



CODE OF ETHICS POLICY
Effective April 12, 2024

I. Introduction

It is the policy of the Olympic Regional Development Authority (the "Olympic Authority") to conduct all of its activities pursuant to the highest standards of public integrity and ethical conduct. So as to emphasize the standards of ethical conduct expected of all members and employees of the Olympic Authority, the Board of Directors has adopted in its By-Laws at Article III (Conflicts of Interest), and by Resolution Nos. 11, 79, 179, and 428, a Code of Ethics Policy (the "Code").

This Code establishes the parameters of permissible activity by Olympic Authority members and employees, specifically proscribes certain activities, and establishes the administrative structure through which such matters shall be identified and resolved.

Any questions regarding the application of this Code, or any doubts regarding the propriety of any action planned or taken by the Olympic Authority, its members or employees, shall be brought to the attention of the Olympic Authority's General Counsel. The General Counsel will refer breaches of the Code, or other matters, as appropriate, to the Commission on Ethics and Lobbying in Government ("COELIG") and/or such other authority as may be appropriate under the circumstances. The COELIG website can be accessed at: <https://ethics.ny.gov/>.

II. Public Officers Law

The Ethics in Government Act was enacted in 1987 to eliminate abuse and corruption in State government and to restore the public's trust and confidence in public institutions. Under the Act, restrictions were imposed on the business and professional activities of State officers and employees, both during and after their State employment. The Act also requires certain public employees to file an annual statement of financial disclosure to COELIG.

In accordance with Public Authorities Law § 2608 (5), all members and employees of the Olympic Authority are subject to the ethics provisions set forth in Public Officers Law §§ 73, 73-a, and 74. The rules of ethical conduct as set forth in this Code are to be considered as supplemental to those contained in §§ 73, 73-a, and 74 of the Public Officers Law, and such law is paramount and controlling to the extent, if any, that it is more restrictive or limiting than the Code.

III. Conflicts of Interest

Members and employees of the Authority shall avoid actual, apparent, or potential conflicts of interest in the exercise of their official duties and responsibilities, as well as their private and individual interests. Such conflicts of interest may include:

A. Soliciting, accepting, or receiving any gift, whether in the form of money, service, loan, travel, entertainment, hospitality, promise, or in any other form, under circumstances in which it could be reasonably inferred that the gift was intended to influence the member or employee of the Olympic Authority, or could reasonably be expected to influence such member or employee in the performance of their official duties, or as a reward for any official action;

B. Accepting outside employment which would impair the member or employee of the Olympic Authority's independence of judgement in the exercise of their official duties, or which would require or result in the disclosure of confidential information gained by reason of State position, employment, or authority;

C. Soliciting or obtaining significant interest or investment in business enterprises that act as Olympic Authority sponsors or suppliers, other than those interests or investments held prior to service as a member or employee of the Olympic Authority;

D. Taking part, as a member or employee of Olympic Authority, in the identification, negotiation, selection, acquisition or determination of any procurement, contract, transaction, or other matter with any business entity in which such member, employee, or representative has a direct or indirect financial interest that might reasonably tend to conflict with the proper discharge of his/her official duties.

This Code mandates complete disclosure, in writing, of any such conflict or potential conflict of interest, or appearance of a conflict of interest. This requirement includes a detailed recitation of the nature and extent of any direct or indirect financial or other interest such member or employee of the Olympic Authority may have in any entity currently doing or attempting to do business with the Olympic Authority, and must be submitted to the General Counsel. Every effort must be made to identify and mitigate the appearance or existence of, or the potential for, a conflict of interest at the earliest stage of any Olympic Authority business transaction.

***NOTE:** A conflict of interest with respect to any entity doing business or attempting to do business with the Olympic Authority shall preclude any member of the Olympic Authority Board of Directors from voting upon such business before the Board, and shall require all affected members and/or employees of the Olympic Authority to refrain from any involvement in the transaction of such business at any level. Inquiries regarding the application of this requirement should be immediately referred to the General Counsel.*

IV. Nepotism

Public Officers Law § 73 (14) prohibits a State employee from participating in any decision to hire, promote, discipline, or discharge a relative who is, or is under consideration to become, a State employee. The term “relative” is defined under the law as any person living in the same household as the member or employee, or any person who is a direct descendant of the member’s or employee’s grandparents, as well as the spouse of such descendant.

This law does not prohibit relatives from being employed by the Olympic Authority in the same venue or even the same department. It does, however, prohibit the direct oversight of one relative by another. The Olympic Authority will make every effort to avoid the placement of relatives in the same chain of command. However, in those cases where that is not possible, in

accordance with guidance provided by COELIG in 2023, the Olympic Authority will use its discretion to establish a management and reporting structure that avoids the direct or indirect management of one relative by another. Such management structure must be documented by the appropriate Olympic Authority venue or department management staff, shall be approved by the General Counsel in writing, and such written approval shall be provided to relevant managerial staff and maintained by the Office of Human Resources in the personnel files of both relatives. The Olympic Authority shall retain the right to revise any such management and reporting structure if necessary.

Any relative of an Olympic Authority employee who wishes to seek employment with the Olympic Authority must do so without any involvement by their Olympic Authority-employed relative. Any Olympic Authority employee who has a relative seeking employment with the Olympic Authority is prohibited from participating in any manner in any part of the hiring process.

