

**Employee Code of Conduct consists of:  
Administrative Code - Chapter 5-15 and  
Public Utilities Code §130051.20 & §130051.25**

**5-15-010 MTA Values.** The MTA is a public agency that shall conduct its business with integrity in an honest and ethical manner. MTA employees shall comply with the letter and spirit of this chapter and the law. Strict compliance with the chapter is not necessarily sufficient, and any attempts to evade or circumvent any requirements of this chapter or of any rules or laws applicable to the MTA and its employees is improper.

**5-15-020 Questions and Advice.** The MTA has an Ethics Officer to oversee ethics issues that arise in the workplace. The functions of the Ethics Officer are described in chapter 2-25 and include creating ethics policies and codes of conduct, administration of lobbyist and statement of economic interest disclosure programs, training MTA employees and contractors on these policies and programs, conducting hearings on rejections of certain bids or proposals, and providing advice relating to ethics questions that arise at the MTA. Questions concerning these or other ethics related matters should be directed to the Ethics Officer. Questions about other legal matters should be directed to the General Counsel.

**5-15-030 Business Conduct.** MTA Employees shall conduct the MTA's business in compliance with the law, this chapter, MTA policies, and good judgment based on the MTA's values and goals. MTA employees shall avoid speech or behavior that is likely to create an appearance of impropriety.

**5-15-040 Professionalism.** It is up to each MTA employee to maintain a professional, safe, and productive work environment. MTA employees shall treat each other professionally and with courtesy at all times. Differences of opinion on work issues should be expressed in a constructive manner that promotes sharing of ideas and effective teamwork to resolve problems to meet the challenges of the MTA.

**5-15-050 Nondiscrimination.** No person shall be discriminated against in employment because of race, color, creed, religion, sex, ancestry, age, national origin, marital status, sexual orientation, veteran status, physical or mental disability or any other status protected by applicable federal or state statutes, except where a bonafide occupational qualification applies. Derogatory comments, which relate to race, ethnicity, religion, national origin or sexual orientation or other comments of a sexual nature, are not appropriate in a professional environment and are prohibited in the MTA workplace.

**5-15-060 Sexual Harassment.** No person employed by or associated with the MTA shall engage in sexual harassment in conducting MTA business. Sexual harassment includes any sexual advances or requests for sexual favors which are unwelcome or where submission to or rejection of such conduct is used as the basis for employment decisions. Sexual harassment also includes verbal, visual or physical

conduct of a sexual nature, which creates an intimidating, hostile or offensive working environment.

**5-15-070 Relationships With Contractors.** MTA business shall be conducted in a manner above reproach, with impartiality, and with preferential treatment for none. Particularly in relationships with contractors and potential contractors, MTA employees must avoid any actual or appearance of conflict of interest or impropriety.

**5-15-080 Contacts with Bidders or Proposers.**

A. Beginning at the time a procurement is issued and ending at the time when the contract award recommendation is made public, all MTA employees involved in the procurement shall not disclose any information to anyone other than MTA officials entitled to receive such information unless the disclosure is considered public information and is made equally available to all participants in the procurement process. All contacts with bidders or proposers to that procurement including their lobbyists, agents and representatives, shall be reported as set forth in paragraph C.

B. MTA employees involved in the procurement, as referred to in paragraph A, include, but are not limited to, the contract administrator, the project manager, the in-house evaluator(s) of a proposal, the staff responsible for determining and writing the specifications of a procurement, the staff responsible for drafting and creating the solicitation documents, the staff involved in determining and drafting the contract award recommendation, the clerical staff who prepared (including word-processing) any documents relating to the procurement, and all staff in the chain of approval, up to the Chief Executive Officer.

C. The report required by paragraph A. shall include all contacts with bidders or proposers, and their lobbyists, agents and representatives. The contacts shall include, but not be limited to, meals, meetings, conferences, sporting events, and cultural events. This report shall not include contacts made as part of the procurement process, including, but not limited to, pre-bid or pre-proposal meetings, exchange of information which is given to all proposers, interviews and protest applications. MTA employees engaging in such contacts shall file a Disclosure of Contacts Form with the administrative head of procurement for the MTA within five (5) days of the contact(s), but in no event later than the date the item is to be considered by Board of Directors or the appropriate Board committee, whichever is sooner.

