

# RESPONSIBILITIES OF THE AGENCY ETHICS OFFICER

An overview of the legal obligations under the  
Public Officers Law and applicable regulations



New York State  
Commission on Ethics and Lobbying in Government  
540 Broadway  
Albany, NY 12207  
[Education@ethics.ny.gov](mailto:Education@ethics.ny.gov)  
<https://ethics.ny.gov>

# Table of Contents

---

<b>Overview .....</b>	<b>3</b>
Requirements for Financial Disclosure Statement Filers.....	4
Options available to certain FDS Filers .....	5
FDS Extensions.....	5
FDS Exemptions.....	5
Previously-granted Exemptions.....	5
Actions required by the agency’s Ethics Officer for FDS Filers.....	6
<b>Mandatory Ethics Training for NYS Employees .....</b>	<b>7</b>
Comprehensive Ethics Training Course .....	7
Online Ethics Refresher Course .....	7
Actions required by the agency’s Ethics Officer for Ethics Training.....	8
<b>Outside Activity Approvals.....</b>	<b>9</b>
Actions required by the agency Ethics Officer for Outside Activities .....	10
<b>Honoraria Approvals and Official Activity Expense Payments.....</b>	<b>11</b>
Actions required by the Ethics Officer for Honoraria.....	11
Actions required by the Ethics Officer for Official Activity Expenses.....	12
<b>Gifts and Widely Attended Events.....</b>	<b>13</b>
Actions required by the Ethics Officer for Gifts and Widely Attended Events .....	14

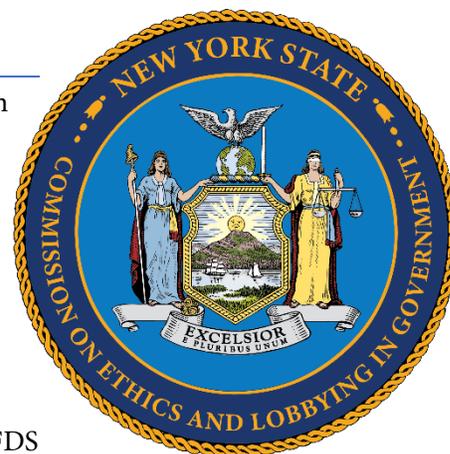
## Overview

---

The Public Officers Law and the Commission on Ethics and Lobbying in Government (“Commission”) regulations create legal obligations for both agencies and State officers and employees. For this reason, each agency should designate an Ethics Officer to provide guidance to these individuals on compliance with the ethics laws.

In addition, the Ethics Officer is responsible for ensuring compliance with certain legal obligations related to the following subjects:

- Requirements for Financial Disclosure Statement Filers (“FDS Filers”)
- Mandatory Ethics Training for agency staff
- Approvals for Outside Activities
- Approvals for Honoraria
- Approvals for Official Activity Expense Payments
- Acceptance of Gifts (including Widely Attended Events)



The Commission is available as a resource to assist you in providing guidance to your agency on the ethics laws and regulations. We encourage you to contact us with questions or for guidance on a specific matter.

### **For Legal Advice**

Call 800-87-ETHICS (800-873-8442) and press “2” to speak to the Attorney of the Day, or email [guidance@ethics.ny.gov](mailto:guidance@ethics.ny.gov).

### **For FDS Filing Questions**

Call the FDS Unit at 800-87-ETHICS (800-873-8442) and press “3” to speak to an FDS filing specialist, or email [FDSHelpDesk@ethics.ny.gov](mailto:FDSHelpDesk@ethics.ny.gov).

### **For Ethics Training Questions**

Call our main line at 518-408-3976 or email the education team at [education@ethics.ny.gov](mailto:education@ethics.ny.gov).

### **To Report Misconduct**

Call the tip line at 800-87-ETHICS (800-873-8442) and press “4” to speak to a member of the investigative team or visit <http://reportmisconduct.ny.gov/>.

NYS Commission on Ethics and Lobbying in Government

540 Broadway, Albany NY 12207

Telephone: (518) 408-3976

# Requirements for Financial Disclosure Statement Filers

---

## What is an annual Financial Disclosure Statement?

An annual Financial Disclosure Statement (FDS) is a publicly available record containing financial and professional information about an FDS Filer and their spouse or domestic partner.

