

Commonly Asked Questions Concerning *Honoraria*

1. Which of your employees are covered by the regulations?

All of your employees are covered irrespective of whether they have been designated as policymakers for the purpose of financial disclosure. See 19 NYCRR 930.2(f). Even employees who are exempted from restrictions on *honoraria* (certain employees who also held academic positions) must still nonetheless report their *honoraria*. Please note that pursuant to Public Officers Law §73(5-a)(b), no statewide elected officials or head of any civil department shall solicit, accept or receive any *honoraria*, as that term is defined in Public Officers Law §73(5-a)(a).

2. How are employees to know about the *honoraria* reporting requirements?

Many State agencies send an annual notice to all employees reminding them of their obligation to seek approval of *honoraria*.

3. What is an *honorarium*?

An *honorarium* is generally a speaking fee or compensation received from writing an article, or reimbursement for travel expenses not related to official duties. See 930.2(c). The key is that the service provided is not job related. In making this determination, the agency must consider whether it would make the employee available on State time to provide the service. For academic employees, see 930.7.

4. Who has the responsibility for approving *honoraria*?

Agency heads or their designees are authorized by the Commission's regulations to approve an employee's request to receive an *honorarium*. Agency heads not otherwise restricted by Public Officers Law §73(5-a) must seek *honoraria* approval directly from the Commission.

5. What are the criteria for an agency to approve an employee's request to receive an *honorarium*?

- A. The *honorarium* must not be job related. For example, an employee who is responsible for responding to the public about certain aspects of the agency's regulations cannot accept an *honorarium* for giving a speech about the regulations.
- B. The source of an *honorarium* cannot be a disqualified source; these are entities or individuals who are regulated by, negotiate with, do business or have contracts with, appear before, lobby, in litigation with or applied for funds from your agency. See 930.3(a)(1)(i)-(iv). Moreover, a disqualified

source cannot direct a third party to provide an employee an *honorarium*.

6. What should you do if you are unsure of whether to approve an *honorarium*?

You should contact JCOPE for assistance at 518-408-3976 or JCOPE@jcope.ny.gov.

7. What is the reporting year?

April 1, 2012 – March 31, 2013.

8. What happens if you have disapproved an employee's request to receive *honoraria*?

The report submitted to JCOPE captures both *honoraria* approved and disapproved by the agency.

9. Are there any other reporting requirements?

Employees who (1) have been designated as policymakers or who earn in excess of the income threshold and (2) are required to complete a financial disclosure statement must report any *honorarium* in excess of \$1,000 in response to Question 13 of the financial disclosure statement.