ROLE OF THE ETHICS OFFICER

The Joint Commission on Public Ethics ("JCOPE") administers and enforces the ethics laws that apply to appointees, officers and employees of New York State agencies, public authorities, public benefit corporations, and commissions ("Agency" or "Agencies"). The ethics laws apply to all of these covered persons, even those appointees who serve on an unpaid or per diem basis. Each Agency must designate an Ethics Officer to serve as the primary liaison to JCOPE.

OVERVIEW OF ETHICS OFFICER DUTIES AND RESPONSIBILITIES

◆ Serve as liaison between the Agency and JCOPE for statutory and other administrative obligations.

◆ Provide guidance to Agency officers and employees in the interpretation and implementation of ethics laws.

◆ Promote a culture of integrity by fostering awareness of ethics laws and obligations and serves as a resource on ethics questions.

◆ Monitor ethics-related matters, including new laws, regulations, policies, and advisory opinions.

◆ Evaluate allegations and refers complaints to JCOPE as appropriate.

I. ACTIONS REQUIRED BY THE ETHICS OFFICER: FINANCIAL DISCLOSURE

1. Submit the FDS Filer List to JCOPE on or before the end of February each year.

2. Submit amendments to the FDS Filer List within 30 days of the date that a new officer or employee becomes an FDS filer.

3. Notify Agency officers and employees of the requirement to file an FDS and to take mandatory ethics training.

4. Ethics Officers may submit a request for exemption on behalf of the Agency for a class of non policy-making employees who serve in the same job title or classification.

Financial Disclosure: Relevant Information

◆ Public Officers Law §73-a(1)(c)(ii)

Each Agency is required annually to prepare and submit a report to JCOPE that lists all persons employed or affiliated with the Agency in the preceding year who are required to file an annual FDS. Such report is referred to as the “FDS Filer List.”

➢ The Ethics Officer is responsible for submitting the FDS Filer List to JCOPE on or before the end of February each year.

Revised June 2014
Public Officers Law §73-a(1)(c)(iii)

Each Agency is required to update and amend the FDS Filer List with the name of the new FDS filer within 30 days of the date of becoming an FDS filer.

Events that would trigger such an amendment are:

1. The hiring of a new employee
2. Appointment of a new member or director (who by definition are policy makers)
3. When a current FDS filer separates from State service or transfers to a non policy-making position with an annual salary rate less than the "filing rate"
4. The transfer or promotion of an employee to a higher salary or policy-making position
   ➢ The Ethics Officer is responsible for submitting such amendments to the FDS Filer List within 30 days of the date that the officer or employee became an FDS filer.

Who is required to file an FDS?

1. Individuals designated as policy makers by their Agency; and
2. Employees with an annual salary rate in excess of the "filing rate" of a SG-24 CSEA equivalent ($90,020 as of April 1, 2014).
   ➢ In general, part-time employees who serve in a position with an annual full time salary that exceeds the "filing rate" are still required to file an FDS even if they actually receive less than the "filing rate" amount in any year.
   ➢ The Ethics Officer is responsible for notifying Agency officers and employees of the requirement to file an FDS and to take mandatory Ethics Training.
     • There are guidelines to assist Agencies and/or appointing authorities in determining those persons who hold policy-making positions for the purposes of filing an FDS.

FDS Exemption for a Class of or Title of Employees

Exemptions are available only to non-policy-making positions. A policy-making designation voids any previous exemption.

➢ Ethics Officers may submit a request for exemption on behalf of the Agency for a class of non policy-making employees who serve in the same job title or classification. The governing procedures are set forth in Title 19 NYCRR Part 935 and applicable forms are available on JCOPE’s website.

➢ If JCOPE previously granted an exemption for a certain class or title of employees that exemption is still valid provided such exempted employees: (i) remain in the same title with the same job specifications; (ii) are employed at the same Agency in which the exemption was originally granted; and (iii) are not subsequently designated as a policy maker by the appointing authority.
Important FDS Due Dates

- **February 28th**
  Deadline for submission to JCOPE of an updated FDS Filer List.

- **May 15th**
  Deadline for exemption requests.

- **May 15th**
  Deadline for filing an FDS.

Important FDS Due Dates for SUNY/CUNY Faculty

- **September 15th**
  Deadline for submission to JCOPE of an updated FDS Faculty Filer List.

- **November 15th**
  Deadline for exemption requests.

- **November 15th**
  Deadline for faculty members filing an FDS.