V. Gifts

A “gift” under the law is anything of value that is over the nominal amount of \$15.00. The prohibition of accepting gifts includes but is not limited to meals, refreshments, entertainment, money, services, loans, travel, lodging, a promise with monetary value, forgiving a debt or agreeing to change the terms of a debt. The purpose of the prohibition is to avoid conflicts of interest or the appearance of conflicts of interest in connection with the performance of a member or employee’s job duties, or anything that could be interpreted as a reward for official action on the part of a member or employee.

Under the law, gifts from “interested sources” are presumed to be prohibited even if the gift falls under the \$15.00 nominal threshold. An “interested source” is any person or entity who does business with the Olympic Authority, who wants to do business with the Olympic Authority, who is involved in litigation with the Olympic Authority, any person or entity who has received or applied for funds from the Olympic Authority within the preceding year, and any person or entity who is attempting to influence the member or employee or the Olympic Authority in carrying out an official action.

It is important to remember that the \$15.00 nominal threshold can be exceeded if the same source provides multiple otherwise “permissible” gifts that add up to over \$15.00. It is also important to remember that no member or employee may direct a gift from an impermissible source to a third party, including a charitable organization or a family member.

Travel costs (which include lodging and hospitality) that are associated with an employee’s job duties and are offered by a third party, must be reviewed and approved in advance by the General Counsel and may be reportable on an employee’s annual Financial Disclosure form. Honoraria must also be approved in advance by the General Counsel and may also be reportable on an annual Financial Disclosure form filing. Complimentary attendance at certain widely attended events may be permissible, but must be approved in advance by the General Counsel.

***NOTE:** Impermissible gifts are those that are offered in connection with an employee’s job with the Olympic Authority. Exclusions include gifts from family or friends in connection with holidays or other occasions, honors or awards, promotional items, and widely available discounts.*

All employees are encouraged to contact either the General Counsel or COELIG for advice regarding the offer of a gift in connection with their employment, to be sure they avoid potential problems with the ethics law.

VI. Outside Employment or Activities

No Olympic Authority member or employee shall engage in any outside business activity, transaction, or employment that would conflict with their responsibility to carry out their job duties in the public interest. In addition, no Olympic Authority member or employee shall engage in any outside business activity that would reflect adversely on the integrity of such member or employee, or the Olympic Authority itself.

All employees are encouraged to seek the approval of their supervisor and the Olympic Authority General Counsel prior to engaging in an outside employment or business activities. Those employees who are classified as policymakers are required to have the prior written approval of both their supervisor and the General Counsel, and for any policymaker earning over \$5000 per year from such activity, COELIG must also issue prior approval. Policymakers are required to obtain review and approval of all outside activities on an annual basis, even where such activity has previously been approved.

Actions associated with any outside business activity, transaction, or employment are not permitted during an employee's normal work hours, and no Olympic Authority premises, equipment, supplies, or resources of any kind may be used to accomplish such activity.

VII. Political Activities

Olympic Authority members and employees are encouraged to take an interest in local, State, and national political affairs, and to participate in such affairs, on their own time, using their own resources. However, the Public Officers Law generally prohibits an individual who is serving in a policy making position from serving as an officer of any political party or political organization (note - a "political organization" is defined to mean an organization that is affiliated with or subsidiary to a political party, but does not include campaign or fundraising committees), from serving as a member of any political party committee including serving as a political party district leader or member of a national committee of a political party, and from giving or raising contributions to the Governor's political campaign.

Any participation by an Olympic Authority employee in permitted political activities must comply with the following guidelines:

- A. The employee must be clearly acting as an individual, not as a representative of the Olympic Authority;
- B. The activities must not interfere with the employee's job duties;
- C. The activities cannot be carried out on Olympic Authority time;
- D. The activities must not involve the use of Olympic Authority premises, resources, facilities, equipment, or supplies.

There should be no political signage on any Olympic Authority property, and no Olympic Authority employee should wear political hats or clothing at work. No Olympic Authority employee should wear their Olympic Authority uniform to any political function. The use of social media on an employee's own time using their personal technology is of course permissible, as long as there is no association made between an employee's political views and their employment with the Olympic Authority.

In general, Olympic Authority members and employees are charged to pursue a course of conduct that will maintain the public's trust and confidence in civil servants and public institutions, and that complies with all applicable local, State, and federal laws.

Any member or employee with an interest in outside political activities or questions about these requirements should contact the Olympic Authority General Counsel or COELIG.

VIII. Policy Makers

The Olympic Authority Board of Directors will, on an annual basis, pass a resolution identifying those employees who are designated as policy makers by the Olympic Authority. The specific rules that apply to Policy Makers in a manner that is different than other Olympic Authority employees are discussed in Sections VI and VII above, and in the following section.

IX. Financial Disclosure

In accordance with Public Officers Law § 73-a, COELIG requires that any employee designated by the Olympic Authority as a policymaker, or any employee whose salary exceeds the annual threshold, file an Annual Financial Disclosure Statement (FDS). All Board Members are subject to the requirement for filing an annual statement of financial disclosure. Pursuant to the Public Officers Law, the failure to file this Statement in a timely manner may subject a required filer to a civil penalty of up to ten thousand dollars (\$10,000.00), and/or disciplinary action initiated by the Olympic Authority.

The Olympic Authority will track the compliance of members and employees with this requirement, and those members and employees who are subject to this requirement will be notified by COELIG and the Olympic Authority Director of Human Resources of the requirement to file a FDS and the annual deadline for doing so.

Information about the annual filing requirements, including changes in salary thresholds can be found at <https://ethics.ny.gov/fds-filing-information-and-forms>.

Any questions on these requirements should be directed to Olympic Authority General Counsel, or to COELIG at 800-873-8442 or by email at Guidance@ethics.ny.gov.