

# APPENDIX VI

## NEW YORK STATE ETHICS IN GOVERNMENT ACT

NEW YORK STATE ETHICS COMMISSION RULES ([www.nyethics.com](http://www.nyethics.com))

### A. OUTSIDE ACTIVITIES

#### Applicability

The limitations on outside activities apply to State policy makers only. Within the University, policy makers generally are considered to be those employees at the level of Dean and above at the campuses and Associate Vice Chancellor and above in the System Administration.

#### General Requirements

All policy makers are prohibited from serving as an officer of a political party or political organization or as a member of a national committee of a political party.

The regulations further require that salaried policy makers obtain the prior approval of the Campus President and the Ethics Commission before;

- holding other public office or engaging in other public employment for more than nominal compensation (defined as: greater than the normal per diem or \$4000 annually);
- engaging in any private employment, business or other activity (including not-for-profit) for more than the defined nominal compensation; and
- serving as director or officer of a for-profit corporation or institution, regardless of compensation.

Prior approval of limited to the Campus President is required when salaried policy makers engage in private employment or other activity for annual compensation between \$1000 and \$4000.

Approval of any request to engage in outside activities must be based upon consistency of the activity with the ethical standards in sections 73 and 74 of the Public Officers Law booklet and a determination that the activity does not interfere or conflict with the proper and effective discharge of the employee's SUNY responsibilities (see also Policies of the Board of Trustees, Article XI, Title H, 4 (8 NYCRR 355.26)).

## Procedures for Requesting Approval

1. Where both University and Commission approvals are required, requests are to be made on forms provided by the Ethics Commission.
2. At the campuses, request forms should be submitted first by affected employees to the President. Requests for approval of outside activities involving a President should be submitted to the Executive Vice Chancellor. Those requests approved on campus should be transmitted directly to the Ethics Commission for approval, with a copy to the Executive Vice Chancellor. Approved requests of a President will be submitted to the Ethics Commission by the Executive Vice Chancellor.
3. Where approval of the University alone is required by the regulations (i.e., request involving annual compensation from a private business of between \$1000 and \$4000), the official form can be modified or approval may be requested on a letter submitted by the employee. The same procedures as above should be followed except that no further approvals beyond the appropriate President is required.

## **B. HONORARIA AND TRAVEL**

The regulations on receipt of honoraria and travel reimbursement apply to all compensated State employees, with the exception of academic employees in SUNY and CUNY engaging in activities within their academic discipline.

### Honoraria

Under the regulations, an honorarium is defined as a "payment, fee, or other compensation made as a gratuity or as an award or honor" for services rendered by a covered employee not related to the covered employee's official duties. It also includes a payment for travel expenses incurred by the employee in the course of services unrelated to the employee's duties. The regulations set forth specific conditions under which honoraria may be expected.

Obtaining prior approval of requests to receive honoraria is optional rather than mandatory. Requests, if made, are subject only to University action and the filing of the determination with the Ethics Commission. Employees receiving honoraria without prior approval of the University, however, are required to report annually (April 1) to their campus or System Administration, as appropriate, the source, date, amount, and nature of the activities for which honoraria were received in the previous year. In turn, a compilation of individual reports must be filed with the Ethics Commission on an annual basis (June 1). Employees who have obtained prior approval from the University of requests to receive honoraria need not file these annual reports. No special form for submission of the request for prior approval or the annual report has been specified.

Requests for prior approval of honoraria or annual reports regarding honoraria should be submitted by affected employees to the President or the President's designee. Requests or reports involving a President should be submitted to the Executive Chancellor. The campus designee or Executive Vice Chancellor, as appropriate, will be responsible for filing approved advance requests for receipt of honoraria and annual reports with the Ethics Commission.

#### Travel Expense Reimbursement

Advance approval by the campus is required for receipt of travel expense reimbursement related to an employee's official duties. The same process described for advance approval of honoraria should be utilized for approval of travel reimbursement that complies with the criteria contained in the regulations. No filing with the Ethics Commission is required.