II. ACTIONS REQUIRED BY THE ETHICS OFFICER: MANDATED ETHICS TRAINING

1. Notify the Agency's FDS Filers of the 3 mandatory ethics trainings.

2. Present the Comprehensive Ethics Training Course to Agency FDS filers as required.

3. Monitor and track the ethics training compliance statistics of your Agency's FDS filers.

4. Submit your Agency's Ethics Training Compliance Report to JCOPE by January 31, 2015. JCOPE will provide Ethics Officers with more information closer to this deadline.
The 3 Mandated Ethics Training For FDS Filers

1. JCOPE Online Ethics Orientation (Now Available on SLMS)
   *Executive Law §94(10)(b)*
   - Individuals newly subject to the FDS filing requirement are required to complete the JCOPE Online Ethics Orientation within 3 months of the date they became an FDS filer.
   - The JCOPE Online Ethics Orientation is available via the Statewide Learning Management System (“SLMS”).
   - Individuals who have completed the Comprehensive Ethics Training Course within three months of becoming subject to the FDS filing requirement shall not be required to complete the JCOPE Online Ethics Orientation. However, the Orientation is not a substitute for the Comprehensive Ethics Training Course.

2. Comprehensive Ethics Training Course: Two-hour, Live*
   *Executive Law §94(10)(a)*
   - Individuals who are FDS filers are required to complete the Comprehensive Ethics Training Course (“CETC”) within two years of the date they became an FDS filer.
   "The Ethics Officer or designated trainer must utilize JCOPE’s CETC in the form provided and in its entirety. The most recent version is dated June 18, 2014. Trainers may supplement this course with information and examples specific to your Agency."

3. Ethics Seminar: 90 minute, Live* (Not Yet Available)
   *Executive Law §94(10)(c)*
   - After the completion date of the CETC, FDS filers are required to complete an Ethics Seminar every three years. The Ethics Seminar is an update on any changes in the applicable laws, regulations and policies.

Please be mindful that the ongoing ethics training program mandated by PIRA for FDS filers and set forth in Executive Law §94(10)(a),(b) and (c) does not apply to those employees with a currently valid FDS Exemption.
*What does "live" mean?*

Both the CETC and Ethics Seminar must be presented by an instructor in a live synchronous presentation which means that the presentation occurs in real time and allows for immediate two-way communication. Acceptable forms of live synchronous presentation are:

- **Webinars**: Provide one-way video and two-way audio.
- **Video Conferencing**: Allows two or more locations to communicate by simultaneous two-way video and audio transmissions.
- **Traditional classroom setting**: Both presenter and attendees are in the same location and are able to ask questions in real time.

### III. New and Amended Regulations

**Gifts: Title 19 NYCRR Part 933 (Effective as of June 18, 2014)**

- The regulations governing the acceptance of gifts are new and replace previous guidance found in Advisory Opinions.
- Ethics Officers should quickly become familiar with the new regulations.
- Highlights from the new gift regulations include:
  - “Disqualified Source” concept replaced with “Interested Source.” Gifts from an Interested Source are presumptively prohibited.
  - “Nominal Value” ordinarily means a fair market value of fifteen (15) dollars or less.
  - The regulations provide for a complete, and exclusive list of exclusions. Some, but not all, exclusions include:
    - Food or beverage valued at fifteen (15) dollars or less per event;
    - Complimentary attendance, including food and beverage, when offered by the sponsor of a Widely Attended Event
    - Gifts from friends or family members
  - Provisions concerning the receipt of multiple gifts from the same individual or entity
Honoraria: Title 19 NYCRR Part 930 (Amendments effective as of June 18, 2014)

- The Ethics Officer should ensure the Agency complies with the amended regulations governing honoraria.

- The amended regulations contain the following provisions:
  - Procedures and conditions for seeking approval and acceptance of an honorarium, including an honorarium offered by an Interested Source.
  - Requirement that each Agency maintain an Honorarium Approval for each approved honorarium request. Each Honorarium Approval must contain specific information set forth in the regulations.
  - Honoraria Approvals are not required to be sent to JCOPE. Instead, agencies must keep all Honoraria Approvals for 3 years and make them available to JCOPE upon request.
  - Heads of agencies are still required to have JCOPE approval for receipt of honoraria.

Official Activity Expense Payments (Travel): Title 19 NYCRR Part 931 (Effective as of June 18, 2014)

- The regulations regarding reimbursement or payment for travel expenses related to an employee’s official activities were formerly found in Title 19 NYCRR Part 930.6

- Those regulations have been revised and are now contained in Title 19 NYCRR Part 931.

- The Ethics Officer should ensure the Agency complies with the amended regulations. The regulations contain the following provisions:
  - Procedures and conditions for seeking approval and acceptance for payment of, or reimbursement for, official activity expenses (which may include travel expenses), including when the payment or reimbursement is made by an Interested Source.
  - Heads of agencies are still required to have JCOPE approval for payment of, or reimbursement for, travel expenses related to official activities.