

# Code of Ethics Policy



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## Background:

The Connecticut Port Authority (CPA) is committed to the highest ethical standards by its Board of Directors, managers and employees (members). This Ethical Conduct Policy is intended to establish and maintain high standards of honesty and integrity for all members of the CPA. Individuals in public service occupy roles and positions of trust and responsibility that require them to adhere to the highest ethical standards. Ethical conduct and the avoidance of even the appearance of impropriety are extremely important in the relationships that members of the CPA have with the public, other governmental organizations and representatives, and tenants, lessees and contractors, whether they be current or potential.

## Policy:

This policy is intended to provide guidance to CPA members in determining what conduct is prohibited so that it may be avoided. It is intended to supplement the Connecticut Code of Ethics for Public Officials (Code) and other applicable provisions of the Connecticut General Statutes. A very useful resource for members of the CPA with regard to the Code is the guide prepared and updated annually by the Office of State Ethics (OSE). It may be found on the Internet at:

[http://www.ct.gov/ethics/lib/ethics/guides/2012/public\\_officials\\_and\\_state\\_employees\\_guide\\_december\\_2012\\_rev.pdf](http://www.ct.gov/ethics/lib/ethics/guides/2012/public_officials_and_state_employees_guide_december_2012_rev.pdf)

The provisions of this policy represent the minimum expectations for compliance by members of the CPA. Since it is impossible to articulate in a policy such as this each and every type of issue that may arise for CPA members, they are encouraged to raise questions with the Executive Director, the CPA's Ethics Liaison, their supervisor or manager, or the OSE.

It is expected that all members of the CPA will comply with the provisions contained within this policy and the Code. Violations of these provisions may subject a member to administrative and/or disciplinary sanctions.

A copy of this policy will be provided to each member of the CPA and will be posted on the CPA's Internet and Intranet sites. It will also be included among the materials provided to all new members of the CPA. Finally, the CPA will make this policy available to all vendors, lessees, tenants, contractors and other business entities doing business with the CPA.

## I. Gifts and/or Payments

No member of the CPA or member of his/her immediate family,(spouse, child, child's spouse, parent, sibling) shall either individually or as a member of a group, directly or indirectly, accept or solicit any gift, discount or gratuity from any restricted donor as defined by the Code, including any registered lobbyist or lobbyist's representative; any person or organization that currently has or is seeking or expected to have a business relationship with the CPA or anyone acting on behalf of such a person or organization; or, contractors pre-qualified by the Connecticut Department of Administrative Services. A gift is anything of value that a CPA member or member of his/her immediate family directly and personally receives for which they have not paid fair market value and which is not generally available to the public or through contractual agreements with the CPA or other governmental entities. Included among these items are luncheon and/or dinner payments; golfing

fees; costs or fees for social events; travel or airline ticket discounts; bottles of liquor; and, concerts and sporting event tickets. This list should not be considered to be all-inclusive.

There are certain exceptions to the definition of a gift that are recognized by the CPA:

1. Token items such as pencils, ballpoint pens and similar items used as promotional giveaways provided the fair market value of an individual item is not more than ten (10) dollars and that the aggregate value of all things given from a single source in any calendar year does not exceed fifty (50) dollars.
2. Admission to a charitable or civic event, including food and beverage provided at the event, but excluding lodging or travel expenses, at which the member participates in his/her official capacity, if the amenities are provided by the primary sponsoring agency.
3. Goods and services that are provided to the CPA for use on CPA property or that support an event, and which facilitate CPA action or functions.
4. A certificate, plaque or other ceremonial award provided the cost does not exceed one hundred (100) dollars.
5. A rebate, discount or promotional item available to the general public.
6. A gift received from (a) an individual's spouse, fiancé or fiancée; (b) the parent, brother or sister of such spouse or such individual; (c) the child of such individual or the spouse of such child.
7. A political contribution otherwise reported by law or a donation or payment as described by subdivision (9) or (10) of subsection (b) of section 90-601a.
8. Anything of value provided by an employer of (a) a public official, (b) state employee, or (c) a spouse of a public official or state employee, to such official, employee or spouse, provided such benefits are customarily provided to others in similar circumstances.
9. Training that is provided by a vendor for a product purchased by the CPA or another state agency on behalf of the CPA which is offered to all customers of such vendor.