**5-15-090 Contractor's Personnel.** Each contractor retained by the MTA is fully responsible for the quality and performance of its staff and retains full responsibility for the selection of its personnel. MTA officials shall not direct or recommend personnel that the contractor should hire, even if the contractor requests a recommendation. However, the MTA retains the right in its absolute discretion to require the removal of any personnel of a contractor or subcontractor assigned at any level to perform services on an MTA contract if the MTA determines, in its sole discretion, that the personnel to be removed are not able to adequately or appropriately perform the services required for the particular contract. Any direction

by the MTA to a contractor that specified personnel be removed from work on an MTA contract shall be made in writing.

**5-15-100 Professional Associations.** Memberships in professional associations and organizations by MTA employees are encouraged as such memberships can contribute to their professional development and enhance expertise. These relationships, however, can give other association members more access to MTA employees than non-members and create the appearance of bias or favoritism in their dealings with the MTA. MTA employees must always ensure that their dealings with other members of such organizations are consistent with the provisions of this title and do not result in preferential treatment or even the appearance of preferential treatment.

**5-15-110 Use of MTA Assets.**

A. MTA employees shall not use any MTA assets for personal gain or for any purpose other than MTA business. MTA assets include, but are not limited to, time, facilities, equipment, stationery, records, mailing lists, supplies, badges, vehicles, prestige or influence.

B. MTA telephones, computers, e-mail and internet access are provided for the purpose of conducting MTA business. Subject to the restrictions in this section and if permitted by the employee's supervisor, some occasional and limited personal use is allowed so long as it does not interfere with the performance of the employees' MTA duties and does not result in any additional expense to the MTA. However, MTA telephones, computers, e-mail or internet access shall not be used for e-mail chain letters, for religious or political advocacy, for excessive personal communications, for personal financial gain, to seek outside employment, for any purpose that could reasonably be viewed as abusive, harassing, hostile or intimidating to MTA customers or employees, to access entertainment or sexually explicit sites, or for any use otherwise prohibited by law. Employees shall reimburse the MTA for all personal toll calls. The MTA reserves the right to monitor and review all records of usage by MTA employees of any MTA assets. No use of MTA telephones, computers, e-mail or internet access, or use of any other MTA asset, shall be private to the employee, and no MTA employee shall be given any basis for an expectation of privacy in any such use.

**5-15-120 Confidential Information.** MTA employees shall maintain the confidentiality of any confidential information relating to contracts, construction, procurement, litigation strategy, personnel files, MTA employee medical information, or other proprietary information to which they have access through their employment with the MTA. Such confidentiality shall be maintained during and after employment with the MTA. MTA employees shall not use confidential information for any purpose other than in the performance of their job for the benefit of the MTA. Confidential information shall only be disclosed to authorized persons.

**5-15-130 Gifts.**

A. This section exists to assure the public that public employees are not influenced to show favoritism to a contractor based on receiving gifts or for

being rewarded for doing his or her job in a way that will or did benefit the giver of the gift.

B. No MTA employees shall accept gifts exceeding fifty dollars (\$50) in value in a calendar year or exceeding ten dollars (\$10) in value in a calendar month from a single source that is an MTA contractor, subcontractor, lobbyist, lobbying firm, lobbyist employer or anyone else doing business with the MTA. No MTA employee shall accept any gift from a bidder or proposer on an MTA contract.

C. Designated MTA employees may accept gifts totaling less than \$340, or such amount allowed pursuant to Government Code Sections 89502 and 89503 as adjusted biennially, in a calendar year from a single source other than one identified in paragraph B., above. Designated employees must report such gifts totaling fifty dollars (\$50) or more from a single source, or a single gift of fifty dollars (\$50) or more from multiple sources, in a calendar year on their annual Statements of Economic Interests according to state law.

D. Any MTA employee who receives a gift in excess of the limitations in this section, must either return the gift or donate it to a charity within thirty (30) days after receipt. MTA employees may also bring any gifts to the Ethics Officer for distribution to a charity. MTA employees should keep a log of all gifts received and the value, source, and disposition of the gifts.