The purpose of the FDS is to prevent conflicts of interest between a person’s duties in the public interest and their private financial interests and affiliations.

## Who is required to file an FDS?

Individuals designated by their agency as “Policymakers”, or those individuals who earn above a certain salary grade (“Threshold Filers”), are required to file an FDS.

The Commission’s guidelines to assist agencies in determining which employees hold policymaking positions are available by emailing us at [education@ethics.ny.gov](mailto:education@ethics.ny.gov).

Threshold Filers are those individuals who earn an annual salary in excess of the “filing rate” equivalent to CSEA Salary Grade 24 (regardless of any union membership).

An individual who voluntarily works part-time, but whose full-time salary exceeds the filing rate, is considered a Threshold Filer and must, therefore, file an FDS and be reported to the Commission on the FDS Filer Certification.

**Policymaker**  
Those officers and employees who, as a regular and significant part of their official duties, are involved in formulating or implementing the goals and policies of the State or a State agency may be Policymakers, regardless of their annual compensation or collective bargaining status.

## FDS Filing Due Dates for Existing Filers

### May 15th

Statewide elected officials, State officers, political party chairs, State employees designated as Policymakers and Threshold Filers.

### November 15th

Academic employees at SUNY and CUNY who meet the filing threshold requirements. Generally, academic employees are faculty at the SUNY and CUNY campuses.

## Options available to certain FDS Filers

---

FDS Filers may request an *extension* of time to file an FDS. Those filers designated as Threshold Filers may additionally request an *exemption* from filing an FDS in its entirety. FDS exemptions are not available to Policymakers.

### FDS Extensions

Filers may request an extension of time to file an FDS in one of two ways: by submitting an extension request from the filer's dashboard by way of the FDS Online Filing System; or by downloading and printing the "[FDS Extension Request Form](#)" available on the Commission's website. The deadline to apply for an extension is May 15 (November 15 for SUNY/CUNY faculty).

More information on how to request an extension is available in the regulation [19 NYCRR Part 936](#).

### FDS Exemptions

There are two ways for a **Threshold Filer** to request an FDS exemption:

1. Apply directly to the Commission for an FDS exemption via the filer's dashboard in the FDS Online Filing System, or by downloading and printing the "[FDS Exemption Request Form](#)" available on the Commission's website.
2. An Ethics Officer, on behalf of the agency, may apply for an FDS exemption for a class of Threshold Filers who serve in the same job title or classification using the "[FDS Agency/Union Exemption Request Form](#)" available on the Commission's website.

A union may also request an exemption on behalf of filers in a job title or classification.

The deadline to request an FDS exemption is May 15 (November 15 for SUNY/CUNY faculty).

### Previously-granted Exemptions

If the Commission previously granted an FDS exemption for an individual Threshold Filer or a class or title of Threshold Filers, the exemption remains valid as long as the filer:

- remains in the same title or performs the same job duties under the exempted title;
- is employed by the same agency at which the exemption was originally granted; and
- has not been subsequently designated a Policymaker.

The Commission may review existing exemptions and determine the exemption is no longer appropriate under the rules outlined in Part 935.

Please see [19 NYCRR Part 935](#) for more information regarding the exemption process.

### Actions required by the agency's Ethics Officer for FDS Filers

1. Submit a filer certification on or before February 28 of every year containing the name, job title, home address, and the email address of each individual designated an FDS Filer. The filer certification is submitted via the FDS Online Filing System. Instructions on how to navigate the FDS Filing System for both FDS Filers and Ethics Officers are available on [the Commission's website](#).
2. Submit an amended certification through the FDS Filing System within 30 days from the date: (i) an individual becomes either a Policymaker or a Threshold Filer, or (ii) an FDS Filer leaves State service or has a change in job that results in the individual no longer being either a Policymaker or a Threshold Filer.
3. Notify FDS Filers of their legal obligation to file an FDS. Please notify individuals of their requirement to file prior to creating a profile.

