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June 12, 2023

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

Honorable Carl E. Heastie
Speaker of the Assembly
LOB, Rm. 932
Albany, NY 12248

Honorable Andrea Stewart-Cousins
Senate Majority Leader
LOB, Rm. 907
Albany, NY 12247

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

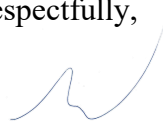
Honorable William A. Barclay
Assembly Minority Leader
LOB, Rm. 933
Albany, NY 12248

Dear Governor Hochul and Legislative Leaders:

On behalf of the Commissioners and staff of the New York State Commission on Ethics and Lobbying in Government, I am pleased to present you with the attached 2023 First 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 requirements of the Ethics Commission Reform Act of 2022 for

workforce and leadership-wide ethics training for the State's Executive and Legislative branches.

Respectfully,

A handwritten signature in blue ink, appearing to read "Sanford N. Berland". The signature is fluid and cursive, with a prominent upward stroke at the end.

Sanford N. Berland
Executive Director

cc: Frederick A. Davie, Chair



THIRD QUARTERLY COMPLIANCE REPORT

Mandatory Ethics Training | First Calendar Quarter 2023

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 Legislative Ethics Commission separately provides the Legislature's aggregate statistics directly to the Governor and Legislature.

The below information includes ethics training information from the first quarter of calendar year 2023, beginning January 1, 2023 through March 31, 2023, as well as cumulative data from July 8, 2022 through March 31, 2023:

- Total number of State agencies: 384
- Total number of agencies reporting compliance statistics for the reporting period: 373, or 98%
- Total number of agencies not reporting quarterly compliance statistics for the reporting period: 11, or 2%
- Approximate total number of State officers and employees: 314,920
- Total number of State officers and employees reported as having participated in ethics training in the reporting period: 25,433
- Total number of State officers and employees reported as having participated in ethics training since the inception of the expanded training requirement (Jul 8, 2022 through March 31, 2023): 50,995

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, including the development of business rules and desired system specifications, along with continuing live in-person / live online and self-directed 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, efforts are underway to develop and implement an automated alternative to the various inefficient and labor-intensive tracking methods that agencies are currently using to track, record and report their respective training statistics.

In addition to the foregoing, the Commission has successfully launched a new online ethics training program for lobbyists and clients pursuant to 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. For purposes of training compliance by organizations listed as a lobbyist or client, the Chief Administrative Officer listed by the organization is responsible for taking the training. Filers required to take the training can readily 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. During the first quarter of 2023, 6,684 lobbyists and clients completed the training, representing an over 75% compliance rate.

The Commission's intention is to adapt aspects of this new technology, in much broadened form and to the extent practicable, for use in the expanded ethics training program being developed for all State officers and employees.