**5-15-140 Honoraria.** No designated MTA employee may accept an honoraria. An honoraria is a payment received for making a speech, publishing an article, or attending any public or private conference, convention, meeting, social event, meal or similar gathering. Honoraria payments are prohibited because they can be, or can appear to be, a disguised way of providing personal benefits to public employees as an inducement to influence their conduct. Questions about whether a particular payment is prohibited honoraria should be directed to the Ethics Officer.

**5-15-150 Travel Payments.** Payment or reimbursement for travel and lodging may be considered a gift for purposes of the gift limits unless it is paid by MTA for business travel. Travel payments donated by other persons, even if permitted, may have to be reported by a designated MTA employee on his or her annual Statement of Economic Interests and may require the MTA employee to be disqualified from MTA issues concerning the donor of the travel. Questions about donated travel expenses should be directed to the Ethics Officer.

**5-15-160 Conflicts of Interest.**

A. A conflict of interest, or at least an appearance of impropriety, exists when the interests, investments, outside employment or personal enterprises of the employee or a member of his or her immediate family could compromise the employee's duty of loyalty, or otherwise conflict with, or appear to conflict with his or her job performance, objectivity, impartiality, or ability to make fair business decisions in the best interest of the MTA. A conflict of interest may arise in any situation in which an MTA employee is in a position where he or she could use his or her contacts or position in the agency to advance the private business or financial interests of the employee or his or her

immediate family, whether or not at the expense of the MTA. An MTA employee may also have a conflict of interest if called upon to make a decision concerning a former employer of that employee or of a member of his or her immediate family.

B. An MTA employee has a conflict of interest and shall not participate in the making of any decision or contract in which the MTA employee has a financial interest. Any MTA employee with such a conflict of interest must disqualify himself or herself from making, participating in the making, or in any way attempting to use his or her official position to influence the MTA decision in which he or she knows, or has reason to know, that he or she has a financial interest. An MTA employee should also disqualify himself or herself from participating in an MTA decision where the MTA employee does not have a disqualifying financial interest, but where the making of the decision will have some other significant effect on the employee, a member of his or her immediate family or another person with whom the MTA employee has a close personal relationship.

C. Any MTA employee who may have a conflict of interest as described in paragraph B. relative to a prospective contractor, subcontractor, bidder or contract, or any other MTA decision or issue, at the earliest possible time, must advise his or her supervisor of the possible conflict of interest.

D. An MTA employee may not buy anything from or sell anything to the MTA in connection with a contract the MTA employee worked on in his or her official capacity.

E. Pursuant to Public Utilities Code Section 130051.20, no MTA employee shall make, participate in or use his or her official position to influence a contract decision if the employee has received a political contribution exceeding ten dollars (\$10) in the previous four years from an entity seeking to contract with the MTA or from an agent of that entity.

F. Upon request, the Ethics Officer or the General Counsel shall advise an MTA employee and his or her supervisor regarding whether it is appropriate for the MTA employee to participate in a decision involving a possible conflict of interest.

**5-15-170 Statement of Economic Interest.** Each designated MTA employee shall file with the Ethics Officer an original complete and accurate statement of economic interest disclosure form ("Form 700") disclosing the personal financial information required by law, promptly after assuming office, annually on or before April 1 (or the first business day following April 1 if it falls on a weekend day) of each year of employment, a leaving office statement within thirty (30) days after leaving the MTA, and as otherwise provided pursuant to the MTA conflict of interest code and applicable state law. The Ethics Officer shall maintain a supply of blank Form 700s and make them available to MTA employees. Completed forms will be public documents retained by the Ethics Officer and disclosed as required by the California Public Records Act. Failure to timely file a Form 700 may result in fines by the MTA filing officer required pursuant to state law, prosecution by the Fair Political Practices Commission, and other sanctions set by law or set forth in this chapter.

