



# CODE OF ETHICS

ADOPTED: MAY 2, 2007

Revised November 2019

# **NEW YORK CITY HOUSING DEVELOPMENT CORPORATION CODE OF ETHICS**

Adopted May 2, 2007

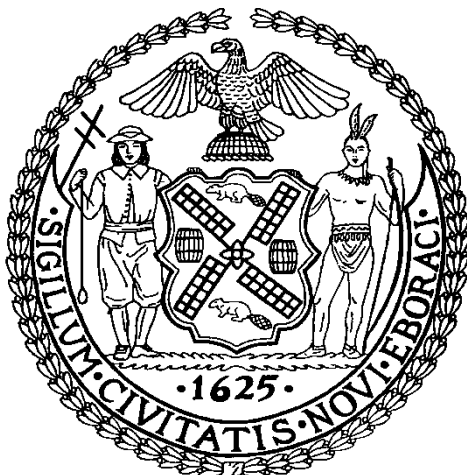
This "Code of Ethics" is adopted by the New York City Housing Development Corporation (the "Corporation") in accordance with Section 18 of the public Authorities Accountability Act of 2005. The Corporation's Code of Ethics consists of (a) Chapter 68 of New York City Charter, (b) Section 6 of the Corporation's Employee Handbook and (c) (i) the Resolution Ratifying the Memorandum of Understanding between the Corporation and the New York City Department of Investigation ("DOI") adopted by the Corporation on March 18, 2003 and (ii) the Resolution Implementing Policy and Procedural Changes adopted by the Corporation on March 18, 2003.

## INDEX

Attachment A Chapter 68 of the New York City Charter

Attachment B Section 6 of the Corporation's Employee Handbook

NEW YORK CITY  
**CONFLICTS OF  
INTEREST BOARD**



**CHAPTER 68  
OF THE  
NEW YORK CITY CHARTER**

REVISED: OCTOBER 2018

**NEW YORK CITY CHARTER**  
**CHAPTER 68**

*Conflicts of Interest*

§2600. Preamble.

§2601. Definitions.

§2602. Conflicts of interest board.

§2603. Powers and obligations.

§2604. Prohibited interests and conduct.

§2605. Reporting.

§2606. Penalties.

§2607. Gifts by lobbyists.

**§2600. Preamble.** Public service is a public trust. These prohibitions on the conduct of public servants are enacted to preserve the trust placed in the public servants of the city, to promote public confidence in government, to protect the integrity of government decision-making and to enhance government efficiency.

**§2601. Definitions.** As used in this chapter,

1. “Advisory committee” means a committee, council, board or similar entity constituted to provide advice or recommendations to the city and having no authority to take a final action on behalf of the city or take any action which would have the effect of conditioning, limiting or requiring any final action by any other agency, or to take any action which is authorized by law.
2. “Agency” means a city, county, borough or other office, position, administration, department, division, bureau, board, commission, authority, corporation, advisory committee or other agency of government, the expenses of which are paid in whole or in

part from the city treasury, and shall include but not be limited to, the council, the offices of each elected official, the board of education, community school boards, community boards, the financial services corporation, the health and hospitals corporation, the public development corporation, and the New York city housing authority, but shall not include any court or any corporation or institution maintaining or operating a public library, museum, botanical garden, arboretum, tomb, memorial building, aquarium, zoological garden or similar facility.

3. "Agency served by a public servant" means (a) in the case of a paid public servant, the agency employing such public servant or (b) in the case of an unpaid public servant, the agency employing the official who has appointed such unpaid public servant unless the body to which the unpaid public servant has been appointed does not report to, or is not under the control of, the official or the agency of the official that has appointed the unpaid public servant, in which case the agency served by the unpaid public servant is the body to which the unpaid public servant has been appointed.

4. "Appear" means to make any communication, for compensation, other than those involving ministerial matters.

5. A person or firm "associated" with a public servant includes a spouse, domestic partner, child, parent or sibling; a person with whom the public servant has a business or other financial relationship; and each firm in which the public servant has a present or potential interest.

6. "Blind trust" means a trust in which a public servant, or the public servant's spouse, domestic partner, or unemancipated child, has a beneficial interest, the holdings and sources of income of which the public servant, the public servant's spouse, domestic partner, and unemancipated child have no knowledge, and which meets requirements established by rules of the board, which shall include provisions regarding the independent authority and discretion of the trustee, and the trustee's confidential treatment of information regarding the holdings and sources of income of the trust.

7. "Board" means the conflicts of interest board established by this chapter.

8. "Business dealings with the city" means any transaction with the city involving the sale, purchase, rental, disposition or exchange of any goods, services, or property, any license, permit, grant or benefit, and any performance of or litigation with respect to any of the foregoing, but shall not include any transaction involving a public servant's residence or any ministerial matter.

9. "City" means the city of New York and includes an agency of the city.

10. "Elected official" means a person holding office as mayor, comptroller, public advocate, borough president or member of the council.

11. "Firm" means sole proprietorship, joint venture, partnership, corporation and any other form of enterprise, but shall not include a public benefit corporation, local development corporation or other similar entity as defined by rule of the board.

12. "Interest" means an ownership interest in a firm or a position with a firm.

13. "Law" means state and local law, this charter, and rules issued pursuant thereto.

14. "Member" means a member of the board.

15. "Ministerial matter" means an administrative act, including the issuance of a license, permit or other permission by the city, which is carried out in a prescribed manner and which does not involve substantial personal discretion.

16. "Ownership interest" means an interest in a firm held by a public servant, or the public servant's spouse, domestic partner, or unemancipated child, which exceeds five percent of the firm or an investment of twenty-five thousand dollars in cash or other form of commitment, whichever is less, or five percent or twenty-five thousand dollars of the firm's indebtedness, whichever is less, and any lesser interest in a firm when the public servant, or the public servant's spouse, domestic partner, or unemancipated child exercises managerial control or responsibility regarding any such firm, but shall not include interests held in any pension plan, deferred compensation plan or mutual fund, the investments of which are not controlled by the public servant, the public servant's spouse, domestic partner, or unemancipated child, or in any blind trust which holds or acquires an ownership interest. The amount of twenty-five thousand dollars specified herein shall be modified by the board pursuant to subdivision a of section twenty-six hundred three.

17. "Particular matter" means any case, proceeding, application, request for a ruling or benefit, determination, contract limited to the duration of the contract as specified therein, investigation, charge, accusation, arrest, or other similar action which involves a specific party or parties, including actions leading up to the particular matter; provided that a particular matter shall not be construed to include the proposal, consideration, or enactment of local laws or resolutions by the council, or any action on the budget or text of the zoning resolution.

18. "Position" means a position in a firm, such as an officer, director, trustee, employee, or any management position, or as an attorney, agent, broker, or consultant to the firm, which does not constitute an ownership interest in the firm.

19. "Public servant" means all officials, officers and employees of the city, including members of community boards and members of advisory committees, except unpaid members of advisory committees shall not be public servants.

20. "Regular employee" means all elected officials and public servants whose primary employment, as defined by rule of the board, is with the city, but shall not include members of advisory committees or community boards.

21. a. "Spouse" means a husband or wife of a public servant who is not legally separated from such public servant.

b. "Domestic partner" means persons who have a registered domestic partnership pursuant to section 3-240 of the administrative code, a domestic partnership registered in accordance with executive order number 123, dated August 7, 1989, or a domestic partnership registered in accordance with executive order number 48, dated January 7, 1993.

22. "Supervisory official" means any person having the authority to control or direct the work of a public servant.

23. "Unemancipated child" means any son, daughter, step-son or step-daughter who is under the age of eighteen, unmarried and living in the household of the public servant.