Different rules apply to gifts that are offered or solicited from persons or organizations outside the CPA than to gifts offered or accepted among members of the CPA. With respect to gifts between/among CPA members, no CPA member or member of his/her immediate family may give to or receive from a subordinate a gift costing one hundred (100) dollars or more. Similarly, a subordinate may not give or receive such a gift from his/her supervisor. This prohibition extends to all persons in one's chain of command, not just an immediate supervisor or subordinate. There is an exception for a "major life event" as defined in the Code. These events include the birth or adoption of a child; a wedding; a funeral; a ceremony commemorating induction into religious adulthood; and, one's retirement from state or CPA service. In these cases, the value of the gift may not exceed one thousand (1,000) dollars. It is not permissible for employees to pool their funds to purchase a gift costing more than one hundred (100) dollars or more for a supervisor or subordinate, or over one thousand (1,000) dollars if the gift is for a major life event.

A CPA member may receive from a sponsor or vendor organization payment or reimbursement for necessary expenses only if he/she, in his/her official capacity, actively participates in an event (i.e. giving a speech or presentation, running a workshop, etc.).

Necessary expenses are limited to:

1. Travel (coach or economy class)
2. Lodging (standard cost of room for the nights before, of, and immediately following the event)
3. Meals
4. Related conference/event expenses

Entertainment costs (i.e. tickets to sporting events, golf outings, night clubs, etc.) are not necessary expenses. Necessary expense payments also do not include payment of expenses for family members or other guests. A CPA member may not receive a fee or honorarium for a speech or presentation given in his/her official capacity. Within thirty (30) days of receiving payment or reimbursement from sponsoring/vendor organization for necessary expenses for lodging or out-of-state travel, as a member of the CPA you must file an ETH-NE form with the OSE. This form is available on the OSE's website:

<http://www.ct.gov/ethics/cwp/view.asp?a=3508&q=414910>

This form is not required if your necessary expenses were paid by the federal government or by another state government.

CPA members may also be provided with vendor sponsored training for a product purchased by the CPA or another state agency on its behalf provided such training is offered to all customers of that vendor. A CPA member may be permitted to visit the site of a vendor at the vendor's expense, whether in Connecticut or out of state, for educational purposes or specific technical training. However, its purpose must be reflected as a term of the vendor contract. Members in these situations must still receive prior written travel authorization from the Executive Director. This action is necessary even though there is no cost to the CPA. All other official visits to vendor facilities by CPA members must be at the CPA's expense.

## **II. Outside Employment, Business Interests, Conflicts of Interest and Confidentiality**

No CPA member shall allow personal business or obligations to take precedence over his/her responsibilities to the CPA. This prohibition is not intended to preclude an employee from responding to emergency situations. However, such situations should be the exception, rather than the norm. Supervisors and managers are expected to exercise reasonable discretion in enforcing these provisions. Unless otherwise specified, a CPA member is not prohibited from engaging in outside employment so long as there is no actual or apparent conflict of interest.

CPA members must, however, avoid any outside employment or other activity that interferes with their normal work time, or that affects the satisfactory performance of their CPA duties. Any outside employment or other activity that might discredit or reflect unfavorably on the member or the CPA must be avoided. Members are prohibited from performing work for any business that is in a contractual relationship with the CPA. CPA members must not engage in any outside employment, business or other activity that gives rise to a real or apparent conflict of interest (an apparent conflict of interest arises whenever actions of a member create the appearance to an objective and informed person, knowing all the relevant facts, that the member is violating a provision of law or this policy).

CPA members are prohibited from obtaining outside employment that will impair their independence of judgment or require or induce disclosure of confidential information gained in the employment or appointment with the CPA. The question of what constitutes impairment will be determined by the OSE. A CPA supervisor, manager or director may not employ a CPA employee-subordinate in his/her outside business. So too, it is impermissible for a CPA employee-subordinate to employ a CPA supervisor, manager or director in the subordinate's business. Both situations would impair independence of judgment. This prohibition extends to all supervisors, managers, directors and subordinates up and down the chain of command.

No CPA member shall seek or accept employment with, or compensation from any consultant, contractor, lessee or any other organization or individual under contract or agreement with the CPA, nor can any CPA member or member of his/her immediate family, or business with which he/she is associated, enter into a personal services contract or other contract with the CPA or the State of Connecticut, other than a contract of employment as a CPA employee or with another state agency, valued at \$100 or more unless the contract has been awarded through an open and public process.

A CPA member is prohibited from using his/her position with the CPA for financial gain for such member, his/her spouse, child, child's spouse parent, brother, sister or business with which he/she is associated. Additionally, no CPA member shall have, directly or indirectly, a financial interest in any business, firm or enterprise doing business with the CPA that could cause a conflict of interest or influence the performance of the member's duties and responsibilities. The financial interest referred to in this provision is not intended to apply to individuals who own less than five (5) percent of the stock of a publicly owned corporation. The provisions of the Code must be strictly adhered to in this area.

