

PROCEDURE TO REQUEST A WAIVER OF THE TWO-YEAR BAR FOR LAID-OFF POLICY MAKERS PURSUANT TO CHAPTER 485, LAWS OF 2012.

Each former policy-making employee seeking to have the two-year bar of the Public Officers Law §73(8)(a)(i) made inapplicable to him or her, as authorized by Chapter 485 of the Laws of 2012, shall file such request with the Joint Commission on Public Ethics (“Commission”).

Information Required

The request shall be submitted on a form provided by the Commission for such purpose and shall include the following:

1. Name and address of a former policy maker;
2. The former agencies for which the former policy maker worked and the titles held during the last two years of State service;
3. Such information as necessary to allow the Commission to determine whether the lifetime bar contained in Public Officers Law §73(8) (a) (ii) would nevertheless prohibit the proposed employment opportunity.
4. A copy of the Certification and Notice obtained by the applicant from his or her State agency. No application will be processed without such Certification and Notice, as provided in Public Officers Law §73(8) (b) (i).

Signature

The form must be signed by the individual requesting the exemption.

Procedures

An individual who files a request for exemption must also send a copy of such request to the agency or agencies in which he or she worked within the last two years of State employment. Upon the filing of a request, the following procedures shall apply:

1. The State agency or agencies to which a request is sent, may within seven working days, file a written objection with the Commission. The State agency shall send a copy of the objection to the requesting individual.
2. The requesting individual may, within seven working days, file a written response to any objection filed with the Commission and also send a copy to the objecting agency.



3. Upon receipt of a request for an exemption and the expiration of the time for objection and response, the Executive Director of the Commission shall review all of the information filed and, without further inquiry, determine, based upon the statutory standards, whether the request is granted or denied.
4. The Executive Director of the Commission shall notify the requesting individual and the agency or agencies for which the individual worked within the last two years of State employment of the determination. Such notice shall be in writing.
5. The determination of the Executive Director shall be the final determination of the Commission unless, within 30 days of the determination, the requesting individual or an agency that has filed an objection appeals to the Commission.

Appeals

An individual or an agency that has filed an objection with the Commission seeking to appeal shall file a Notice of Appeal with the Executive Director within 30 days of the determination from which the appeal is taken. The Notice of Appeal shall be in writing, provide a clear statement of the reasons for the appeal, and be addressed to the Executive Director at the office of the Commission. Upon the filing of an appeal, the following procedures shall apply:

1. Upon receipt of the Notice of Appeal, the Executive Director, or his or her designee, shall issue a notice which sets forth a time and date for submission of written arguments and documentary evidence in support of the parties' positions. This time and date shall be no sooner than 15 days after receipt of the Notice of Appeal by the Commission and no later than 30 days thereafter.
2. The Executive Director shall forward to the Commission the record before him or her and all the written submissions received. The Commission may request additional information.
3. The Commission shall review the entire record and the written submissions.
4. The written decision of the Commission shall affirm, reverse or remand the decision of the Executive Director and shall be issued within 60 days of the filing of the Notice of Appeal with the Executive Director or as soon thereafter as possible.

APPLICATION BY POLICYMAKER PURSUANT TO CHAPTER 485, LAWS OF 2012

Instructions

Please type or print plainly. Use additional sheets as necessary. Return the application, along with the Certification and Notice from your former agency, to the Joint Commission on Public Ethics, 540 Broadway Plaza, Albany, New York 12207. By law, the Commission cannot process the application without a Certification and Notice from your agency.

Your Name: _____

Home Address: _____

For former agency and title, include each agency for which you worked and each title that you held within the last two years of State service. In answering the questions, you must respond as to each agency listed when the question refers to your former agency.

Former Agency: _____

Former Title: _____

***Years of
State service:*** _____

***Years in most
recent agency:*** _____

***Years in most recent
position:*** _____

(1) In the State position or positions held during your last two years of State service, were you involved in decision making regarding policies, rules or contracts? If yes, were you the final decision maker? If you were involved, but not the final decision maker, describe the levels of review between you and the ultimate decision maker.

(2) (a) What is the nature of the duties you anticipate performing for your current employer or a prospective employer?



(b) If you have a current employer or a prospective employer, is there a contract, lease, franchise, revocable consent, concession, variance, special permit, license, grant of money or loans, or a regulatory relationship between the employer and your former agency?

Describe:

(3) (a) Describe the nature of the contact you expect to have with your former agency?
Check all which apply.

daily *weekly* *monthly* *other*

Describe:

correspondence

meeting with large group

meeting with one or a few agency officials

fax

telephone calls

other

Describe:

(b) Do you anticipate that the contact you expect to have will be with those individuals for whom you worked or with whom you worked or who worked under your supervision?

Yes *No* ***Explain the reasons for your response.***

(c) Do you anticipate that your former agency will have discretion to make decisions based on the work product you provide to, or the services you render for, your current employer or a prospective employer?

Yes No *Explain the reasons for your response.*

(4) (a) Would the State or the public benefit if the Commission's approval were to be granted?

Yes No *If yes, describe how.*

(b) If you have particular skills and qualifications that will make you uniquely suited for a specific position, describe.

(5) If the approval is denied, what economic hardship would you suffer?

Signed: _____

Dated: _____

