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NEW YORK STATE
COMMISSION ON ETHICS AND LOBBYING
IN GOVERNMENT

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January 20, 2023

The Honorable Kathy Hochul
Governor of New York State
The Capitol
Albany, NY 12224

The Honorable Carl E. Heastie
Speaker of the Assembly
Legislative Office Building, Rm. 932
Albany, NY 12248

The Honorable Andrea Stewart-Cousins
Temporary President and Majority Leader of the Senate
Legislative Office Building, Rm. 907
Albany, NY 12247

The Honorable Robert G. Ort
Senate Minority Leader
The Capitol, Rm. 315
Albany, NY 12247

The Honorable William A. Barclay
Assembly Minority Leader
Legislative Office Building, Rm. 933
Albany, NY 12248

Dear Governor Hochul and Legislative Leaders:

On behalf of the Commissioners and staff of the New York State Commission on Ethics and Lobbying Government, I am pleased to present you with the attached 2022 Third Calendar Quarter Report, together with aggregate statistics regarding participation by each State agency in mandated ethics training as well as a summary of the steps being taken to address and meet the requirement of the Ethics Commission Reform Act for workforce – and leadership-wide ethics training for the State's Executive and Legislative branches.

Respectfully,

Sanford N. Berland
Executive Director

Copy to Frederick A. Davie, Interim Chair



FIRST QUARTERLY COMPLIANCE REPORT

Mandatory Ethics Training | Third Calendar Quarter 2022

Pursuant to Section 94(8) of the Executive Law¹, the Commission on Ethics and Lobbying in Government (the “Commission”) is to establish a training unit and to afford and oversee a State workforce and leadership ethics training program. Specifically, the Commission is called upon to:

- (a) Develop and administer a comprehensive and interactive live-in person or live-online ethics training course, including practical application of the material covered and a question-and-answer participatory segment and designate and train instructors to conduct such training. State and Legislative officials and employees, as well as State-wide elected officials and certain political party chairs, are to complete such training within ninety days of appointment or employment and every two years thereafter, but the Commission may extend or waive such requirement for good cause shown.
- (b) Develop and administer an online ethics refresher course for all individuals who have previously completed the live course, designed to include any changes in law, regulation, or policy or in the interpretation thereof, and practical application of the material covered. This refresher course is to be taken biennially, in the year following completion of the comprehensive course², but, as in the case of the biennial comprehensive training, the commission may extend or waive such requirement for good cause shown.

¹ Laws of 2022, chapter 56, Part QQ, §2, effective July 8, 2022.

² The statute, at Executive Law § 94(8)(b), recites that individuals who have “previously completed the live course . . . shall take such refresher course once every year after having completed the live course . . . under paragraph (a) of this subdivision.” The Commission has interpreted this provision as calling for refresher training to be taken in the intervening year between each individual’s biennial comprehensive training.

- (c) A training course for lobbyists and clients, which under the Lobbying Act (at Legislative Law §1-d(h)) is to be delivered in an online format and taken every three years.

Further, Section 94(8)(f) of the Executive Law mandates that the Commission, on an annual basis, determine the status of compliance with the training requirements. The Commission is to report aggregate statistics regarding participation in ethics training on a quarterly basis to the Governor and the Legislature in writing, in coordination with the Legislative Ethics Commission.

The below information includes ethics training information from the third quarter of calendar year 2022, beginning July 8, 2022 (the effective date of the Commission's enabling legislation) through September 30, 2022:

- Total number of State agencies: 397
- Total number of agencies reporting compliance statistics for the reporting period: 324 or 82%
- Total number of agencies not reporting quarterly compliance statistics for the reporting period: 73 or 18%
- Approximate number of State officers and employees: 301,790 (includes approximate figures from publicly available sources)
- Total number of State officers and employees reported as having participated in ethics training in the reporting period: 12,394.

Because the affected State agencies, which will be responsible for conducting much of the interactive live in-person / live online training, and the Commission do not currently have sufficient personnel or resources to deliver such training to the entirety of the markedly expanded population of State officials and employees and political party chairs now obliged to receive ethics education and training under the Ethics Commission Reform Act of 2022, or the systems needed to schedule and monitor such training on the scale now called for, the Commission, in conjunction with the affected State agencies, is developing and implementing a series of interim measures aimed at providing comprehensive ethics training to a preponderance of the State workforce through alternative

modalities. These interim measures, along with continuing live in-person / live online comprehensive ethics training at the more modest – but still significant – levels commensurate with existing agency personnel and resource availability, will remain in effect while agency live in-person / live online training capabilities are expanded and robust scheduling and monitoring systems are fully developed to meet the requirement for workforce-wide interactive live /in-person /live online ethics training.

In addition to the foregoing, the Commission has now launched a new online ethics training program for lobbyists and clients, in furtherance of the newly expanded lobbying-related training requirements. All principal, individual, and in-house lobbyists, and all contractual and beneficial clients listed on a 2023-2024 statement of registration, must take the new ethics training course. Filers required to take the training can easily access the course via the Commission’s website and must attest their completion status in its online Lobbying Application. The *Ethical Standards for Lobbyists and Clients* training is built using responsive technology that allows users to view the online course utilizing a variety of devices, including desktop computers, tablets, or mobile devices and will reach approximately 13,000 lobbyists and lobbying clients. The Commission’s intention is to adopt this new technology in much broadened form in the expanded ethics training program being developed for all State officers and employees.