Any honorarium or travel reimbursement received which is over \$1000 must also be reported on an employee's annual financial disclosure statement, where filing of that form is required.

Any questions relating to the compliance with these regulations may be directed to the Office of University Counsel at (518) 443-5400.

### **C. FINANCIAL DISCLOSURE**

#### Who Must File

You must file an annual statement of financial disclosure if you are:

1. A statewide elected official;
2. A state officer or employee, which includes:
  - a) Heads of state departments, their deputies and assistants;
  - b) All officers and employees of statewide elected officials, officers and employees of any state agencies
    - i) Who receive an annual compensation in excess of \$77,661 and who have not received an exemption from filing, or
    - ii) Who have been designated as serving in policy making positions.
  - c) Members or directors of public authorities, other than multi-state authorities, public benefit corporations and commissions at least one of whose members is appointed by the Governor; and employees of such public authorities, public benefit corporations and commissions who

- i) Receive an annual salary in excess of \$77,661; or
- ii) Have been designed as serving in policy making positions.

3. A political party chair, as such term is defined in Section 73(l)(k) of the Public Officers Law.

"State agency means any State department, division, board, commission, or bureau of any state department, any public benefit corporation, public authority or commission at least one of whose members is appointed by the Governor, or the State University of New York or the City University of New York, including all their constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the State.

NOTE: A person who is employed in more than one employment capacity for one or more state agencies and who receives distinctly separate payments of compensation for such employment must file an annual disclosure statement if the aggregate annual compensation for all such employment activities is in excess of \$77,661, notwithstanding that such person would not otherwise be required to file with respect to any one particular employment capacity and he or she has not received an exemption from filing. One filing will suffice.

A person whose services in more than one employment or appointive capacity, some or each of which would require filing a financial disclosure statement with the State Ethics Commission, need only file one such disclosure statement with a written indication that the filing is for all those positions for which the individual must file a financial disclosure.

#### When to File

May 15. For all statewide elected officials, state officers and employees, and political party chairs.

After May 15. Any person required to file such statement, including political party chairs, who commences employment, is designated as serving in a policy making position by his or her appointing authoring or becomes a political party chair after May 15 of any year, shall file such statement within thirty (30) days after commencing employment or of taking the position of political party chair.

November 1. All academic employees who earn over \$77,661 file an abbreviated financial disclosure form.

## Extension of Time

### a) Justifiable Cause or Undue Hardship

You may request an extension of time to file a financial disclosure statement in accordance with the Commission's rules set forth at Part 936 NYCRR (New York Code of Rules and Regulations) on the ground of justifiable cause or undue hardship. You must file your request on or before May 1. **A REQUEST FOR AN EXTENSION OF TIME DOES NOT AUTOMATICALLY EXTEND YOUR TIME TO FILE.**

### b) Internal Revenue Service Automatic Extension of Time

If you have timely filed with the Internal Revenue Service an application for an automatic extension of time in which to file your individual income tax return, you may indicate which items in the disclosure form are subject to the automatic extension of time and may file such information in a supplementary statement of financial disclosure on or before the seventh day after the expiration of the period of such automatic extension of time. **YOU MUST FILE A FINANCIAL DISCLOSURE STATEMENT FOR THOSE ITEMS NOT SUBJECT TO THE AUTOMATIC EXTENSION OF TIME TOGETHER WITH A COPY OF THE INTERNAL REVENUE SERVICE APPLICATION**, unless you are granted an extension of time to file the complete statement for justifiable cause or undue hardship (see (a) above).

## Where to File

NEW YORK STATE ETHICS COMMISSION P.O. Box 22007 Albany, New York 12201-2007

If you are required to file an annual statement with both the State Ethics Commission and the Legislative Ethics Commission in any calendar year, you may satisfy such requirement by filing one such statement with either body and by notifying the other body of such compliance.