# Mandatory Ethics Training for NYS Employees

---

Executive Law § 94(8) provides that all State employees must complete regular, live ethics training. The mandatory ethics training requirements include the Comprehensive Ethics Training Course (CETC) and the Online Ethics Refresher Course. Ethics Officers are responsible for offering (or delegating) live ethics training for employees at their agency, and reporting training completion dates for agency staff.

## **What does the Commission consider “live” with respect to training?**

Live means presented by an instructor in real time allowing for participants to see the presentation materials and ask questions in real time. Acceptable forms of delivery are live webinars, videoconferencing, and a traditional classroom setting. For those attending in live remote formats such as WebEx, ethics officers must have a means to verify actual attendance of participants.

## Comprehensive Ethics Training Course

The CETC is a live, instructor-led training that covers the Public Officers Law and other related ethics laws and regulations. All new State employees are required to complete the CETC within 90 days from the date of hire and every other year thereafter. Training course materials are available in the “Train the Trainer” section of the [Ethics Officer Info Center](#) so agencies can deliver the CETC to their employees on an ongoing basis.

## Online Ethics Refresher Course

After completing the CETC, all employees are required to complete ethics refresher training. The Online Ethics Refresher Course is a self-directed training that reviews key concepts in public ethics and guides employees through statutory changes in ethics laws. This course will be available on the Commission website in 2023.

## **Tracking and Compliance**

The Commission is required to generate quarterly and annual compliance statistics for each agency’s training efforts and report those findings in writing to the Governor and the Legislature. As such, Ethics Officers and their designees assist the Commission by timely reporting training activities.

Agencies must track training completion history for all employees internally and report training statistics to the Commission upon request.

The FDS System will no longer be used to track ethics training for FDS Filers, effective July 8, 2022. However, you may still record a final training date for any existing filer who has an open class on their profile.

### Actions required by the agency's Ethics Officer for Ethics Training

1. Notify all employees of the requirement to complete mandatory ethics trainings.
2. Deliver the CETC to your staff or assign a designee to provide ethics trainings at regular intervals or as needed.
3. Monitor the training compliance status of all employees in your agency, and proactively notify them of ethics training deadlines.
4. Submit training statistics to the Ethics Commission upon request.

# Outside Activity Approvals

---

## Outside Activities

Approval for outside activities for Policymakers, heads of State agencies, and statewide elected officials is governed by regulations – [19 NYCRR Part 932](#) – which are available on the Commission’s website.

The regulations require Policymakers (other than those who are unpaid or paid on a per diem basis) to obtain approval from their agency before engaging in certain outside activities. Agency heads and statewide elected officials, however, must seek outside activity approval directly from the Commission.

Agencies generally designate the Ethics Officer to perform the agency’s portion of the review and analysis required prior to approving an outside activity request under the regulations.

Policymakers are required to seek agency and Commission approval before engaging in any of the following outside activities:

1. Employment or a business venture that generates, or is expected to generate, more than \$5,000 in compensation annually. (For agency heads and statewide elected officials, however, the minimum dollar threshold that triggers the Commission approval requirement is \$1,000.)
2. Holding elected or appointed public office (regardless of compensation).
3. Serving as a director or officer of a for-profit entity (regardless of compensation).
4. Serving as a director or officer of a not-for-profit entity, where annual compensation is more than \$5,000.

If a Policymaker (other than those who are unpaid or paid on a per diem basis), State agency head, or statewide elected official wishes to serve as a director or officer of a not-for-profit entity and receive up to \$1,000 in annual compensation, no pre-approval is required from the State agency. The Policymaker, however, is obligated to provide written notice of their outside activity to their approving authority before commencing service, and annually thereafter.

In addition, your agency may also have policies that govern outside activities that are more restrictive than those in Part 932.

## Actions required by the agency Ethics Officer for Outside Activities

1. For Policymakers in your agency (other than those who are unpaid or paid on a per diem basis), the Ethics Officer must review and, if appropriate, approve any outside activity above \$1,000 in annual compensation, in accordance with 19 NYCRR Part 932.
2. If a Policymaker, head of State agency, or statewide elected official's outside activity requires the Commission's approval in addition to the agency's approval in accordance with 19 NYCRR Part 932, the Ethics Officer will assist in completing the required approvals. The [Outside Activity Approval form](#) is available on the Commission's website.
3. Educate all employees, regardless of their policymaking status, on avoiding potential conflicts of interest arising from outside activities.