**§2602. Conflicts of interest board.**

a. There shall be a conflicts of interest board consisting of five members, appointed by the mayor with the advice and consent of the council. The mayor shall designate a chair.

b. Members shall be chosen for their independence, integrity, civic commitment and high ethical standards. No person while a member shall hold any public office, seek election to any public office, be a public employee in any jurisdiction, hold any political party office, or appear as a lobbyist before the city.

c. Each member shall serve for a term of six years; provided, however, that of the three members first appointed, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-two and one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-four, and of the remaining members, one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-two and one shall be appointed for a term to expire on March thirty-first, nineteen hundred ninety-four. If the mayor has not submitted to the council a nomination for appointment of a successor at least sixty days prior to the expiration of the term of the member whose term is expiring, the term of the member in office shall be extended for an additional year and the term of the successor to such member shall be shortened by an equal amount of time. If the council fails to act within forty-five days of receipt of such nomination from the mayor, the nomination shall be deemed to be confirmed. No member shall serve for more than two consecutive six-year terms. The three initial nominations by the mayor shall be made by the first day of February, nineteen hundred eighty-nine and both later nominations by

the mayor shall be made by the first day of March, nineteen hundred ninety.

d. Members shall receive a per diem compensation, no less than the highest amount paid to an official appointed to a board or commission with the advice and consent of the council and compensated on a per diem basis, for each calendar day when performing the work of the board.

e. Members of the board shall serve until their successors have been confirmed. Any vacancy occurring other than by expiration of a term shall be filled by nomination by the mayor made to the council within sixty days of the creation of the vacancy, for the unexpired portion of the term of the member succeeded. If the council fails to act within forty-five days of receipt of such nomination from the mayor, the nomination shall be deemed to be confirmed.

f. Members may be removed by the mayor for substantial neglect of duty, gross misconduct in office, inability to discharge the powers or duties of office or violation of this section, after written notice and opportunity for a reply.

g. The board shall appoint a counsel to serve at its pleasure and shall employ or retain such other officers, employees and consultants as are necessary to exercise its powers and fulfill its obligations. The authority of the counsel shall be defined in writing, provided that neither the counsel, nor any other officer, employee or consultant of the board shall be authorized to issue advisory opinions, promulgate rules, issue subpoenas, issue final determinations of violations of this chapter, or make final recommendations of or impose penalties. The board may delegate its authority to issue advisory opinions to the chair.

h. The board shall meet at least once a month and at such other times as the chair may deem necessary. Two members of the board shall constitute a quorum and all acts of the board shall be by the affirmative vote of at least two members of the board.

**§2603. Powers and obligations.**

a. **Rules.** The board shall promulgate rules as are necessary to implement and interpret the provisions of this chapter, consistent with the goal of providing clear guidance regarding prohibited conduct. The board, by rule, shall once every four years adjust the dollar amount established in subdivision sixteen of section twenty-six hundred one of this chapter to reflect changes in the consumer price index for the metropolitan New York-New Jersey region published by the United States bureau of labor statistics.

**b. Training and education.**

1. The board shall have the responsibility of informing public servants and assisting their understanding of the conflicts of interest provisions of this chapter. In fulfilling this responsibility, the board shall develop educational materials regarding the conflicts of



interest provisions and related interpretive rules and shall develop and administer an on-going program for the education of public servants regarding the provisions of this chapter.

2. (a) The board shall make information concerning this chapter available and known to all public servants. On or before the tenth day after an individual becomes a public servant, such public servant shall be provided with a copy of this chapter and shall sign a written statement, which shall be maintained in his or her personnel file, that such public servant has received and read and shall conform with the provisions of this chapter.

(b) Each public servant shall undergo training provided by the board in the provisions of this chapter on or before the sixtieth day after he or she becomes a public servant, and periodically as appropriate during the course of his or her city service. Every two years, each agency shall develop and implement an appropriate agency training plan in consultation with the board and the mayor's office of operations. Each agency shall cooperate with the board in order to ensure that all public servants in the agency receive the training required by this subdivision and shall maintain records documenting such training and the dates thereof. The training required by this subdivision may be in person, provided either by the board itself or by agency personnel working in conjunction with the board, or through an automated or online training program developed by the board.

(c) The failure of a public servant to receive the training required by this paragraph, to receive a copy of this chapter, or to sign the statement required by this paragraph, or the failure of the agency to maintain the required statement on file or record of training completed, shall have no effect on the duty of such public servant to comply with this chapter or on the enforcement of the provisions thereof.

**c. Advisory opinions.**

1. The board shall render advisory opinions with respect to all matters covered by this chapter. An advisory opinion shall be rendered on the request of a public servant or a supervisory official of a public servant and shall apply only to such public servant. The request shall be in such form as the board may require and shall be signed by the person making the request. The opinion of the board shall be based on such facts as are presented in the request or subsequently submitted in a written, signed document.

2. Advisory opinions shall be issued only with respect to proposed future conduct or action by a public servant. A public servant whose conduct or action is the subject of an advisory opinion shall not be subject to penalties or sanctions by virtue of acting or failing to act due to a reasonable reliance on the opinion, unless material facts were omitted or misstated in the request for an opinion. The board may amend a previously issued advisory opinion after giving reasonable notice to the public servant that it is reconsidering its opinion; provided that such amended advisory opinion shall apply only to future conduct or action of the public servant.

3. The board shall make public its advisory opinions with such deletions as may be necessary to prevent disclosure of the identity of any public servant or other involved party. The advisory opinions of the board shall be indexed by subject matter and cross-indexed by charter section and rule number and such index shall be maintained on an annual and cumulative basis.

4. All advisory opinions of the board shall include a statement that the opinion applies only to the requesting public servant or public servants, and any citation to a previously issued advisory opinion shall be accompanied by a statement that such previously issued advisory opinion applies only to the public servant or public servants on whose request it was originally rendered. Not later than the first day of May annually, the board shall determine whether any advisory opinion issued in the prior calendar year has interpretive value in construing the provisions of this chapter and either (a) establishes a test, standard or criterion; or (b) the board anticipates will be the subject of future advisory opinion requests from multiple persons. The board shall make that determination public in its annual report that is required pursuant to subdivision i of section 2603 of this chapter. The board shall initiate a rulemaking to adopt any such opinion, or part of an opinion, so determined. Not later than May 1, 2020, the conflicts of interest board shall initiate a rulemaking to adopt, as interpretive of the provisions of this chapter, any advisory opinion of the board issued after the year 1990 and before the enactment date of this local law which the board determines to be consistent with and to have interpretive value in construing the provisions of this chapter and which either (a) establishes a test, standard or criterion; or (b) is anticipated by the board to be the subject of future advisory opinion requests from multiple persons. This section shall not be construed as prohibiting the adoption of any rule after May 1, 2020, the subject of which was addressed in an advisory opinion considered pursuant to this section.

5. For the purposes of this subdivision, public servant includes a prospective and former public servant, and a supervisory official includes a supervisory official who shall supervise a prospective public servant and a supervisory official who supervised a former public servant.

**d. Financial disclosure.**

1. All financial disclosure statements required to be completed and filed by public servants pursuant to state or local law shall be filed by such public servants with the board.

2. The board shall cause each statement filed with it to be examined to determine if there has been compliance with the applicable law concerning financial disclosure and to determine if there has been compliance with or violations of the provisions of this chapter.

3. The board shall issue rules concerning the filing of financial disclosure statements for the purpose of ensuring compliance by the city and all public servants with

the applicable provisions of financial disclosure law.

**e. Complaints.**

1. The board shall receive complaints alleging violations of this chapter.

2. Whenever a written complaint is received by the board, it shall:

(a) dismiss the complaint if it determines that no further action is required by the board; or

(b) refer the complaint to the commissioner of investigation if further investigation is required for the board to determine what action is appropriate; or

(c) make an initial determination that there is probable cause to believe that a public servant has violated a provision of this chapter; or

(d) refer an alleged violation of this chapter to the head of the agency served by the public servant, if the board deems the violation to be minor or if related disciplinary charges are pending against the public servant.

3. For the purposes of this subdivision, a public servant includes a former public servant.

**f. Investigations.**

1. The board shall have the power to direct the department of investigation to conduct an investigation of any matter related to the board's responsibilities under this chapter. The commissioner of investigation shall, within a reasonable time, investigate any such matter and submit a confidential written report of factual findings to the board.

2. The commissioner of investigation shall make a confidential report to the board concerning the results of all investigations which involve or may involve violations of the provisions of this chapter, whether or not such investigations were made at the request of the board.

**g. Referral of matters within the board's jurisdiction.**

1. A public servant or supervisory official of such public servant may request the board to review and make a determination regarding a past or ongoing action of such public servant. Such request shall be reviewed and acted upon by the board in the same manner as a complaint received by the board under subdivision e of this section.

2. Whenever an agency receives a complaint alleging a violation of this chapter or

determines that a violation of this chapter may have occurred, it shall refer such matter to the board. Such referral shall be reviewed and acted upon by the board in the same manner as a complaint received by the board under subdivision e of this section.

3. For the purposes of this subdivision, public servant includes a former public servant, and a supervisory official includes a supervisory official who supervised a former public servant.

