding the foregoing, income received from transactions involving such individual's own securities, personal property, or real estate is not included in the term compensation.
9. "Complimentary Attendance" shall mean the waiver of all or part of a registration or admission fee, or waiver of all or part of a fee or charge for the provision of food, beverages, entertainment, instruction, or materials. Complimentary Attendance shall not include travel, lodging, or items of more than Nominal Value.
10. "Confidential Information" shall mean information, whether or not set forth in writing, available to Employees of the CNYRTA by virtue of their employment which is either (i) treated by the CNYRTA as confidential, or (ii) which an Employee has reason to believe is confidential whether or not formally labeled as such.
11. "Conflicts of Interest" shall mean situations in which the financial, familial, or personal interests of an Employee come into real or apparent conflict with their duties and responsibilities to the CNYRTA. Apparent Conflicts of Interest are situations where there is the appearance that an Employee can personally benefit from actions or decisions made in his or her official capacity, or

where an Employee may be influenced to act in a manner that does not represent the best interests of the CNYRTA. The appearance of a conflict may occur if circumstances would suggest to a reasonable person that an Employee may have a conflict. The appearance of a conflict and a real conflict should be treated in the same manner for the purposes of this Code.

12. "Educational Program" shall mean formal instruction provided to attendees. Factors to be considered in assessing whether a program is educational include but are not limited to: the curriculum; whether the entity providing the program, or the instructors, are accredited, certified, or otherwise qualified to provide the program; to whom the program is presented; and where and how the program is presented.
13. "Ethics Officer" shall mean the Chief Executive Officer of the CNYRTA or his or her designee.
14. "Employee" shall mean an officer, employee or, where applicable, Board Member of the CNYRTA or one of its subsidiaries.
15. "Family Member" shall mean (i) an Employee's spouse, domestic partner, child, or sibling; (ii) a person who is a direct descendant (or the spouse of a direct descendant) of a grandparent of the Employee or a grandparent of the Employee's spouse or domestic partner; or (iii) a person living in the same household as an Employee.
16. "Financial Disclosure Statement" shall mean the annual Financial Disclosure Statement required to be filed with the Joint Commission on Public Ethics by certain Employees pursuant to Public Officers Law Section 73-a.
17. "Financial Interest" shall mean a person who:
 - (i) owns or controls ten percent or more of the stock in an entity (or one percent in the case of a corporation whose stock is regularly traded on an established securities exchange); or
 - (ii) serves as an officer, director, or partner of that entity.
18. "Fundraising" shall mean raising funds for an organization through
 - (i) soliciting donations or contributions,
 - (ii) selling goods or services or
 - (iii) active and visible participation in promoting, producing or presenting an event for such purpose, including serving as honorary chairperson, committee member or sitting at the head table during the event. The term does not include mere attendance at an event, provided the Employee's attendance is not being used to promote the event.
19. "Gift(s)" shall mean the transfer, without equivalent payments, of anything of benefit, tangible or intangible, having more than Nominal Value, including but not limited to loans, forbearances, services, travel, gratuities of any kind, favors, money, meals, refreshments, entertainment, hospitality, promises, tickets or any other thing of benefit.
20. "Guide" shall mean this Guide which is given to Employees and summarizes current State Ethics Laws.
21. "Honorarium" shall mean (i) payment, fee or other compensation in connection with a service rendered by an Employee not related to the person's official duties, and for which CNYRTA equipment or staff are not used, which is in the nature of a gratuity or as an award or an honor (e.g., for delivering a speech, for attending a conference, for writing an article); and (ii) a payment, whether to a lodging site or a provider of transportation, for travel expenses made to or on behalf of an Employee, or reimbursement made to the Employee for travel expenses incurred, for services rendered by an Employee not related to their official duties.
23. "Informational Event" shall mean an event or meeting the primary purpose of which is to provide information about a subject or subjects related to an Employee's official responsibilities.
24. "Interested Source" shall mean any person or entity who on his or her own behalf, or on behalf of an entity, that satisfies any one of the following:
 - (a) is regulated by, negotiates with, appears before in other than a Ministerial Matter, seeks to contract with or has contracts with, or does other business with:
 - (i) the CNYRTA;
 - (ii) the Employee, in his or her official capacity; or
 - (iii) any other State Agency when the CNYRTA is to receive the benefits of the contract.

