LEONARD B. AUSTIN
CHAIR

SANFORD N. BERLAND
EXECUTIVE DIRECTOR

Proposal 8:
ADD PENALTIES FOR CERTAIN VIOLATIONS OF THE PUBLIC OFFICERS LAW WHICH CURRENTLY HAVE NONE

THE CHALLENGE

The State Code of Ethics does not provide monetary penalties for certain violations and does not explicitly codify sexual harassment as a violation.

Currently, Public Officers Law § 74, the State's Code of Ethics, provides for no monetary penalty for violations of subsections (3)(f) and (3)(h) of the statute, even though those subsections set forth important standards of conduct that should be enforceable under penalty. Subsection (f) prohibits a State officer or employee from engaging in any conduct that would "give reasonable basis for the impression that any person can improperly influence him or her or unduly enjoy his or her favor in the performance of his or her official duties." Subsection (h) requires a State officer or employee to "pursue a course of conduct which will not raise suspicion among the public that he or she is likely to be engaged in acts that are in violation of his or her trust."

The law provides no penalty for violations of these two specific provisions other than referring for agency disciplinary action, including termination, or, in the case of statewide elected officials, for impeachment. This proposal would also add a provision to Public Officers Law § 74 specifically codifying sexual harassment as a violation of the Code.

SUPPORTING INFORMATION

Currently, sexual harassment claims are addressed under POL § 74(3)(h), which prohibits conduct that goes against the public trust and carries no monetary penalty, and/or POL § 74(3)(d), which more generally prohibits securing unwarranted privileges and carries a $10,000 penalty.

THE SOLUTION

Add monetary penalties for violations that do not have them and codify sexual harassments as a violation of the State Code of Ethics.

This proposal would grant the Commission on Ethics and Lobbying in Government important tools to promote and enforce the highest standards of conduct in state government by adding monetary penalties for violations of Public Officers Law § 74(3)(f) and (h) and codifying sexual harassment as a violation of the State Code of Ethics.

Please note, draft bill language is available upon request.

PHONE: (518) 408-3976
ethics.ny.gov