**h. Hearings.**

1. If the board makes an initial determination, based on a complaint, investigation or other information available to the board, that there is probable cause to believe that the public servant has violated a provision of this chapter, the board shall notify the public servant of its determination in writing. The notice shall contain a statement of the facts upon which the board relied for its determination of probable cause and a statement of the provisions of law allegedly violated. The board shall also inform the public servant of the board's procedural rules. Such public servant shall have a reasonable time to respond, either orally or in writing, and shall have the right to be represented by counsel or any other person.

2. If, after receipt of the public servant's response, the board determines that there is no probable cause to believe that a violation has occurred, the board shall dismiss the matter and inform the public servant in writing of its decision. If, after the consideration of the response by the public servant, the board determines there remains probable cause to believe that a violation of the provisions of this chapter has occurred, the board shall hold or direct a hearing to be held on the record to determine whether such violation has occurred, or shall refer the matter to the appropriate agency if the public servant is subject to the jurisdiction of any state law or collective bargaining agreement which provides for the conduct of disciplinary proceedings, provided that when such a matter is referred to an agency, the agency shall consult with the board before issuing a final decision.

3. If the board determines, after a hearing or the opportunity for a hearing, that a public servant has violated provisions of this chapter, it shall, after consultation with the head of the agency served or formerly served by the public servant, or in the case of an agency head, with the mayor, issue an order either imposing such penalties provided for by this chapter as it deems appropriate, or recommending such penalties to the head of the agency served or formerly served by the public servant, or in the case of an agency head, to the mayor; provided, however, that the board shall not impose penalties against members of the council, or public servants employed by the council or by members of the council, but may recommend to the council such penalties as it deems appropriate. The order shall include findings of fact and conclusions of law. When a penalty is recommended, the head of the agency or the council shall report to the board what action was taken.

4. Hearings of the board shall not be public unless requested by the public servant.

The order and the board's findings and conclusions shall be made public.

5. The board shall maintain an index of all persons found to be in violation of this chapter, by name, office and date of order. The index and the determinations of probable cause and orders in such cases shall be made available for public inspection and copying.

6. Nothing contained in this section shall prohibit the appointing officer of a public servant from terminating or otherwise disciplining such public servant, where such appointing officer is otherwise authorized to do so; provided, however, that such action by the appointing officer shall not preclude the board from exercising its powers and duties under this chapter with respect to the actions of any such public servant.

7. For the purposes of this subdivision, the term public servant shall include a former public servant.

**i. Annual report.**

The board shall submit an annual report to the mayor and the council in accordance with section eleven hundred and six of this charter. The report shall include a summary of the proceedings and activities of the board, a description of the education and training conducted pursuant to the requirements of this chapter, a statistical summary and evaluation of complaints and referrals received and their disposition, such legislative and administrative recommendations as the board deems appropriate, the rules of the board, and the index of opinions and orders of that year. The report, which shall be made available to the public, shall not contain information, which, if disclosed, would constitute an unwarranted invasion of the privacy of a public servant.

**j. Revision.**

The board shall review the provisions of this chapter and shall recommend to the council from time to time such changes or additions as it may consider appropriate or desirable. Such review and recommendation shall be made at least once every five years.

**k.**

Except as otherwise provided in this chapter, the records, reports, memoranda and files of the board shall be confidential and shall not be subject to public scrutiny.

**§2604. Prohibited interests and conduct.**

**a. Prohibited interests in firms engaged in business dealings with the city.**

1. Except as provided in paragraph three below,

(a) no public servant shall have an interest in a firm which such public servant knows is engaged in business dealings with the agency served by such public servant; provided, however, that, subject to paragraph one of subdivision b of this section, an appointed member of a community board shall not be prohibited from having an interest in a firm which may be affected by an action on a matter before the community or borough board, and

(b) no regular employee shall have an interest in a firm which such regular employee knows is engaged in business dealings with the city, except if such interest is in a firm whose shares are publicly traded, as defined by rule of the board.

2. Prior to acquiring or accepting an interest in a firm whose shares are publicly traded, a public servant may submit a written request to the head of the agency served by the public servant for a determination of whether such firm is engaged in business dealings with such agency. Such determination shall be in writing, shall be rendered expeditiously and shall be binding on the city and the public servant with respect to the prohibition of subparagraph a of paragraph one of this subdivision.

3. An individual who, prior to becoming a public servant, has an ownership interest which would be prohibited by paragraph one above; or a public servant who has an ownership interest and did not know of a business dealing which would cause the interest to be one prohibited by paragraph one above, but has subsequently gained knowledge of such business dealing; or a public servant who holds an ownership interest which, subsequent to the public servant's acquisition of the interest, enters into a business dealing which would cause the ownership interest to be one prohibited by paragraph one above; or a public servant who, by operation of law, obtains an ownership interest which would be prohibited by paragraph one above shall, prior to becoming a public servant or, if already a public servant, within ten days of knowing of the business dealing, either:

(a) divest the ownership interest; or

(b) disclose to the board such ownership interest and comply with its order.

4. When an individual or public servant discloses an interest to the board pursuant to paragraph three of this subdivision, the board shall issue an order setting forth its determination as to whether or not such interest, if maintained, would be in conflict with the proper discharge of the public servant's official duties. In making such determination, the board shall take into account the nature of the public servant's official duties, the manner in which the interest may be affected by any action of the city, and the appearance of conflict to the public. If the board determines a conflict exists, the board's order shall require divestiture or such other action as it deems appropriate which may mitigate such a conflict, taking into account the financial burden of any decision on the public servant.

5. For the purposes of this subdivision, the agency served by

(a) an elected official, other than a member of the council, shall be the executive branch of the city government,

(b) a public servant who is a deputy mayor, the director to the office of management and budget, commissioner of citywide administrative services, corporation counsel, commissioner of finance, commissioner of investigation or chair of the city planning commission, or who serves in the executive branch of city government and is charged with substantial policy discretion involving city-wide policy as determined by the board, shall be the executive branch of the city government,

(c) a public servant designated by a member of the board of estimate to act in the place of such member as a member of the board of estimate, shall include the board of estimate, and

(d) a member of the council shall be the legislative branch of the city government.

6. For the purposes of subdivisions a and b of section twenty-six hundred six, a public servant shall be deemed to know of a business dealing with the city if such public servant should have known of such business dealing with the city.

**b. Prohibited conduct.**

1. A public servant who has an interest in a firm which is not prohibited by subdivision a of this section, shall not take any action as a public servant particularly affecting that interest, except that

(a) in the case of an elected official, such action shall not be prohibited, but the elected official shall disclose the interest to the conflicts of interest board, and on the official records of the council or the board of estimate in the case of matters before those bodies,

(b) in the case of an appointed community board member, such action shall not be prohibited, but no member may vote on any matter before the community or borough board which may result in a personal and direct economic gain to the member or any person with whom the member is associated, and

(c) in the case of all other public servants, if the interest is less than ten thousand dollars, such action shall not be prohibited, but the public servant shall disclose the interest to the board.

2. No public servant shall engage in any business, transaction or private employment, or have any financial or other private interest, direct or indirect, which is in

conflict with the proper discharge of his or her official duties.

3. No public servant shall use or attempt to use his or her position as a public servant to obtain any financial gain, contract, license, privilege or other private or personal advantage, direct or indirect, for the public servant or any person or firm associated with the public servant.

4. No public servant shall disclose any confidential information concerning the property, affairs or government of the city which is obtained as a result of the official duties of such public servant and which is not otherwise available to the public, or use any such information to advance any direct or indirect financial or other private interest of the public servant or of any other person or firm associated with the public servant; provided, however, that this shall not prohibit any public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.

5. No public servant shall accept any valuable gift, as defined by rule of the board, from any person or firm which such public servant knows is or intends to become engaged in business dealings with the city, except that nothing contained herein shall prohibit a public servant from accepting a gift which is customary on family and social occasions.

6. No public servant shall, for compensation, represent private interests before any city agency or appear directly or indirectly on behalf of private interests in matters involving the city. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant.

7. No public servant shall appear as attorney or counsel against the interests of the city in any litigation to which the city is a party, or in any action or proceeding in which the city, or any public servant of the city, acting in the course of official duties, is a complainant, provided that this paragraph shall not apply to a public servant employed by an elected official who appears as attorney or counsel for that elected official in any litigation, action or proceeding in which the elected official has standing and authority to participate by virtue of his or her capacity as an elected official, including any part of a litigation, action or proceeding prior to or at which standing or authority to participate is determined. This paragraph shall not in any way be construed to expand or limit the standing or authority of any elected official to participate in any litigation, action or proceeding, nor shall it in any way affect the powers and duties of the corporation counsel. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant.