**5-15-180 Incompatible Activities.** No MTA employee shall engage in any outside activity that is inconsistent, incompatible, or that interferes with his or her ability to efficiently and effectively carry out his or her MTA duties. Incompatible activities include, but are not limited to, any of the following:

- A. Accepting money or other benefit from an outside employer for work that the employee would be required or expected to do as part of his or her MTA employment;
- B. Performing work for an outside employer which may later be subject directly or indirectly to the control, inspection, review, audit, or enforcement by another MTA employee;
- C. Accepting money or other benefit from someone doing business or seeking to do business with the MTA, that could reasonably be interpreted as having been intended to influence the MTA employee in his or her job at the MTA or intended as a reward for past performance in his or her job;
- D. Any situation that might involve a conflict of loyalties for the MTA employee between the MTA and any other person or entity;
- E. Using MTA assets including time, facilities, equipment, vehicles, employee lists, stationery, records, mailing lists, supplies, badge, uniform, prestige or influence for personal gain or non-MTA related activities;
- F. Time demands from outside activities that would interfere with the ability of the MTA employee to devote his or her full work time, attention, and efforts to his or her MTA duties;
- G. Lobbying the MTA on behalf of any other person or entity; and
- H. Outside employment for which employment with the MTA is a prerequisite.

**5-15-190 Outside Employment.** An MTA employee shall not engage in any other employment without the written permission of his or her MTA supervisor. Such permission must be obtained prior to the MTA employee commencing any outside employment. If the MTA employee is reassigned to a new supervisor that employee must promptly obtain permission from his or her new supervisor. No approval to engage in outside employment shall be granted for any outside employment or activity that would violate any provision of this chapter. Questions about whether an outside activity or employment will violate this chapter should be directed to the Ethics Officer.

**5-15-200 Contracts with MTA Employees.** The MTA shall not contract with an MTA employee, or with any business in which an MTA employee serves as an officer, principal, partner, major shareholder, or as a key employee or consultant relative to any contract with the MTA.

**5-15-210 Restrictions Upon Leaving the MTA.** In order to prevent the appearance of impropriety, an unfair competitive advantage to companies hiring former MTA employees, and the potential compromise of the loyalty of MTA employees who may be desirous of future employment with an MTA contractor, all MTA employees are subject to the post-employment restrictions set forth in this section.

- A. No person may register as a lobbyist or lobby the MTA for one (1) year after leaving MTA employment.
- B. The MTA shall not contract with a former MTA employee for one (1) year after he or she leaves MTA employment if that former employee held a position of substantial responsibility in the area of service to be performed by the contract or participated in any way in developing the contract or its specifications.
- C. The MTA shall not contract with a business where a person who left MTA employment within the preceding one (1) year serves as an officer, principal, partner or major shareholder, or has been identified as a key personnel, if the former MTA employee held a position of substantial responsibility in the area of service to be performed by the contract or participated in any way in developing the contract or its specifications.
- D. The MTA shall not contract with a business which has a subcontractor which employs a person who left employment with the MTA in the preceding one (1) year and where the former MTA employee serves as an officer, principal, partner, major shareholder, or has been identified as key personnel, if the former MTA employee held a position of substantial responsibility in the area of service to be performed by the contract or participated in any way in developing the contract or its specifications.
- E. Pursuant to Public Utilities Code Section 130051.20, any former MTA employee who participated as a decision maker in the preparation, evaluation, award, or implementation of a contract, shall not within three (3) years of leaving the MTA, accept employment with any company that was awarded a contract as a result of the MTA employee's participation, evaluation, award or implementation of that contract.
- F. Former MTA employees shall not at any time disclose to unauthorized persons or use for personal gain or other non-MTA related purposes any MTA confidential information.

**5-15-220 Participation in Political or Charitable Activities.** MTA employees may not engage in political or charitable activities during official duty hours or while on MTA premises. MTA employees may pursue such interests when off duty. MTA Employees shall not solicit political or charitable contributions from other MTA employees while on duty and at no time shall attempt to coerce such contributions. MTA employees shall not solicit political or charitable contributions from MTA contractors at any time. However, an MTA employee may communicate through the mail, or by other means, requests for political funds or charitable contributions from a significant segment of the public which may include MTA officers, employees or contractors, so long as it is clear that MTA officers, employees and contractors were not targeted for the solicitation. MTA employees shall not use employee lists, MTA mailing lists, vendor lists and lobbyist lists to solicit political or charitable contributions.

**5-15-230 MTA Employees Holding Elective Office.** An MTA employee who holds elective office shall not be involved in MTA projects within the geographic jurisdiction of his or her elective office. At the time of his or her election to any office subject to this section, the MTA employee shall disclose this information to

his or her supervisor and shall disqualify himself or herself from participating in any MTA project within the jurisdiction of the elective office.

