

New York State Ethics - A Plain Language Version

The Ethics in Government Act was passed and signed into law to restore the public's trust and confidence in government through the prevention of corruption, favoritism, undue influence and abuses of official position. As part of the Act, the ethics law was amended to establish standards of conduct for state officers and employees. It restricts certain business and professional activities, both while in state service and after separation. The governing provisions are set forth in §73, §73-a and §74 of the Public Officers Law. To increase officers' and employees' knowledge of the State's ethics laws, this plain language version of the NYS Ethics Law has been prepared and incorporates changes made by the Public Employee Ethics Reform Act of 2007.

- **Gifts.** You may not receive a gift of more than nominal value if it could reasonably be assumed that the gift was meant to influence you in performing your public duties, for example, a gift of more than nominal value from someone whose public business comes before you. POL §74(2)
- **Matters Before State Agencies.** Except in your official duties, in a ministerial matter, or for a union, you may not be paid for any appearance or services in a matter before a State agency in connection with: (a) the purchase, sale, rental or lease of real property, goods or services or a contract; (b) rate-making; (c) the adoption or repeal of a regulation; (d) loans or grants; (e) licensing; or (f) public utility franchises. POL §73(7)
- **Communications With State Agencies.** If your private association, firm or company is appearing or rendering services before a State agency in connection with: (a) the purchase, sale, rental or lease of real property, goods or services or a contract; (b) rate-making; (c) the adoption or repeal of a regulation; (d) loans or grants; (e) licensing; or (f) public utility franchises, then you may not orally communicate about the merits of the matter with anyone at the agency concerned with the matter. POL §73(12)
- **Sales to State Agencies.** Neither you, your firm, nor a corporation of which you control at least 10% of the stock, may sell goods or services to a State agency unless it is pursuant to a contract or award let after public notice and competitive bidding. POL §73(4)
- **Sales to Regulated Entities.** Neither you, your firm nor a corporation controlled by you may sell goods or services to any person, firm or company which is licensed by or whose rates are fixed by your agency. POL §74(3)(i)
- **Conflicts of Interest.** You may not have any interest or engage in any business or transaction or professional activity or incur any obligation of any nature which is in substantial conflict with the proper discharge of your public duties. POL §74(2)
- **Confidential Information.** You may not disclose confidential State information or use it for your personal interests. POL §74(3)(b)(c)

- **Misuse of Office.** You may not use your official position to secure unwarranted privileges or exemptions for yourself or others. POL §74(3)(d)
- **Appearance of Impropriety.** You may not do anything that would give the public a reasonable basis to think that anyone can improperly influence you in your official duties by reason of kinship, rank, position or influence. POL §74(3)(f)
- **Violation of Trust.** You must not raise public suspicion that you are acting in violation of your public trust. POL §74(3)(h)
- **Dealing With Yourself or Your Company.** You may not engage in any transaction as an agent for the State with any business entity in which you have a financial interest that might tend to conflict with the proper discharge of your official duties. Instead you should excuse yourself and ask someone else to do the State task. POL §74(3)(e)
- **Investments.** You may not make personal investments in enterprises which might be directly involved in decisions to be made by you. POL §74(3)(g)
- **Moonlighting.** You should not take a job which would impair your official independence, for example, with a vendor seeking a contract which you must review, or a company seeking a permit on which you must make a recommendation. POL §74(3)(a)
- **Honoraria and Travel Reimbursement.** You may not accept honoraria or official travel reimbursement without prior approval by your agency or the Commission on Public Integrity. If the donor does business with your agency, you probably cannot accept such payments. 19 NYCRR §930
- **Outside Activities.** If you are a paid policymaker, you may not engage in any outside activity for more than \$1,000 per year without prior agency approval, or for more than \$4,000 per year without prior Commission on Public Integrity approval. 19 NYCRR §932.3
- **Political Activities.** If you are a policymaker, you may not serve as an officer of any political party or organization, or as a member of any political party committee. 19 NYCRR §932.2
- **Contingent Fees.** You may not be paid for services where your fee is dependent or contingent on State agency action. POL §73(2)
- **Court of Claims.** You may not be paid for services in or out of court against the State's interest in the Court of Claims. POL §73(3)
- **Post-Employment Two-Year Ban.** For two years after you leave public employment, you may not appear before your former State agency or receive pay for services in a matter pending before it. Your former agency may have stricter rules. POL §73(8)(a)(i)
- **Post-Employment Lifetime Ban.** After you leave public employment, you may not appear before any State agency or receive pay for services in a matter on which you

personally worked for the State. Your former agency may have stricter rules. POL §73(8)(a)(ii)

- **Financial Disclosure.** If your agency has designated you as a policymaker, or if you earn over \$82,389 per year and have not received an exemption, then you must file an annual financial disclosure statement with the Commission on Public Integrity by May 15. If you begin public employment after May 15 of any year and must file, you must do so within thirty days of joining State service. POL §73-a(2)

If you have any questions about the requirements and restrictions of the ethics law, or if you wish to receive an advisory opinion as to the effects of the law, visit the [NYS Joint Commission on Public Ethics Web site](#) or call them at (518) 408-3676.