8. No public servant shall give opinion evidence as a paid expert against the interests of the city in any civil litigation brought by or against the city. For a public servant who is not a regular employee, this prohibition shall apply only to the agency served by the public servant.



9. No public servant shall,

(a) coerce or attempt to coerce, by intimidation, threats or otherwise, any public servant to engage in political activities, or

(b) request any subordinate public servant to participate in a political campaign. For purposes of this subparagraph, participation in a political campaign shall include managing or aiding in the management of a campaign, soliciting votes or canvassing voters for a particular candidate or performing any similar acts which are unrelated to the public servant's duties or responsibilities. Nothing contained herein shall prohibit a public servant from requesting a subordinate public servant to speak on behalf of a candidate, or provide information or perform other similar acts, if such acts are related to matters within the public servant's duties or responsibilities.

10. No public servant shall give or promise to give any portion of the public servant's compensation, or any money, or valuable thing to any person in consideration of having been or being nominated, appointed, elected or employed as a public servant.

11. No public servant shall, directly or indirectly,

(a) compel, induce or request any person to pay any political assessment, subscription or contribution, under threat of prejudice to or promise of or to secure advantage in rank, compensation or other job-related status or function.

(b) pay or promise to pay any political assessment, subscription or contribution in consideration of having been or being nominated, elected or employed as such public servant or to secure advantage in rank, compensation or other job-related status or function, or

(c) compel, induce or request any subordinate public servant to pay any political assessment, subscription or contribution.

12. No public servant, other than an elected official, who is a deputy mayor, or head of an agency or who is charged with substantial policy discretion as defined by rule of the board, shall directly or indirectly request any person to make or pay any political assessment, subscription or contribution for any candidate for an elective office of the city or for any elected official who is a candidate for any elective office; provided that nothing contained in this paragraph shall be construed to prohibit such public servant from speaking on behalf of any such candidate or elected official at an occasion where a request for a political assessment, subscription or contribution may be made by others.

13. No public servant shall receive compensation except from the city for performing any official duty or accept or receive any gratuity from any person whose

interests may be affected by the public servant's official action.

14. No public servant shall enter into any business or financial relationship with another public servant who is a superior or subordinate of such public servant.

15. No elected official, deputy mayor, deputy to a citywide or boroughwide elected official, head of an agency, or other public servant who is charged with substantial policy discretion as defined by rule of the board may be a member of the national or state committee of a political party, serve as an assembly district leader of a political party or serve as the chair or as an officer of the county committee or county executive committee of a political party, except that a member of the council may serve as an assembly district leader or hold any lesser political office as defined by rule of the board.

**c. This section shall not prohibit:**

1. an elected official from appearing without compensation before any city agency on behalf of constituents or in the performance of public official or civic obligations;

2. a public servant from accepting or receiving any benefit or facility which is provided for or made available to citizens or residents, or classes of citizens or residents, under housing or other general welfare legislation or in the exercise of the police power;

3. a public servant from obtaining a loan from any financial institution upon terms and conditions available to members of the public;

4. any physician, dentist, optometrist, podiatrist, pharmacist, chiropractor or other person who is eligible to provide services or supplies under title eleven of article five of the social services law and is receiving any salary or other compensation from the city treasury, from providing professional services and supplies to persons who are entitled to benefits under such title, provided that, in the case of services or supplies provided by those who perform audit, review or other administrative functions pursuant to the provisions of such title, the New York state department of health reviews and approves payment for such services or supplies and provided further that there is no conflict with their official duties; nothing in this paragraph shall be construed to authorize payment to such persons under such title for services or supplies furnished in the course of their employment by the city;

5. any member of the uniformed force of the police department from being employed in the private security field, provided that such member has received approval from the police commissioner therefor and has complied with all rules and regulations promulgated by the police commissioner relating to such employment;

6. a public servant from acting as attorney, agent, broker, employee, officer, director or consultant for any not-for-profit corporation, or association, or other such entity which operates on a not-for-profit basis, interested in business dealings with the city, provided

that:

(a) such public servant takes no direct or indirect part in such business dealings;

(b) such not-for-profit entity has no direct or indirect interest in any business dealings with the city agency in which the public servant is employed and is not subject to supervision, control or regulation by such agency, except where it is determined by the head of an agency, or by the mayor where the public servant is an agency head, that such activity is in furtherance of the purposes and interests of the city;

(c) all such activities by such public servant shall be performed at times during which the public servant is not required to perform services for the city; and

(d) such public servant receives no salary or other compensation in connection with such activities;

7. a public servant, other than elected officials, employees in the office of property management of the department of housing preservation and development, employees in the department of citywide administrative services who are designated by the commissioner of such department pursuant to this paragraph, and the commissioners, deputy commissioners, assistant commissioners and others of equivalent ranks in such departments, or the successors to such departments, from bidding on and purchasing any city-owned real property at public auction or sealed bid sale, or from purchasing any city-owned residential building containing six or less dwelling units through negotiated sale, provided that such public servant, in the course of city employment, did not participate in decisions or matters affecting the disposition of the city property to be purchased and has no such matters under active consideration. The commissioner of citywide administrative services shall designate all employees of the department of citywide administrative services whose functions relate to citywide real property matters to be subject to this paragraph; or

8. a public servant from participating in collective bargaining or from paying union or shop fees or dues or, if such public servant is a union member, from requesting a subordinate public servant who is a member of such union to contribute to union political action committees or other similar entities.

**d. Post-employment restrictions.**

1. No public servant shall solicit, negotiate for or accept any position (i) from which, after leaving city service, the public servant would be disqualified under this subdivision, or (ii) with any person or firm who or which is involved in a particular matter with the city, while such public servant is actively considering, or is directly concerned or personally participating in such particular matter on behalf of the city.

2. No former public servant shall, within a period of one year after termination of such person's service with the city, appear before the city agency served by such public servant; provided, however, that nothing contained herein shall be deemed to prohibit a former public servant from making communications with the agency served by the public servant which are incidental to an otherwise permitted appearance in an adjudicative proceeding before another agency or body, or a court, unless the proceeding was pending in the agency served during the period of the public servant's service with that agency. For the purposes of this paragraph, the agency served by a public servant designated by a member of the board of estimate to act in the place of such member as a member of the board of estimate, shall include the board of estimate.

3. No elected official, nor the holder of the position of deputy mayor, director of the office of management and budget, commissioner of citywide administrative services, corporation counsel, commissioner of finance, commissioner of investigation or chair of the city planning commission shall, within a period of one year after termination of such person's employment with the city, appear before any agency in the branch of city government served by such person. For the purposes of this paragraph, the legislative branch of the city consists of the council and the offices of the council, and the executive branch of the city consists of all other agencies of the city, including the office of the public advocate.

4. No person who has served as a public servant shall appear, whether paid or unpaid, before the city, or receive compensation for any services rendered, in relation to any particular matter involving the same party or parties with respect to which particular matter such person had participated personally and substantially as a public servant through decision, approval, recommendation, investigation or other similar activities.

5. No public servant shall, after leaving city service, disclose or use for private advantage any confidential information gained from public service which is not otherwise made available to the public; provided, however, that this shall not prohibit any public servant from disclosing any information concerning conduct which the public servant knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.

6. The prohibitions on negotiating for and having certain positions after leaving city service, shall not apply to positions with or representation on behalf of any local, state or federal agency.

7. Nothing contained in this subdivision shall prohibit a former public servant from being associated with or having a position in a firm which appears before a city agency or from acting in a ministerial matter regarding business dealings with the city.

**e. Allowed positions.**

A public servant or former public servant may hold or negotiate for a position otherwise prohibited by this section, where the holding of the position would not be in conflict with the purposes and interests of the city, if, after written approval by the head of the agency or agencies involved, the board determines that the position involves no such conflict. Such findings shall be in writing and made public by the board.

**§2605. Reporting.**

No public servant shall attempt to influence the course of any proposed legislation in the legislative body of the city without publicly disclosing on the official records of the legislative body the nature and extent of any direct or indirect financial or other private interest the public servant may have in such legislation.