**5-15-240 The Hatch Act.** An MTA employee considering running for a partisan elective office must become familiar with the Hatch Act (Title 5, Chapter 15, U.S.C. Sections 1501 *et seq.*) and comply with its requirements. The Hatch Act governs the partisan political activities of employees of state or local agencies whose principal employment is in connection with an activity that is financed in whole or in part by loans or grants made by a federal agency.

**5-15-250 Receipt of Political Contributions.** Pursuant to Public Utilities Code Section 130051.20, no MTA employee or member of his or her immediate family shall accept, solicit, or direct a political contribution of over ten dollars (\$10) from any company, consultant, or firm seeking a contract with the MTA or that has contracted with the MTA in the preceding four (4) years.

**5-15-260 Procurement Restrictions.** While informational and market research contacts between MTA employees and prospective contractors can be a valuable source of data to the MTA, such contacts can sometimes provide an unfair advantage in a future procurement to the persons contacted as part of the market research. All parties must exercise sound judgment and caution to ensure that there is no preferential treatment of any prospective contractor and to avoid even the appearance of such preferential treatment. Requests for complimentary services or products or for free travel for specified individuals to view products are not permitted. Prospective contractors should not be requested to provide such things as testing services, custom drawings, special investigations, major demonstrations, or the furnishing of significant samples unless such requests are required of all prospective contractors as a part of a procurement.

**5-15-270 Contacts with Board Members or their Staff During Procurement.** Beginning when a procurement is issued and ending when the contract award recommendation is made public, MTA employees shall not communicate with Board Members or their staff regarding the procurement. If a Board Member or a member of his or her staff attempts to communicate with an MTA employee to influence the recommended award, this communication shall be reported to the Inspector General.

**5-15-280 Compliance and Enforcement.** All MTA employees have a responsibility to conduct the MTA's business in compliance with this chapter. The Inspector General shall investigate violations of this chapter and report his or her findings to the Board and to the Chief Executive Officer who shall take such action as is appropriate under the circumstances. Any violation of a provision of this chapter which is based upon a state or federal law may also be enforced by any appropriate enforcement agency.

**5-15-290 Duty to Report.** Each MTA employee is obligated to report to his or her supervisor, the Inspector General or the Ethics Officer any facts made known to the employee which show that an MTA contractor or MTA employee has engaged in



business practices regarding an MTA matter which appear to be unethical, or which may violate this chapter or any applicable state or federal law.

**5-15-300 Whistleblower Protection.** The MTA is committed to fair treatment of all its employees and recognizes its responsibility under state and federal law to protect from punishment and harassment any person who reports a potential ethics issue, whether or not the allegation is found to have merit. The MTA shall not take any action or threaten any action against any MTA employee as a reprisal for making a report under section 5-15-290, unless the report was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

**5-15-310 Sanctions For Violating This Chapter.** A violation of this chapter by an MTA employee may result in the imposition of discipline, up to and including dismissal. The appropriate discipline will be determined by the employee's supervisor in consultation with the executive officer of the organizational unit in which the employee works and the Human Resources Department. The discipline imposed will depend upon the severity of the violation and may be progressive unless the violation is determined to be so serious as to warrant more severe action initially. The imposition of discipline by the MTA for a violation of this chapter, where such violation is also a violation of a state or federal law, shall not affect the ability of any appropriate prosecutorial agency to seek the imposition of any penalty allowed by law for such a violation.

**5-15-320 No Employment Contract.** This chapter sets forth rules of conduct for MTA employees. However, nothing in this administrative code shall be construed as establishing an employment contract between the MTA and any of its employees.

## **Title 30**

### **Financial Employees Code of Conduct**

#### **Chapter 5-30**

**5-30-010 Purpose.** This Financial Employees Code of Conduct is adopted in recognition of the unique and critical nature of the services provided to the MTA by those MTA employees who are entrusted with the expenditure, investment or management of MTA funds and financial assets. The requirements of this chapter are in addition to the other requirements imposed upon MTA employees by this title.

**5-30-020 MTA Financial Employees.** As used in this chapter, the term MTA financial employee shall mean any MTA employee who prepares, reports, approves, manages or compiles data related to budgets or financial matters for the MTA or who has any authority to manage, invest, expend or authorize the expenditure of MTA funds or financial assets.