CPA members are prohibited from disclosing information deemed to be confidential (i.e. proprietary information; negotiating materials or strategies; personal or medical information, etc.) to any individual, organization or business entity except as may be required as part of their position or as determined to subject to release by the Freedom of Information Commission or a court of competent jurisdiction.

### **III. Prohibited Activities Upon Leaving State or CPA Service (Revolving Door)**

The Code prohibits state employees and public officials, which all CPA members are considered to be, from performing certain activities upon leaving their position. Some of these prohibitions are limited to specific periods of time. Other prohibitions remain for the individual's lifetime. These situations are very case specific and members should contact the OSE for guidance. Former members are prohibited from:

1. Disclosing or using confidential information, gained in the course of his/her term as a CPA member, for the financial benefit of any person (lifetime prohibition).
2. Representing anyone (other than the State or the CPA) concerning any particular matter (a) in which he/she participated personally and substantially while a member of the CPA and (b) in which the State or the CPA has a substantial interest (lifetime prohibition).
3. For one (1) year after leaving as a member of the CPA, representing anyone (other than the State or the CPA) for compensation before the CPA, concerning any matter in which the CPA or the State has a substantial interest. For purposes of this prohibition, the former member would not be able to have any type of business-related contact on behalf of his/her new employer with members of the CPA, including telephone calls and e-mails. The former member may also not sign any forms or other documents that would be filed with the CPA.
4. Accepting employment with a party (other than the State or the CPA) to a contract in which he/she participated substantially, or supervised the negotiation or award of a contract let by the CPA valued at fifty thousand (50,000) dollars or more. This prohibition exists for one (1) year after separation as a CPA member if the separation occurs within one (1) year after the contract was signed.

### **IV. Political Activities**

An employee seeking or holding office as permitted by Section 5-266a of the Connecticut General Statutes must notify the CPA Executive Director of this fact in writing.

No CPA member may engage in partisan political activities while on CPA duty. Additionally, no CPA member may use CPA materials, facilities or equipment for the purpose of participating in or influencing a political campaign and/or election for any public office.

Under some circumstances, members may be covered by the provisions of the Federal Hatch Act. In general, this law covers members whose principal employment is in connection with an activity that is financed in whole or in part by loans or grants made by the United States or a federal agency. There are certain prohibitions that apply to political activity by covered members. The provisions of the Hatch Act continue to apply while the member is on vacation leave, sick leave, leave without pay and personal leave. CPA members should contact the CPA Executive Director if they think they may be subject to prohibitions under the Hatch Act.

## **V. Other Provisions**

### **A. Actions Involving Relatives, Friends and Acquaintances**

No CPA member shall use his/her position or influence to gain employment for a relative, person having a special relationship, business partner, associate, client, etc. Relatives or others having special relationships with current members are not prohibited from seeking employment with the CPA. However, no influence can be exerted to give the relative or person having a special relationship an advantage over others in the competitive selection process. Any such relationship must be disclosed during the competitive selection process and prior to any offer of employment being made. Relatives or others having special relationships with current members may be considered for employment provided that the relative or person having a special relationship with a current member would not be placed either in or under the direct supervision of the member or in any position where either the member, the relative or the person having a special relationship with a current member would be in a position to influence the salary, benefits, working conditions or other personnel transactions such as performance reviews or disciplinary transactions affecting the other. This provision shall not be interpreted to require the automatic transfer, reassignment, or other personnel change, when such relationship exists upon implementation of the policy. The CPA reserves the right to take appropriate corrective action to remedy problems that may be created by such relationships.

Members should be aware that signing certain documents may result in a violation of the Code if such actions would result in a financial benefit to a relative. Examples would be personnel forms, including performance appraisals, vouchers, reimbursement forms, contracts and similar types of forms. Caution is urged as a violation may occur even though unintentional.

### **B. Use of CPA Equipment**

The use of CPA equipment, including tools, telephones, computers (including e-mail), fax machines and vehicles for personal, non-work related purposes is prohibited. (Please refer to the CPA policy regarding the acceptable use of computers and related equipment).

### **C. Personal Advertising, Solicitation and Sales**

A CPA member shall not solicit or canvass within the CPA for the sale of any goods, services or personal business without the prior expressed written approval of the Executive Director or his/her designee. Such soliciting or canvassing, even with permission, shall not involve soliciting from subordinates, nor shall it be done on CPA work time.

This prohibition does not extend to charitable fund-raising activities approved by the Executive Director such as the Connecticut State Employees Campaign for Charitable Giving or events sponsored by CPA to recognize members and/or promote member morale.

A CPA member is not allowed to post or distribute advertising material for such purposes without the prior expressed written permission of the Executive Director or his/her designee. No CPA member is allowed to use

his/her CPA business address, telephone number, title or status in any way to promote, advertise or solicit personal business.