**§2606. Penalties.**

a. Upon a determination by the board that a violation of section twenty-six hundred four or twenty-six hundred five of this chapter, involving a contract work, business, sale or transaction, has occurred, the board shall have the power, after consultation with the head of the agency involved, or in the case of an agency head, with the mayor, to render forfeit and void the transaction in question.

b. Upon a determination by the board that a violation of section twenty-six hundred four or twenty-six hundred five of this chapter has occurred, the board, after consultation with the head of the agency involved, or in the case of an agency head, with the mayor, shall have the power to impose fines of up to twenty-five thousand dollars, and to recommend to the appointing authority, or person or body charged by law with responsibility for imposing such penalties, suspension or removal from office or employment.

b-1. In addition to the penalties set forth in subdivisions a and b of this section, the board shall have the power to order payment to the city of the value of any gain or benefit obtained by the respondent as a result of the violation in accordance with rules consistent with subdivision h of section twenty-six hundred three.

c. Any person who violates section twenty-six hundred four or twenty-six hundred five of this chapter shall be guilty of a misdemeanor and, on conviction thereof, shall forfeit his or her public office or employment. Any person who violates paragraph ten of subdivision b of section twenty-six hundred four, on conviction thereof, shall additionally be forever disqualified from being elected, appointed or employed in the service of the city. A public servant must be found to have had actual knowledge of a business dealing with the city in order to be found guilty under this subdivision, of a violation of subdivision a of section twenty-six hundred four of this chapter.

d. Notwithstanding the provisions of subdivisions a, b and c of this section, no

penalties shall be imposed for a violation of paragraph two of subdivision b of section twenty-six hundred four unless such violation involved conduct identified by rule of the board as prohibited by such paragraph.

**§2607. Gifts by lobbyists.**

Complaints made pursuant to subchapter three of chapter two of title three of the administrative code<sup>1</sup> shall be made, received, investigated and adjudicated in a manner consistent with investigation and adjudication of conflicts of interest pursuant to this chapter and chapter thirty-four.

## APPENDIX A

### Lobbyist Gift Law

#### **§ 3-224 through § 3-228 of the Administrative Code**

**§ 3-224. Definitions.**

Whenever used in this subchapter, the term “public servant” shall mean a public servant as defined in subdivision nineteen of section two thousand six hundred one of the charter.

**§ 3-225. Prohibition of gifts.**

No person required to be listed on a statement of registration pursuant to section 3-213(c)(1) of subchapter 2 of this chapter shall offer or give a gift to any public servant.

**§ 3-226. Enforcement.**

Complaints alleging violations of this subchapter shall be made, received, investigated and adjudicated in a manner consistent with investigations and adjudications of conflicts of interest pursuant to chapters sixty-eight and thirty-four of the charter.

**§ 3-227. Penalties.**

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<sup>1</sup> This subchapter, § 3-224 through § 3-228 of the Administrative Code, is set forth in Appendix A herein.

Any person required to be listed on the statement of registration pursuant to section 3-213(c)(1) that knowingly and willfully violates any provision of this subchapter shall be subject to a civil penalty, which for the first offense shall be not less than two thousand five hundred dollars and not more than five thousand dollars, for the second offense not less than five thousand dollars and not more than fifteen thousand dollars, and for the third and subsequent offenses not less than fifteen thousand dollars and not more than thirty thousand dollars. In addition to such civil penalties, for the second and subsequent offenses a person required to be listed on the statement of registration pursuant to section 3-213(c)(1) that knowingly and willfully violates the provisions of this subchapter shall also be guilty of a class A misdemeanor.

**§ 3-228. Rulemaking.**

The conflicts of interest board, in consultation with the clerk, shall adopt such rules as necessary to ensure the implementation of this subchapter, including rules defining prohibited gifts and exceptions including de minimis gifts, such as pens and mugs, gifts that public servants may accept as gifts to the city and gifts from family members and close personal friends on family or social occasions, and to the extent practicable, such rules shall be promulgated in a manner consistent with the rules and advisory opinions of such board governing the receipt of valuable gifts by public servants.

## **Section 6 – Employee Conduct**

### **6.1 Dress Code**

This Dress Code is a guide for all employees of the NYC Housing Development Corporation, regarding professional standards of dress in the workplace. HDC expects all employees to dress appropriately for the workplace to instill confidence in those we serve and to reflect professionalism. Employee appearance contributes to HDC's culture and reputation. Employees are expected to present themselves in a professional manner that results in favorable impressions by clients and colleagues.

HDC is a professional organization with a high level of visibility in the New York City business community, whose mission it is to increase the supply of multi-family housing, stimulate economic growth, and revitalize neighborhoods by financing the creation and preservation of affordable housing for low-, moderate-, and middle-income New Yorkers. Appropriate behavior and appearance of staff promotes this mission and fosters a professional atmosphere. Professional attire exemplifies a high standard of service and respect for oneself and for others.

HDC Department or Division Heads may exercise reasonable discretion to determine appropriateness in employee dress and appearance. Employees who do not meet a professional standard may be sent home to change.

Reasonable Accommodations will be made where required.

#### **Business Professional Attire**

Traditional business attire is expected of all employees. Basic elements for appropriate and professional business attire include clothing that is in neat and clean condition.

Under the New York City Human Rights Law, employers and covered entities may not require dress codes or uniforms, or apply grooming or appearance standards, which impose different requirements for individuals based on sex or gender.

#### **Examples of Appropriate Business Professional Attire**

- All shirts with collars including polo shirts
- Business casual crewneck or V-Neck shirts
- Blouses or knit tops
- Slacks
- Trousers
- Sweaters
- Skirts/Dresses (of appropriate business length)
- Blazers/jackets
- Neckties
- Business-style shoes, boots or heels
- Jeans and denim skirts or dresses (of appropriate business length) – **only** on Fridays. Denim leggings, and jeans with holes, tears, stains, or patches are strictly prohibited. Business attire is still required for formal meetings and appointments with internal/external colleagues, vendors, press conferences, and related events where denim is not appropriate.



## **Examples of Inappropriate Attire**

- Torn, ripped or frayed clothing
- Mini skirts
- Halter tops, tube tops
- Clothing that is overly sheer or revealing
- Shorts
- Sweatpants, sweatshirts
- Jogging suits
- Muscle shirts
- Shirts with slogans and/or logos, offensive language, or images
- House slippers, rubber flip-flops
- Clothing that is too tight or too revealing
- T-Shirts/Undershirts
- Sports Jerseys

Neither category of examples is intended to be all-inclusive. Rather, the above items should help set parameters for proper business attire and allow the employee to make good judgements about items that are not specifically addressed.

Management may make exceptions for work-related tasks, protective clothing, special occasions, or in the case of inclement weather. An employee who is unsure of what is appropriate should check with their manager or supervisor.

## **6.2 Absenteeism and Tardiness**

HDC expects all employees to assume diligent responsibility for their attendance and promptness. Recognizing, however, that illnesses and injuries may occur, HDC has established sick leave, short-term and long-term disability benefits plans to compensate full-time regular and part-time regular employees for certain time lost for legitimate medical reasons, including time off to secure necessary treatment for a disability. (Please consult the appropriate sections of this handbook for information regarding these benefits.)

If you are unable to work because of illness, you must notify your supervisor or your department head by 9:00 A.M. on each day of your absence unless you are granted an authorized medical leave, in which case different notification procedures apply. (See the Family and Medical Leaves of Absence policy earlier in this handbook.) Failure to properly notify HDC will result in an unexcused absence. Depending upon circumstances, an employee who does not report in to their supervisor or department head will be considered to have resigned.

If you are absent for more than three consecutive workdays related to illness, a statement from a physician is required before you will be permitted to return to work. In such instances, HDC also reserves the right to require you to submit to an examination by a physician designated by HDC at its discretion. In addition, HDC may require you either to submit a statement from your physician or to be examined by a company-designated physician in other instances at its discretion (e.g., where an employee's record indicates a pattern of short absences and or frequent absences before or after holidays and weekends).

As specified under the policy entitled Work Hours on page 3-4 of this handbook, all employees are responsible for completing a seven-hour day of productive, authorized work activities, not including time taken for breaks and lunch. Any break time for any reason should therefore be made up during the day to

produce a minimum seven-hour workday. Leaving the premises for any personal reason, other than for lunch, must further be authorized by an employee's supervisor.

Absenteeism or tardiness that is unexcused or excessive in the judgment of HDC is grounds for disciplinary action, up to and including dismissal.

