

SUNY-ESF

Ethics in State Government

Every officer and employee in State service is bound by the provisions of the State ethics laws, which establish specific standards of conduct, restrict certain business and professional activities – both while in State service and after leaving government. Violators face serious penalties.

The New York State Joint Commission on Public Ethics (JCOPE) has oversight and jurisdiction over the state's ethics laws. In addition to their policy document, additional information regarding the ethics laws of NYS can be access at JCOPE's website: <http://www.jcope.ny.gov/>

Conflicts of Interest

Officers and employees of State government are restricted in the activities in which they may engage while in State service. Basically, they may not engage in activities that would create or appear to create a conflict with their public duties. Some of the specific restrictions are:

- They may not sell goods or services to the State or any agency of the State except through a competitively bid contract;
- They may not appear before any State agency or render services for compensation in a matter before any State agency in connection with such subjects as the purchase or sale of goods, ratemaking, funding or licensing;

More generally, State officers and employees should not have any interest in or engage in any business or activity “in substantial conflict” with the discharge of their public duties. This restriction prohibits them from:

- Disclosing confidential information acquired in the course of their official duties or using such information to further their personal interests;
- Using or attempting to use their official positions to secure unwarranted privileges or exemptions for themselves or others;
- Giving reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that they are affected by the kinship, rank, position or influence of any party or person.

Finally, State officers and employees should endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their public trust.

Gifts

State officers and employees may not accept any gifts worth more than a nominal value. Gifts include: money; services; loans; travel; lodging; meals; refreshments; entertainment; discounts; and forbearance or promise having a monetary value.

Exclusions from the definition of a gift (and therefore something that a public official may accept):

- (a) Complimentary attendance, including food and beverage, at bona fide charitable or political events, and
- (b) Meals or refreshments offered to public officials who participate in a professional or educational program if the meals or refreshments are offered to all participants. The Law provides for the exclusion for complimentary attendance, including food and beverage offered by the sponsor, of a "widely attended event," defined as an event attended by or to which are invited *twenty-five or more* individuals, not including employees and officials from the agency at which the public official is employed, AND which relates to the public official's duties or responsibilities OR which allows the public official to perform a ceremonial function appropriate to his or her position.
- (c) Food or beverage valued at \$15 or less. This exclusion to apply to food and beverage offered outside of widely-attended events (which are not limited to \$15).

Other permissible gifts:

- Awards and other ceremonial items that are publicly presented in order to recognize the public official's public service, so long as the awards are of the kind regularly awarded in honor of public service;
 - Honorary degrees;
 - Promotional items with the organization's logo of no substantial resale value;
 - Goods, services, and discounts that are also offered to the general public;
 - Travel payment or reimbursement, meals and accommodations for an attendee or speaker at an informational event or informational meeting which the public official will attend when:
 - 1) The accommodations are made by a governmental entity or a state accredited institution of higher education;
 - 2) The institution of higher education hosts its event on the campus;
 - 3) The lodging location is close to the campus; and,
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4) Accommodations are only for the night before and day of the event or meeting.

- Transportation to inspect or tour facilities or property located in New York that is related to the public official's duties and responsibilities; and,
- Gifts from a family member or household member or attendance at a family, personal, or social event where the family, personal, or social event is the motivating factor in the public official's attendance.

Post-employment Restrictions

Although these restrictions do not apply while an individual is in State service, every State officer and employee should keep in mind that when he or she leaves State service, the following restrictions apply:

- Two-year bar – Former State officers or employees may not, within a period of two years after leaving State service, appear or practice before their former agency or receive compensation for any services rendered in relation to any case, proceeding, application or other matter before their former agency.
- Lifetime bar – Former State officers and employees may not appear, practice, communicate or otherwise render services before any State agency, or receive compensation for such services in relation to any case, proceeding, application or transaction with which they were directly concerned and in which they personally participated while in public service, or which was under their active consideration.

Questions or Information Relating to NYS Ethics:

JCOPE can be contacted by any member of the public or any state employee by calling (518) 408-3976 or to specifically file a complaint or tip, go to:

<http://jcope.ny.gov/complaint/tipsandcomplaints.html>

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