**5-30-030 Actions Affecting MTA Funds and Financial Assets.** Each MTA financial employee shall use, manage, invest and expend MTA funds and other financial assets in a prudent, cost effective and fiscally responsible manner in compliance with MTA and other governmental accounting rules and policies.

**5-30-040 Financial Information.** Each MTA financial employee shall provide financial information that is accurate, complete, objective, relevant, timely, and understandable, and which fairly represents the MTA financial conditions and operating results without being misleading by expression, inference or silence concerning any material fact.

**5-30-050 Compliance with Accepted Standards.** Each MTA financial employee shall comply with generally accepted accounting principles and standard financial practices applicable to governmental agencies in all MTA financial matters. No MTA financial employee shall expose MTA funds or financial assets to any unnecessary or significant risk of loss.

**5-30-060 Conflicts of Interest.** Each MTA financial employee shall refrain from participating in any matter involving MTA funds or other financial assets where that employee has a conflict of interest. Each potential conflict of interest shall be promptly be reported by the employee to his or her supervisor.

**5-30-070 Confidential Information.** No MTA current or former financial employee shall make public or otherwise disclose any confidential financial information acquired in the course of his or her work with the MTA except as legally required or as acquired in the course of his or her work with the MTA except as legally required or as specifically authorized by the MTA. No current or former MTA financial employee shall ever use any such confidential financial information for personal gain.

**5-30-080 Internal Controls.** The Chief Financial Officer shall establish and maintain internal controls designed to ensure compliance with this chapter.

**5-30-090 Enforcement.** Suspected violations of this chapter shall be reported to the Chief Financial Officer, the Ethics Officer, or the Inspector General, who shall investigate the alleged violation and report to the Chief Executive Officer or other appropriate MTA official a recommendation for any corrective action found necessary.

**PUBLIC UTILITIES CODE  
§130051.20 & §130051.25**

**130051.20.** (a) (1) No construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity seeking a contract with the Los Angeles County Metropolitan Transportation Authority shall give to a member, alternate member, or employee of the authority, or to any member of their immediate families, a contribution of over ten dollars (\$10) in value or amount. A

"contribution" includes contributions to candidates or their committees in any federal, state, or local election. (2) Neither the owner, an employee, or any member of their immediate families, of any construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity seeking a contract with the authority shall make a contribution of over ten dollars (\$10) in value or amount to a member, alternate member, or employee of the authority, or to any member of their immediate families. (3) No member, alternate member, or employee of the authority, or member of their immediate families, shall accept, solicit, or direct a contribution of over ten dollars (\$10) in value or amount from any construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity seeking a contract with the authority. (4) No member, alternate member, or employee of the authority shall make or participate in, or use his or her official position to influence, a contract decision if the member, alternate member, or employee has knowingly accepted a contribution of over ten dollars (\$10) in value in the past four years from a participant, or its agent, involved in the contract decision. (5) No member, alternate member, or employee of the authority, or member of their immediate families shall accept, solicit, or direct a contribution of over ten dollars (\$10) in value or amount from a construction company, engineering firm, consultant, legal firm, or any company, vendor, or business entity that has contracted with the authority in the preceding four years. (b) A member, alternate member, or employee of the authority who has participated as a decisionmaker in the preparation, evaluation, award, or implementation of a contract and who leaves the authority shall not, within three years of leaving the authority, accept employment with any company, vendor, or business entity that was awarded a contract as a result of his or her participation, evaluation, award, or implementation of that contract.

**130051.25.** (a) For the purpose of this section, "recordable injury" means any injury requiring treatment beyond simple first aid. (b) A construction firm that contracts with the Los Angeles County Metropolitan Transportation Authority shall report total recordable injuries to the authority on a monthly basis. (c) The authority shall annually determine if the number of recordable injuries reported to the authority during the preceding calendar year exceeded the national average of similar injuries as reported by the Bureau of Labor Statistics for the most recent published year. If the authority determines that the number of recordable injuries reported to the authority during the preceding calendar year exceeded the national average, the authority shall not base any safety bonus program for contractors on injuries that result in lost time, and shall base such a program on the overall rate of recordable injuries.