### **6.3 Guidelines for Appropriate Conduct**

As an integral member of the HDC team, you are expected to accept certain responsibilities, adhere to acceptable business principles in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This not only involves respect for the rights and feelings of others but also demands that both in your business and in your personal life you refrain from any behavior that might be harmful to you, your coworkers, and/or HDC, or that might be viewed unfavorably by current or potential customers, or by the public at large.

Whether you are on or off duty, your conduct reflects on HDC. You are, consequently, encouraged to observe the highest standards of professionalism at all times.

Listed below are some of the rules and regulations of HDC. This list should not be viewed as being all-inclusive. Types of behavior and conduct that HDC considers inappropriate, and which could lead to disciplinary action up to and including immediate termination of employment without prior warning, at the sole discretion of HDC, include but are not limited to the following:

- Falsifying employment or other HDC records;
- Violating HDC's nondiscrimination and/or sexual harassment policy;
- Soliciting or accepting gratuities from customers or clients;
- Establishing a pattern of excessive absenteeism or tardiness;
- Engaging in any outside activity that interferes or is in conflict with an employee's duties;
- Engaging in any personal business, including not for profit activities, on HDC's premises, whether or not conducted during work hours and involving use of HDC's equipment and other facilities;
- Engaging in excessive, unnecessary, or unauthorized use of HDC's supplies and equipment, particularly for personal purposes;
- Reporting to work intoxicated or under the influence of non-prescribed drugs;
- Illegally manufacturing, possessing, using, selling, distributing, or transporting drugs;
- Bringing or using alcoholic beverages on HDC property or using alcoholic beverages while engaged in HDC business off HDC's premises, except when authorized;
- Fighting or using obscene, abusive, or threatening language or gestures;
- Stealing or damaging property belonging to coworkers, customers, or clients of HDC;
- Having firearms or other weapons on HDC premises or while on HDC business;
- Disregarding safety or security regulations;
- Personalizing individual work areas in an inappropriate or unprofessional manner;
- Engaging in insubordination;
- Failing to maintain the confidentiality of HDC, customer, or client information;
- Inappropriate use of e-mail (see Page 6-8);
- Smoking in any part of the building at 110 William Street, whether occupied by HDC; and
- Retaliating or taking other adverse action against any employee for having in good faith reported or assisted in resolving an integrity concern.

If your performance, work habits, overall attitude, conduct, or demeanor becomes unsatisfactory in the judgment of HDC, based on violations either of the above or of any other HDC policies, rules, or regulations, you will be subject to disciplinary action, up to and including dismissal.

## **6.4 Confidentiality of Information**

It is the policy of HDC to ensure that the operations, activities, and business affairs of HDC and our clients are kept confidential to the greatest possible extent consistent with applicable laws. If, during their employment, employees acquire confidential or proprietary information about HDC and its clients, such information is to be handled in strict confidence and not to be discussed with third parties, including former employees of HDC, unless the sharing of any such information is appropriate in the performance of an employee's professional responsibilities, as determined by HDC or specifically authorized by the employee's supervisor. Employees also are responsible for the internal security of such information.

An employee who is requested by a third party to provide confidential or proprietary information concerning HDC, other than in the ordinary course of business, should refer the request to the appropriate individual for disposition.

According to the type of information requested, requests should be referred to:

Legal	For requests under the Freedom of Information Law (FOIL) or other requests of a legal nature
Communications	For requests from the press or anyone else associated with the media. (See Press Policy)
Human Resources	For requests concerning current or former employees, including reference requests.
Employee's Department Head	Any other type of Information

Employees found to be violating this policy are subject to disciplinary action, up to and including termination, and also may be subject to civil and/or criminal penalties.

### **Reference Checks**

It is the policy of HDC to respond in writing to requests for references received from prospective employers of former HDC employees. Supervisors who receive these requests and wish to respond should prepare a response and forward it to the Human Resources division or refer the prospective employer directly to the Human Resources division for preparation of a written response.

## **6.5 Press Policy**

### **Statements on Behalf of the Corporation**

The Communications Division of the Corporation has been designated as the Corporation's principal avenue of communication with the media and the public. No employee, except an employee designated to do so by the Communications Division or the President, may present themselves as expressing the views of the Corporation. An employee receiving an inquiry from the media seeking a statement on behalf of the Corporation or a statement by an employee in his or her official capacity should refer the inquiry to the Communications Division.

### **Employee Statements in their Personal Capacities**

Any employee who is invited to or intends to make a statement to a governmental agency, private organization or the media in his or her personal capacity regarding Corporate policies or operations shall communicate to his or her audience that the statement is not being made in the employee's official capacity and that such statement represents solely the employee's opinions and does not necessarily represent the position of the Corporation. Such statements, whether written or oral, shall be made on the employee's own time and not on the Corporation's time. Any employee who is invited to or intends to speak to a governmental agency, private organization or the media in his or her personal capacity should contact Communications, Government Affairs, or the President's office for advice or to request background or other information on the subject matter at issue.

### **Statements Disruptive to the Operations of the Corporation**

Employees who make statements that are disruptive to the operations of the agency may be subject to disciplinary action.

## **6.6 Use of HDC's Technology Resources**

### **General Policy**

HDC must be able to secure its network and computer systems in a reasonable and economical manner against unauthorized access, use or abuse, while at the same time making them accessible to authorized users for legitimate business purposes. This responsibility includes informing users of expected standards of conduct, and the consequences of not adhering to them.

### **Definitions, Responsibilities, Authorities**

Electronic Information Systems include, but are not limited to, all HDC-owned or leased computer, facsimile, voice mail and telephone equipment, all associated software and hardware, all on-line services provided by HDC including cloud services, all HDC-provided e-mail accounts, all Internet sites maintained for or by HDC, and all logins, passwords, data, files, all types of messages including text and chat, communications and information transmitted by, received from, entered into, or stored in these systems.

Electronic Information Systems are the property of HDC, and the Corporation has absolute control over all user access.

It is the responsibility of each user to use the Electronic Information Systems in a professional manner. Each user is also expected to adhere to all security and other guidelines established by HDC.

## **Violations of This Policy**

Violations of this policy will result in disciplinary action ranging from counseling and/or the revocation (temporary or permanent) of user access to termination of employment. The users of HDC's network, computer systems and other information technology resources are responsible for respecting and adhering to all applicable local, state, federal, and international laws relating to the access and use of computer systems and software. HDC will cooperate fully with appropriate authorities to provide information related to actual or suspected activity not consistent with the law.

## **Privacy**

Users have no right to privacy while using HDC owned Technology Systems and HDC owned Devices (please refer to the below BYOD Policy for separate information pertaining to employee-owned devices). Therefore, employees shall have no expectation of privacy in any message, file, data, document, facsimile, or any other form of information accessed, transmitted to, received from, or stored on any electronic communication or information system owned, leased, used, maintained, moderated or otherwise operated by HDC or its clients. The use, creation or change of any password, code or any method of encryption or the capacity to delete or purge files or messages, whether or not authorized by HDC, similarly shall not be understood to give an employee any expectation of privacy in any message, file, data, document, communication, facsimile, or other form of information transmitted to, received from, or stored on any system owned, leased, used, maintained, moderated or otherwise operated by HDC or its clients.

Notwithstanding the foregoing, HDC endeavors to maintain the confidentiality of our internal e-mail system and other electronically-stored information, and we ask that everyone respect that confidentiality. To safeguard and protect the proprietary, confidential and sensitive business information of HDC and to ensure that the use of all Electronic Information Systems is consistent with HDC's legitimate business interests, authorized representatives of HDC may monitor the use of such systems both on cloud and on premise, messages, files on the systems and equipment.

HDC reserves the right to disclose any electronic activity, including electronic communications, to law enforcement officials or third parties, as appropriate and consistent with New York State Freedom of Information Law (FOIL). The Corporation will fully cooperate with local, state, or federal officials in any lawful investigation concerning or relating to any illegal activities conducted through the Corporation's Internet Systems.