# Honoraria Approvals and Official Activity Expense Payments

---

## **Honoraria**

The regulations governing honoraria are contained in [19 NYCRR Part 930](#) and are available on the Commission's website.

Generally, the Ethics Officer reviews and approves requests to accept an honorarium in accordance with 19 NYCRR Part 930. The Commission directly reviews requests to accept an honorarium for statewide elected officials and agency heads.

Statewide elected officials and heads of agencies are prohibited from accepting honoraria for speeches.

Exemptions to the honoraria approval process exist for SUNY/CUNY filers in specific titles.

Honoraria approvals are not required to be sent to the Commission. Instead, agencies must keep all honoraria approvals for three years, provide a copy to the employee, and make the record available to the Commission upon request.

## **Actions required by the Ethics Officer for Honoraria**

1. Review and render a determination on employee requests for honoraria approvals in accordance with the regulations.
2. Ensure that the agency amends the internal records retention policy to require honoraria approvals to be retained for three years in accordance with the regulations.
3. Educate agency personnel on the requirements and restrictions contained in the honoraria regulations.

## **Official Activity Expense Payments**

Official Activity Expense Payments are also commonly referred to as “travel payments” or “travel reimbursements.”

The regulations governing official activity expense payments are set forth in [19 NYCRR Part 931](#) and are available on the Commission's website.

Generally, the Ethics Officer reviews and approves requests to accept an Official Activity Expense Payment in accordance with 19 NYCRR Part 931. The Commission directly reviews requests to accept an Official Activity Expense Payment for statewide elected officials and agency heads.

Official Activity Expense Payment approvals are not required to be sent to the Commission. However, the agencies must keep all approvals for three years, provide a copy to the employee, and make the record available to the Commission upon request.

### Actions required by the Ethics Officer for Official Activity Expenses

1. Review and render a determination on employee requests to accept an Official Activity Expense Payment in accordance with the regulations.
2. Ensure that the agency amends the internal records retention policy to require Official Activity Expense Payment approvals to be retained for three years in accordance with the regulations.
3. Educate agency personnel on the requirements and restrictions contained in the Official Activity Expense Payment regulations.

## Gifts and Widely Attended Events

---

### Gifts

The regulations governing the acceptance of gifts by State officers and employees are set forth in [19 NYCRR Part 933](#) and are available on the Commission's website.

The regulations cover the receipt and acceptance of anything of value -- such as money, meals, entertainment, travel, and lodging – and under what conditions the receipt of gifts is allowed or prohibited.

The regulations also contain a number of exceptions which are not considered gifts, including, but not limited to, food and beverage valued under \$15, complimentary attendance at charitable and political events, gifts from friends and family members, and certain prizes, promotional items, and discounts.

### Complimentary Attendance at a Widely Attended Event

Generally, the following four conditions must be met to qualify for the “Widely Attended Event” gift exclusion for any State officer or employee:

1. Complimentary admission must be offered by the sponsor of the event; and
2. Twenty-five individuals – who are not from your agency – attend or are in good faith invited to attend; and
3. Either
  - (a) The event is related to the individual's official duties or responsibilities (this can be satisfied if there is a speaker at the event who addresses an issue of public interest or concern) or
  - (b) The event allows the individual to perform a ceremonial function appropriate to their position; and
4. The Ethics Officer must be informed in writing of the Widely Attended Event before the event takes place.

For Widely Attended Events, food and beverage is only permissible if offered to all participants.

The exclusion does not cover entertainment, recreational, or sporting activity unless the presentation addressing the public interest or concern is delivered during the entertainment, recreational, or sporting activity.

### Actions required by the Ethics Officer for Gifts and Widely Attended Events

1. Educate all agency employees on the requirements and prohibitions in the gift regulations.
2. Make employees aware of the requirement set forth in Part 933.4(a)(7)(ii) that employees must provide the Ethics Officer with prior written notification of their intent to accept a complimentary invitation to a Widely Attended Event, as defined in Part 933.4(a)(7)(i).
3. Advise agency employees on questions and issues that may arise on the applicability of the gift regulations to specific scenarios.