

I. GIFTS

BASIC FACTS

1. New York State: The Public Employees Ethics Reform Act of 2007/Public Officers Law applies to **all CUNY employees**. For purposes of this Law and under this Act all CUNY employees are "State" employees, including community college employees, even **part-time staff**, are considered "state employees".
2. [New York State Commission on Public Integrity](#):
 1. Power to investigate and impose fines now up to \$40,000 per ethics offense
 2. May refer to prosecutor for criminal proceedings
 3. Issues advisory opinions

PROHIBITIONS ON ACCEPTING GIFTS:

Basic Rule: Receipt of gifts is strictly prohibited - Penalties are up to \$40,000 plus the value of the gift, compensation, or benefit.

Definition of a gift for the purpose of prohibition on acceptance of gifts: The term gift shall mean anything of more than a nominal value (cup of coffee, pencil). Includes money, service, loan, tickets, flowers, travel, golf outings, entertainment, hospitality, contribution to charity in your name, things, promises, or forbearance having a monetary value.

Reciprocity: Offer to reciprocate does not eliminate or mitigate violation of taking improper gift.

Designating someone else: You cannot designate a friend, family member or a charitable or other organization (charity) to receive a gift on your behalf.

The following are excluded from the definition of a gift:

1. Complimentary attendance, including food and beverage, at bona fide charitable or political events, and food and beverage of a nominal value offered other than as part of a meal;
 2. Complimentary attendance, food and beverage offered by the sponsor of an event that is widely attended not just by CUNY or was in good faith intended to be widely attended, when attendance at the event is related to the attendee's duties or responsibilities as a public official or allows the public official to perform a ceremonial function appropriate to his or her position;
 3. Awards, plaques, and other ceremonial items which are publicly presented, or intended to be publicly presented, in recognition of public service, provided that the item or items are of the type customarily bestowed at such or similar ceremonies and are otherwise reasonable under the circumstances, and further provided that the functionality of such items shall not determine whether such items are permitted under this paragraph;
 4. An honorary degree bestowed upon a public official by a public or private college or university;
 5. Promotional items having no substantial resale value such as pens, mugs, calendars, hats, and t-shirts which bear an organization's name, logo, or message in a manner which promotes the organization's cause;
 6. Goods and services, or discounts for goods and services, offered to the general public or a segment of the general public defined on a basis other than status as a public official and offered on the same terms and conditions as the goods or services are offered to the general public or segment thereof;
 7. Gifts from a family member, member of the same household, or person with a personal relationship with the public official, including invitations to attend personal or family social events, when the circumstances establish that it is the family, household, or personal relationship that is the primary motivating factor;
 8. Travel reimbursement or payment for transportation, meals and accommodations for an attendee, panelist or speaker at an informational event when such reimbursement or payment is made by a governmental entity or by an in-state accredited public or private institution of higher education that hosts the event on its campus, provided, however, that the public official may only accept lodging from an institution of higher education: (A) at a location on or within close proximity to the host campus; and (B) for the night preceding and the nights of the days on which the attendee, panelist or speaker actually attends the event;
 9. Meals or refreshments when participating in a professional or educational program and the meals or refreshments are provided to all participants.
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II. HONORARIA

Honoraria – Pertains to all CUNY employees whether they are policy makers or not. [There is an exception for faculty and scientists.]

Basic Rule: Always prohibited from entity or person doing business with CUNY, including vendors, potential vendors, unions, and individuals. If travel beneficial to job, campus should pay.

Honoraria are not gifts; receipt of compensation, travel and lodging expenses or reimbursement for such expenses may be accepted. There are procedures to seek approval of and to report honoraria annually. CAN NOT be related to official duties.

Definition of Honoraria: Honoraria is a payment, fee, or compensation given to a CUNY employee by a private entity for services rendered (giving speech, authoring an article, serving on a panel at a meeting or a conference) not relating to the covered individual's official duties. Payment may be in the form of a gratuity, fee, travel or lodging expenses (or reimbursements of such expenses).

III. CONFLICT OF INTERESTS

YOU may not do anything against CUNY's best interest. Your first loyalty and duty must be to CUNY.