## **General Provisions**

- A. *Use of Systems Limited to Business Purposes* -- All Electronic Information Systems are to be used solely for job-related purposes. HDC employees are permitted limited personal use of the Technology resources if the use does not interfere with or otherwise impede the Corporation's operations or employee productivity and involves no more than a minimal additional expense to HDC. HDC employees may engage in the limited personal use of the technology resources only at times that do not conflict with the employee's official duties and responsibilities. Limited personal use of the technology resources is at the sole risk of the employee, and HDC is not responsible for any loss or damages resulting from such personal use.
- B. *Modifying Software* -- Employees may not install or modify any software on HDC's computer hardware without IT approval.
- C. *Modifying Hardware* -- Employees are not permitted to modify existing hardware or connect personal computers to HDC's computer network without IT approval.

- D. *Remote or Off-Site Access* -- The restrictions and limitations established in this policy apply equally to any remote or off-site use of Electronic Information Systems.
- E. *Representing HDC Policy* -- It is a violation of this policy for an employee, without proper authorization, to post a message on any Electronic Information System including Social media which may reasonably be interpreted as representing the policy of HDC.
- F. *Intellectual Property* -- Electronic Information Systems may provide access to material protected by copyright, trademark, patent, trade secrets and export law. Employees may not assume that merely because information is available on an Electronic Information System to which HDC has access, that it may be downloaded or further disseminated. It is the responsibility of each HDC employee to ensure that use of any material from an Electronic Information System will not violate applicable law or intellectual property rights of any third party. If an employee is unsure as to whether the downloading or use of such material violates the rights of a third party or applicable law, the employee should make no use of such material (including downloading it) until the employee has received appropriate approval. Likewise, no HDC proprietary information, or any material protected by copyright, trademark, patent, trade secrets and export law may be placed on an Electronic Information Systems without the express written permission of HDC.

### **Electronic Mail (email) Policy**

The Corporation provides employees with internal and external electronic mail (email) facilities for corporate business purposes. All email users should exercise good judgment, forethought and common sense when creating and distributing email messages. Each employee is responsible for ensuring that his or her use of the Electronic Information Systems is not offensive or rude. Listed below are simple rules to be followed when using email:

Corporate wide email is to be used for business purposes only. This requirement applies to all use of email. To reinforce this, we have installed email filtering software that filters any inappropriate inbound emails. As a potential consequence of email filtering, resulting "false positives" may be produced. A "false positive" occurs when legitimate email destined for an HDC employee is filtered. If an employee suspects that they have not received any emails because they have been filtered, they should contact the Help Desk.

Attempts to read, copy, modify or delete email messages intended for other users are prohibited. Employees should be prudent therefore about what they say and send. Employees should be mindful that any email that is sent contains name, user id and location and that the message can be as permanent as conventionally mailed letters and materials.

When using email, employees should have no expectation of privacy. Furthermore, the same grammatical rules that apply in writing any memo apply equally in writing an email. Messages should be prepared in a standard, readable font. Although use of different colors or bolding a word can enhance something important, it is easy to overdo different font styles, making messages difficult to read.

All inbound and outbound Internet e-mail is automatically tracked by sender name, receiver name and subject line. This information is maintained and is considered public information to HDC management. Employees should be tactful in email communications. Since the recipient of an email message cannot see or hear the sender, some of what can be conveyed on the telephone or in person will not be communicated by email.

Since email is not the only available means of communicating, employees should, as necessary, consult their

supervisor or manager to help in determining which methods are most appropriate for business communications. Depending upon the circumstances, emails may be subject to recovery and disclosure in legal proceedings.

Email by default is not secure. Employees should use caution when opening email attachments and clicking links and also when sending sensitive information via email.

Forgery (or attempted forgery) of email messages is prohibited.

Sending harassing, threatening, obscene, discriminatory, inappropriate, or other objectionable messages (as determined by HDC) via email to anyone is prohibited.

Sending unsolicited junk mail (whether to one or multiple recipients, i.e., spamming), “for profit” messages, and chain letters is prohibited.

To deter misuse, HDC reserves the right to monitor, access, and even retrieve electronic information and files. Email is backed up nightly and archived daily. Email archives are retained offsite.

Although NYCHDC’s email system is meant for business use, NYCHDC allows the reasonable use of email for personal use if certain guidelines are adhered to:

- Personal use of email should not interfere with work.
- Personal emails must also adhere to the guidelines in this policy.
- The forwarding of chain letters, junk mail, jokes and links/programs is strictly forbidden.
- All messages distributed via the company’s email system, even personal emails, are NYCHDC’s property.

### **Internet Policy**

It is important to remember that the Internet is intended to be used for business purposes only. Any employee found to be using the Internet for purposes other than company business may be subject to disciplinary action, up to and including termination of employment. Displaying, downloading or distributing any sexually-explicit or other inappropriate material is strictly prohibited. Employees may not download software or files from the Internet without prior written approval of their department head and Helpdesk.

### **Social Media**

Social media is defined as any form of online publication or presence that allows interactive communication, including, but not limited to, social networks, blogs, file-sharing, user-generated video or audio, Internet websites, Internet forums, and wikis. Examples of social media include, but are not limited to, Facebook, Instagram, Twitter, Pinterest, YouTube, Snapchat, LinkedIn.

Any participation in social media on behalf of HDC/for business purposes must be meaningful and respectful. Employees are prohibited from using slurs, personal insults, obscenity or engaging in any other communications or behavior that would not be acceptable in Company's workplace. All posts should be on-topic, appropriate, professional and polite. Employees are reminded to carefully consider and review all content before posting.

Employees are strongly discouraged from making disparaging remarks or derogatory comments about

competitors, suppliers, vendors, consultants or agents of the organization. Employees may not disparage clients, customers, partners or suppliers on any form of social media, whether through business or personal use of social media.

HDC is in the process of further developing a comprehensive social media policy. If you have any questions, please contact Human Resources.

### **Long Distance/General Phone Usage**

Each employee will be assigned a personal identification number (PIN) for use in making long distance calls.

Under current New York State law, use of a hand-held cell phone while operating a motor vehicle is prohibited. Employees should therefore refrain from using an HDC provided cell phone or from conducting HDC business by cell phone, whether or not provided by HDC, while driving, even if using a hands-free device.

### **Bring Your Own Device (BYOD)**

HDC permits users to use personally owned smart phones. This BYOD policy is intended to promote flexibility for employees while reducing the number of business-owned wireless communication devices. The intended benefits of this program are twofold: Many employees carry personal devices in addition to the business-issued device. With the advances in technology, efficiencies can be gained through the combination of these devices. In addition to end-user efficiency, combining devices can result in savings for the business.

This differs from policy for business-provided equipment/services, where employees do not have the right, nor should they have the expectation, of privacy while using NYCHDC equipment or services. While NYCHDC access to the personal device itself is limited, NYCHDC Policy and ROB regarding the use/access of business e-mail and other system/service remain in effect. Users should note that, once a user joins the BYOD program, there will not be an option to have an NYCHDC-provided Mobile Device.

For more information on the BYOD Policy, please review the full [BYOD Policy](#) located on the HDC Intranet, or contact Helpdesk for assistance.

### **Laptops**

Also for reasons of business necessity, some employees may require home or other special use of electronic equipment such as laptops and computers. Requests for use of equipment outside of the office should be made by completing an Equipment Release Form. This form is available on the Intranet portal.

### **Lost/Stolen/Damaged Equipment**

Employees are personally responsible for the value of any equipment that is lost, stolen, or damaged while assigned to them. Lost or stolen equipment must be reported to the Help Desk as soon as possible so that corporate data can be erased for the device.

### **Return of Equipment**

Equipment assigned to employees must be returned upon the employee's leaving HDC or if sooner, when requested by HDC. Further details concerning IT Policies and Procedures are located on the Intranet portal.



## **6.7 Smoking**

As required by the New York City Smoke-Free Air Act and the New York State Clean Indoor Air Act, smoking or electronic cigarette (e-cigarettes) use is prohibited in any part of HDC's offices. E-cigarettes include e-hookahs, e-cigars, vape pens and similar products. The use of e-cigarettes of any kind is not allowed in the workplace under this policy. This prohibition covers all individually-assigned workspaces, including offices with doors, conference rooms, libraries, restrooms, file rooms, and any other area. The City's and State's anti-smoking laws similarly prohibit smoking in any part of the building at 110 William Street that is not occupied by HDC, including hallways, stairwells, restrooms and other common areas.

HDC supports all employees who want to quit smoking. Employees can call the New York State Quitline at 1-866-NY-QUITS, visit <https://nysmokefree.com/> or call 311 for more information.

