

ALBANY CONVENTION CENTER AUTHORITY  
EMPLOYEE CODE OF ETHICS

It is the policy of the Albany Convention Center Authority (“ACCA”) to have its employees govern themselves in an ethical manner consistent with the law, specifically sections 73, 73-a and 74 of the Public Officers Law and the regulations cited in 19 NYCRR Part 930, et. seq. This Code of Ethics applies to every employee of the ACCA.

**I. Conflicts of Interest**

A conflict of interest is a situation in which the financial, familial, or personal interests of an employee come into “actual” or “perceived” conflict with their duties and responsibilities with the ACCA. “Perceived” conflicts of interest are situations where there is the appearance that an employee can personally benefit from actions or decisions made in their official capacity, or where an employee may be influenced to act in a manner that does not represent the best interests of the ACCA. The perception of a conflict may occur if circumstances would suggest to a reasonable person that an employee may have a conflict. “Actual” conflicts of interest are situations where an employee can personally benefit from actions or decisions made in their official capacity, or where an employee is influenced to act in a manner that does not represent the best interests of the ACCA. Perceived and Actual conflicts of interest should be treated in the same manner for purposes of this Policy

Rule with respect to conflicts of interest: No employee shall 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.

Standards of Conduct:

- a. Employees shall not accept other employment which will impair their independence of judgment in the exercise of their official duties.
- b. Employees shall not accept employment or engage in any business or professional activity which will require them to disclose confidential information which they gained by reason of his official position or authority.
- c. Employees shall not disclose confidential information acquired by them in the course of his official duties nor use such information to further their personal interests.
- d. Employees shall not use or attempt to use their official position to secure unwarranted privileges or exemptions for themselves or others, including but not limited to, the misappropriation to themselves or to others of the property, services or other resources of the state for private business or other compensated non-governmental purposes.
- e. Employees shall not engage in any transaction as representative or agent of the state with any business entity in which they have a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of their official duties.
- f. Employees shall not by their conduct give reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the

performance of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person.

g. Employees shall abstain from making personal investments in enterprises which they have reason to believe may be directly involved in decisions to be made by them or which will otherwise create substantial conflict between their duty in the public interest and their private interest.

h. Employees shall endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their trust.

#### Procedures for Disclosure:

All employees of the Agency shall adhere to the following procedures:

1. All Actual and Perceived conflicts of interest shall be disclosed in writing to the Ethics Officer as soon as practicable after learning of the Actual or Perceived conflict of interest. The written disclosure must (i) identify the matter before the ACCA, (ii) identify the Standard of Conduct in question and (iii) contain sufficient facts and circumstances in order to accurately convey the extent of the employee's interest in such matter.

2. The employee with the conflict of interest shall refrain from participating in discussions or decisions on the matter creating the conflict.

3. The employee with the conflict of interest shall refrain from directly or indirectly attempting to influence the discussions, decisions, deliberations or vote by the board on the matter giving rise to such conflict.

#### Ethics Officer:

The Agency's Board shall designate an Ethics Officer of the Agency. The Ethics Officer shall report to the Board. The Ethics Officer shall have the duties set forth below, and such other duties as may be prescribed by the Board:

1. Advise in confidence each board member and employee of the ACCA who seeks guidance regarding ethical behavior.

2. Receive and investigate complaints about possible violations of this Code of Ethics.

3. Dismiss complaints found to be without substance.

4. Prepare investigative reports of his or her findings to be submitted for action by the Board.

5. Seek consultation and guidance from counsel to the ACCA, the governance committee or any appropriate NYS agency such as the Authorities Budget Office and Joint Commission of Public Ethics.

#### Reporting Violations:

In accordance with Title 12 of Article 9 of the Public Authorities Law, the Agency adopted a Whistleblower Policy to afford certain protections to individuals who, in good faith, report violations of the Code of Ethics or other instances of potential wrongdoing within the ACCA. This Whistleblower Policy provides ACCA board members and employees with a confidential means to report credible allegations of misconduct, wrongdoing, or unethical behavior and to protect those individuals, when acting in good faith, from personal or professional retaliation. The Whistleblower Policy is provided to all board members and employees of the ACCA.

### **II. Financial Disclosure**

Annual statements of financial disclosure are required of all employees designated as a policymaker or serve in a position with an annual salary rate in excess of the job rate of SG24.

### **III. Gifts**

Employees shall not accept or solicit a gift of more than nominal value.

### **IV. Outside Activities**

No employee may engage in any outside activity that interferes or is in conflict with their official duties of the ACCA. Employees designated as policymakers and employees that serve in a position with an annual salary rate in excess of the job rate of SG24, prior approval is required from the ACCA if the amount to be earned is greater than \$1,000. Prior approval is also required from the State's ethics body if the amount to be earned is greater than \$4,000.

Employees designated as policymakers are barred from serving as an officer of any political party or organization or serving as a member of a political party committee, including district leader or member of a national committee.

### **V. Nepotism**

No employee may participate in any decision to hire, promote, discipline or discharge a relative for any compensated position at the ACCA.

### **VI. Political Activity**

ACCA offices may not be used for soliciting or collecting any political contributions.

No employee shall use their official position to coerce, intimidate or otherwise influence other employees to give money or service for any political purpose, to influence the political action of any person or entity, or to interfere with any election.

### **VII. ACCA Property**

Employees shall reasonably use all equipment, materials, supplies and other ACCA property for the conduct of ACCA business.

### **VIII. Post-Employment Restrictions**

Two-year bar – Former employees may not, within a period of two years after leaving the ACCA and State service, appear or practice before the ACCA or receive compensation for any services rendered in relation to any case, proceeding, application or other matter before the ACCA.

Lifetime bar – Former employees may not appear, practice, communicate or otherwise render services before any State agency, or receive compensation for such services in relation to any case, proceeding, application or transaction with which they were directly concerned and in which they personally participated while in public service.

### **IX. Honoraria**

Employees must comply with the State's ethics body's regulations pertaining to limitations on the receipt of honoraria from outside parties contained in 19 NYCRR Part 930. However, an Employee is prohibited from receiving an honorarium from any individual or organization that (i) does business with the ACCA, (ii) is regulated by the ACCA, (iii) receives funds from the ACCA, (iv) lobbies before the ACCA or (v) is involved with litigation adverse to the ACCA. Honorarium is any compensation (payment, fee, reimbursement or expenses covered for travel, lodging, transportation and meals) rendered by an employee that is not related to the employee's official duties with the ACCA.

### **X. Procurement Lobbying**

Employees shall record all contacts that are reasonably interpreted to be an attempt to influence a procurement of the ACCA where such employee is not the designated contact person.

### **XII. Penalties**

Any employee that fails to comply with this Policy may be penalized in a manner provided for in law.