Basic Rules:

1. You may not disclose confidential information acquired on the job to further personal interests. You can't sell goods/services over \$25 to State or Public Authority (e.g. DASNY) except through competitively bid contract.
2. You may not use or try to use official position to secure unwarranted privileges or exemptions for self or others.
3. You may not give reasonable basis for impression that someone can improperly influence you or that you are affected by kinship, rank, position, influence of person.
4. Public Employees Ethics Reform Act added a new section (nepotism and political affiliation section) prohibiting all covered employees from participating in any decision to hire, promote, discipline, or discharge a relative for any compensated position at, for or within any state agency, public authority or the legislature. Included in this sections are prohibitions against:
 1. any state contracting decision involving payment of more than one thousand dollars (\$1,000) to that individual, any relative of that individual, or any entity in which that individual or any relative has a financial interest;
 2. or participate in any decision to invest public funds in any security of any entity in which that individual or any relative of that individual has a financial interest, is an underwriter, or receives any brokerage, origination or servicing fees.
 3. Cannot do business with a relative, unless there has been open competitive bidding performed by the family member for contracts greater than \$ 25.00
5. No state officer or employee shall, directly or indirectly, use his or her official authority to compel or induce any other state officer or employee to make or promise to make any political contribution, whether by gift of money, service or other thing of value.
6. Employment outside regular duties [Policy makers Only]: You cannot work for or accept employment with an outside entity which would require you to disclose confidential information you have acquired during the course of your employment with New York State.
7. Doing business with others:
 1. Appearing before other State agencies
 2. If you work for New York State, it may be a conflict of interest to be paid for representing someone else's interest before a New York State agency. Prohibited appearances include but are not limited to:
 1. Purchase, sale, rental or lease of real property, goods or services.
 2. Obtaining grants of money or loans.
8. Licensing.

WHAT CAN YOU DO

Ministerial matters ok (e.g., assisting with filing for Medicare for a family member, getting new plates at the DMV, or Access-a-ride)

CONFLICT OF INTEREST - SOLICITING VENDORS:

1. Fundraising

Staff or Offices or Departments that are involved in selecting or working with banks or lending institutions should not contact vendors for fundraising purposes – this conflicts with their regular duties. (For example, Purchasing, Business Office, Budget, Financial Aid and other student support professionals, Facilities, Buildings and Grounds, or others who select or work with vendors.) Only designated employees may do so (development staff, College foundation staff that is not involved in College procurement, College Financial Aid, and other "neutrals").

2. Attending College Gala Events

If Bank buys table and has seats left over, may offer seats to President or designated neutral official at college for distribution.

Must be written protocol, and only those college employees with a "State agency purpose" may attend. Should not be staff that are involved in selecting or working with banks or lending institutions.

FREE ATTENDANCE AT CONFERENCES FOR CUNY EMPLOYEES ONLY:

"Free conference for CUNY employees only! Free lunch served!" – This example of an invitation is a **Violation!** If attendance serves campus purpose, campus should pay. E.g., "JP Morgan Chase has an Employee Benefits for CUNY Day at the Grand Hyatt Hotel; all expenses paid." Not acceptable.

However, if conference widely attended by others in field outside CUNY and campus concludes that employee's attendance is so beneficial that it outweighs likelihood of improper influence, employee may attend. E.g., "JP Morgan Chase has 'Government Employee Benefits Day' – all city, state, federal HR directors are invited." Is acceptable.

Reimbursements of travel and lodging expenses are NEVER appropriate. Complementary cost of enrolling and modest meals okay only if offered to all, including non-CUNY. Siemens has a conference on construction on campus for all NYS higher education entities: SUNY; NYU; Pace; CUNY; Columbia, Parson, etc. attend, is acceptable because CUNY is not carved out.

Consult your Campus Ethics Officer or OGC beforehand.

ENFORCEMENT ACTIONS

- Allegation
- Investigation
- Notice of Reasonable Cause
- Fact Finding
- Notice of Civil Assessment
- Disposition Agreement
- Prosecution thru District Attorney
- Notice of Civil Assessment
- Penalties are up to \$ 40, 000 plus value of gift or benefit

Enforcement Actions:

The New York Commission on Public Integrity investigations may result in enforcement actions. If, after investigation, the Commission finds that there is reasonable cause to believe that a violation of the ethics law has occurred, it may issue a Notice of Reasonable Cause ("NORC"), which formally charges the individual.

A hearing is held regarding allegations of violations of Public Officers Law §73. Thereafter, the hearing examiner issues findings of fact and a recommendation to the Commission, which may then issue a Notice of Civil Assessment. In some cases, a matter is resolved between the Commission and the subject by a Disposition Agreement. Certain violations of Public Officers Law §73 may be referred to a prosecutor and punished as a class "A" misdemeanor.

Notices and Disposition may be examined at the website <http://www.nyintegrity.org/>, please see the Current News section.