## **6.8 Drug-Free Workplace**

It is the policy of HDC to create a drug-free workplace. The use of controlled substances is inconsistent with the behavior expected of employees, subjects all employees and visitors in our facilities to unacceptable safety risks, and undermines HDC's ability to operate effectively and efficiently. In this connection, the unlawful manufacture, distribution, dispensation, possession, sale, or use of a controlled substance in the workplace or while engaged in HDC business off HDC's premises is strictly prohibited. Such conduct is also prohibited during non-working time to the extent that, in the opinion of HDC, it impairs an employee's ability to perform on the job or threatens the reputation or integrity of HDC.

Employees who violate any aspect of this policy may be subject to disciplinary action up to and including termination. At its discretion, HDC may require employees who violate this policy to successfully complete a drug-abuse assistance or rehabilitation program as a condition of continued employment.

## **6.9 Safety and Health**

HDC is committed to providing a safe and healthful working environment. In this connection, HDC makes every effort to comply with relevant federal and state occupational health and safety laws and to develop the best feasible operations, procedures, technologies, and programs conducive to such an environment.

HDC's policy is aimed at minimizing the exposure of our employees, customers, and other visitors to our facilities to health or safety risks. To accomplish this objective, all HDC employees are expected to work diligently to maintain safe and healthful working conditions and to adhere to proper operating practices and procedures designed to prevent injuries and illnesses.

## **6.10 Emergency Response Procedure**

In response to an emergency, or situation that could become an emergency - whether real or threatened - that disrupts normal business operations at HDC's offices, the following procedure has been developed to promote employee safety to the greatest extent possible under the circumstances. Employees should accordingly become thoroughly familiar with the guidelines under this procedure. No procedure of this type, however, can possibly anticipate every contingency. Therefore, while this procedure will serve to

provide general guidance, employees should be prepared to follow the directives of appropriate HDC officials, Police, Fire, or other New York City officials, or building management at 110 William Street. In the absence of official directive, employees may find it necessary to act according to their own best judgment.

The general guidelines for responding to an emergency are as follows:

HDC maintains a Fire Safety Brigade consisting of Fire Wardens, Deputy Fire Wardens and Searchers for each floor HDC occupies. During fire emergencies, this team assists in evacuating occupants and reporting evacuation status to the building's *Fire Safety* Director. A Fire Safety Staffing chart is posted on each floor next to the Fire Warden phone station.

In the event of an emergency or disruption to normal operations, the first reaction should be to remain calm and call the Security/Property Management Office to report the emergency (see below emergency contact information). This will set in motion several events simultaneously, including the immediate dispatch of the building's Fire Safety Brigade and, if the situation requires, qualified assistance for fire, medical, and other agencies as dictated by the emergency.

In the event that it becomes necessary to evacuate part or all of the building, remain calm and listen to the instructions being given over the public address system, and by emergency personnel. Emergency Exit Stairwells are to be used for evacuation. Do not use elevators unless instructed to do so over the public address system, or by Police or Fire Department representatives. When using the Emergency Exit Stairwell, keep to the right so that incoming emergency personnel can utilize the stairwell.

If directed to evacuate the building, employees should leave directly from the floor they are on when so instructed. Similarly, if notified to evacuate the building, employees who are out of their offices should not return to their offices to retrieve personal belongings. This will assist in ensuring that all employees are accounted for, and offices are evacuated as quickly as possible.

In an evacuation from the building, employees should regroup within the triangular park located at the southwest corner of William Street and Maiden Lane. If under the circumstances this assembly point is unsafe, or employees are otherwise prevented from going there, employees should instead regroup at the park located at the intersection of Fulton and Gold Streets. If these locations are not safe or accessible and employees have not been given alternate instructions, they should simply leave the area by the safest available route.

If after an emergency the office is closed on the subsequent or any subsequent business day, employees will normally be notified via the "Send Word Now" messaging system by telephone or other means provided for personal contact. Depending upon their responsibilities, certain employees may be required to report to a temporary office site to continue necessary operations.

During an emergency, as well as at other times, it is essential that HDC be able to contact employees who are away from the office. To ensure that the Corporation has current contact information, every employee is responsible for notifying Human Resources immediately of any change in telephone number, cell phone number, e-mail address, emergency contact, and other personal contact information by updating their personal profiles within the HR Workforce Management System (Ceridian Dayforce).

If the office is closed because of an emergency or other extreme circumstance, all employees must always be reachable during business hours. If an employee cannot be reached through any of the contact information on record with the Corporation, the employee should provide the supervisor with an alternate number or other means of contact for that period.

**Important Contact Numbers in Case of Emergency:**

Building Management at 110 William Street	(212) 964 – 0100
110 William Street Lobby/Security Desk	x110

**6.11 New York City’s Conflict of Interest Law**

Pursuant to a Memorandum of Understanding with the New York City Department of Investigation, HDC employees are required to comply with the provisions of the New York City Conflict of Interest Board as set forth in Chapter 68 of the New York City Charter. All employees are provided with copies of the Rules of the City of New York Title 53 and Chapter 68 of the New York City Charter and are required to familiarize themselves with the requirements and to follow these requirements in performing their job responsibilities. These copies constitute part of this handbook and should therefore be maintained with this handbook for future reference.

**Obtaining Advice**

If you have questions concerning your responsibilities under Chapter 68, you should contact the Conflicts of Interest Board at 212-442-1400. You may also contact HDC’s Ethics Officer, Melissa Barkan, at [mbarkan@nychdc.com](mailto:mbarkan@nychdc.com) for guidance.

**Important Reminders**

Reporting Misconduct by Others: If you become aware of possible violations of the City’s conflict of interest rules, you should report them immediately to HDC’s Inspector General. HDC’s Inspector general and contact information can be found by visiting the following website:

<https://www1.nyc.gov/site/doi/contact/contact-inspectors-general.page>

As of August 2019, HDC’S Inspector General is:

JESSICA HEEGAN - Inspector General  
[jheegan@doi.nyc.gov](mailto:jheegan@doi.nyc.gov)  
180 Maiden Lane, New York, N.Y. 10038  
212-825-3502  
Fax: 212-825-3238

Retaliating or taking other adverse action against anyone for having in good faith reported a possible violation is prohibited by law. If you believe you may have been retaliated against for doing so, you should contact HDC’s Inspector General.

## **Your Cooperation with Investigations**

By law you must cooperate with investigations by the Inspector General and Department of Investigation regarding possible conflicts of interest, corruption, or other misconduct. In addition to being required to report to the Commissioner of the Department of Investigation or the HDC Inspector General, employees are permitted to report to the general counsel and/or the Audit Committee.

## **6.12 Business Conduct**

The New York City Department of Investigation provides HDC with oversight and guidance on acceptable business practices. Any employee who, in performing his or her job responsibilities, (1) has a question as to the propriety of any particular directive, regardless of the individual who issued the directive, or (2) who learns of a situation that may reasonably be considered improper or illegal business conduct, regardless of whether the employee is personally involved is expected to report the suspected improper or illegal conduct to HDC's General Counsel, and/or the Audit Committee. Any such contact will be treated with the utmost confidentiality, consistent with the requirements of applicable law or regulation.

All employees must report criminal activity, conflicts of interest, gross mismanagement, or abuse of authority to the Commissioner of the Department of Investigation, the HDC Inspector General, or an officer or employee under their supervision. In addition to being required to report such activities to these authorities, employees are permitted to report to HDC's General Counsel and/or the Audit Committee.

Any form of retaliatory or other adverse action by any HDC employee against another employee for having in good faith made a report under this policy or assisted in resolving an integrity concern is strictly prohibited. An employee who believes that he or she may have been retaliated against or subjected to other adverse action for doing so should contact the Inspector General at the above number.

## **6.13 Invitations to Business/Social Events**

HDC recognizes that employees may be invited, in their professional capacities, to attend a dinner, conference, or other business/social event as a speaker or panelist or simply as an attendee. For any such occasion, employees should decline the invitation if attending would create, or even give the appearance of creating, a conflict of interest under the New York City conflict of interest law or in relation to carrying out the responsibilities of their positions with HDC.

Any questions as to whether accepting a particular invitation would create a conflict or the appearance of a conflict under this policy should be referred to HDC's Ethics Officer, Melissa Barkan, at [mbarkan@nychdc.com](mailto:mbarkan@nychdc.com) for guidance.

To request approval to attend an event on behalf of HDC, please complete the [Event Attendance Approval Form](#) located on the HDC website. Once completed, please submit this form to your Department Head and the President's Office for approval.