- (b) is required to be listed on a statement of registration pursuant to section 1-e(a)(1) of Article 1-A of the Legislative Law and lobbies or attempts to influence actions, decisions, or policies of the CNYRTA; or
 - (c) is the spouse or unemancipated child of any individual satisfying the requirements of paragraph (b) of this subdivision; or
 - (d) is involved in any action or proceeding, in which administrative and judicial remedies thereto have not been exhausted, and which is adverse to either:
 - (i) the CNYRTA; or
 - (ii) the Employee is his or her official capacity; or
 - (e) has received or applied for funds from the CNYRTA at any time during the previous 12 months.
25. "Item of Nominal Value" shall mean items such as mugs, key rings, calendars, pens and the like that are of minimal value unless such items are being given under circumstances where it reasonably can be inferred that such item was intended to influence the Employee in the performance of such Employee's official duties.
 26. "Ministerial Matter" shall mean an administrative act carried out in a prescribed manner not allowing for substantial personal discretion.
 27. "New York State Agency" shall mean any New York State department, division, board, commission, or bureau of any state department, any public benefit corporation, public authority, or commission at least one of whose members is appointed by the Governor. The CNYRTA and its subsidiaries are New York State Agencies for the purposes of this Guide.
 28. "Offeror" shall mean the individual or entity, or any employee, agent or consultant or person acting on behalf of such individual or entity, that contacts the CNYRTA about a procurement during the Restricted Period of such procurement whether or not the caller has a financial interest in the outcome of the procurement; provided, however, that a governmental agency or its employees that communicates with the CNYRTA regarding procurement in the exercise of its oversight duties shall not be considered an Offeror.
 29. "Official Activity" shall mean an Employee's attendance or Service at a meeting, conference, seminar, convention, or professional program that is part of his or her official duties and benefits the CNYRTA.
 30. "Official Activity Approval" shall mean a completed and signed record created by the Approving Authority in accordance with section 1.06 of this Code
 31. "Official Activity Expense Payment" shall mean a payment or reimbursement for the cost or attendance, registration, travel, food or lodging related to an Employee's Official Activity. Official Activity Expense Payment does not include
 - (a) any payment or reimbursement for such costs when they have been bargained for by a State Agency, or
 - (b) a Service Payment.
 32. "Outside Activity Approval Form" shall mean a form designated by the Commission as the outside activity approval form and available on the Commission's website.
 33. "Party Committee" shall mean any State committee, county committee, and such other committee (including national committee) as the rules of the Political Party may allow.
 34. "Policy Maker" shall mean those management and non-management positions having responsibility for formulating or implementing plans of action or policy, and other employees with an effective or substantial influence over such person, particularly those employees who report directly to an officer or director.
 35. "Political Organization" shall mean any organization affiliated with, or subsidiary to, a Political Party including, without limitation, a partisan political club or committee, or a campaign or fund-raising committee for a political party or political candidate. Political Organization shall not include an organization supporting a particular cause with no partisan inclination.
 36. "Political Party" shall mean:
 - (a) any organization which at the last preceding election for Governor of the State of New York polled at least 50,000 votes for its candidate for Governor; or

- (b) the national political entity affiliated with such organization.
37. "Professional Program" shall mean a program that provides information, such as trends in an industry or discipline, which would benefit the administration or operation of the CNYRTA and would enable an Employee to perform his or her duties more effectively. It shall not include a program, the primary purpose of which is the promotion or marketing of products or services for purchase or lease by the CNYRTA.
38. "Restricted Period" shall mean the period of time commencing with the earliest posting, on the CNYRTA website, in a newspaper of general circulation, or in the procurement opportunities newsletter of written notice, advertisement or solicitation of a request of proposal, invitation for bids, or solicitation of proposals, or any other method provided for by law or regulation for soliciting a response from Offerors intending to result in a procurement contract with the CNYRTA and ending with the final contract award and approval by the governmental entity and, where applicable, the state comptroller.
39. "Service" shall mean any action or service performed by an Employee that is part of his or her official duties and benefits the CNYRTA. Such action may include, but is not limited to, delivering a speech, writing or publishing an article, or making a presentation.
40. "Service Payment" shall mean any payment of money made in consideration for a Service provided.
41. "Service Payment Approval Record" shall mean, for any Service Payment that has been approved by the Approving Authority, a completed and signed record created by the Approving Authority in accordance with this Guide.
42. "State Ethics Law" shall mean New York State Public Officers Law Sections 73, 73-a and 74, New York State Finance Law Section 139-j & k, and New York Civil Service Law Section 107, as may be amended or modified from time to time by the New York State Legislature, as well as any rules and regulations promulgated under the above-listed sections of law.
43. "Threshold Filer" shall mean an Employee who has an annual salary in excess of the job rate of SG-24 as set forth in New York Civil Service law section 130(1)(a) as of April first of the year in which a Financial Disclosure Statement shall be filed.
44. "Widely Attended Event" shall mean an event:
- (a) which at least twenty-five (25) individuals other than Employees of the CNYRTA attend or were, in good faith, invited to attend in person; and
 - (b) which is related to the Employee's duties or responsibilities or allows the Employee to perform a ceremonial function appropriate to his or her position.

CNYRTA EMPLOYEE ETHICS GUIDE RECEIPT

I, _____ , acknowledge receipt of the CNYRTA Ethics Guide and understand my responsibilities to comply with such Guide and State Ethics Laws.

Employee Signature

Date

To be completed and promptly returned to the Human Resources Department