

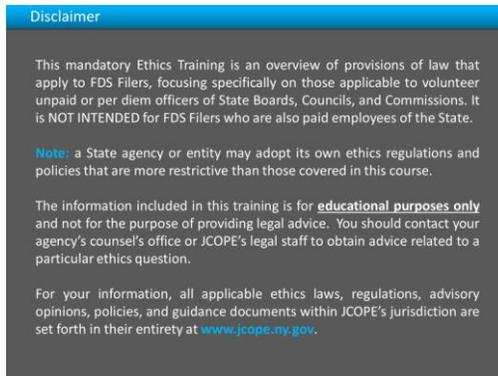
Slide 1



*Welcome & Introductions*

*Training Materials that accompany this course: "Plain Language Guide to the Public Officers Law and Other Related Ethics Laws"*

Slide 2



*(Review slide)*

This training has been customized to cover the ethics laws that apply to unpaid or per diem officers. If you are also a State employee who is subject to financial disclosure rules, this training will not satisfy the requirement to complete the full CETC. This training is only for those who are private citizens who volunteer to serve on a Board, Council, Commission, or Authority in an unpaid or per diem capacity. **Your agency may have additional ethics policies in addition to the state ethics laws we will review today.** This is one reason why it's a good idea to seek advice from your agency's Ethics Officer. JCOPE's website is a great resource for more complete information.

Segue: What do we hope to accomplish with today's training?

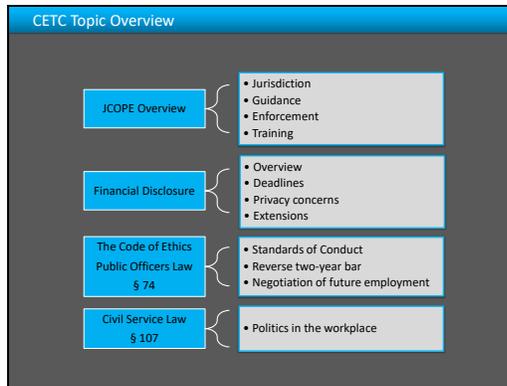
## Trainer Notes: CETC-UPO – Ethics Training for Unpaid/Per Diem State Officers

Slide 3



(Review slide) Our objectives are:  
1) Awareness - what the law says, and what regulations may apply  
2) Prevention - training is designed to prevent conflicts of interest  
3) Compliance - training is required by law, and promotes trust in State officers and employees

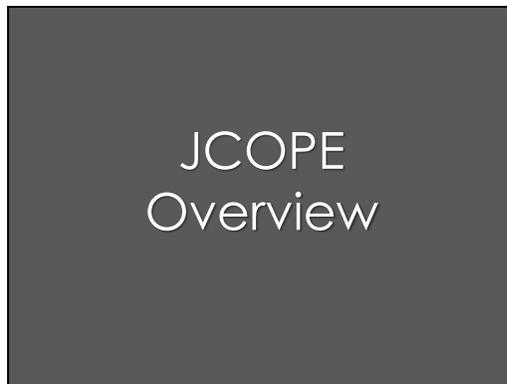
Slide 4



We will cover the following topics:  
(Review slide)

Segue: Let's get started...

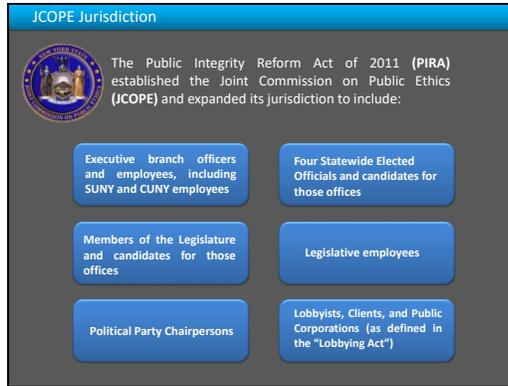
Slide 5



Let's begin by giving a brief overview of how the Ethics Commission works to create a culture of ethics compliance...

## Trainer Notes: CETC-UPO – Ethics Training for Unpaid/Per Diem State Officers

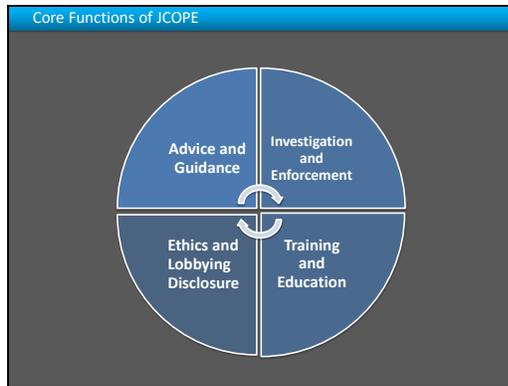
Slide 6



JCOPE was established by PIRA in 2011, which combined the former Commission on Public Integrity with the former Lobbying Commission.

Segue: This combined the core functions of both prior commissions...

Slide 7



Although JCOPE is often described as a "watchdog" agency, investigation & enforcement is only one of its core functions. JCOPE also serves an important advisory function for the regulated community.

The key functions of the commission are: *(review slide)*

Segue: Let's review those core functions briefly...

Slide 8



A prime part of JCOPE'S mission is to provide advice & guidance.

Segue: Let's look at that first.

## Trainer Notes: CETC-UPO – Ethics Training for Unpaid/Per Diem State Officers

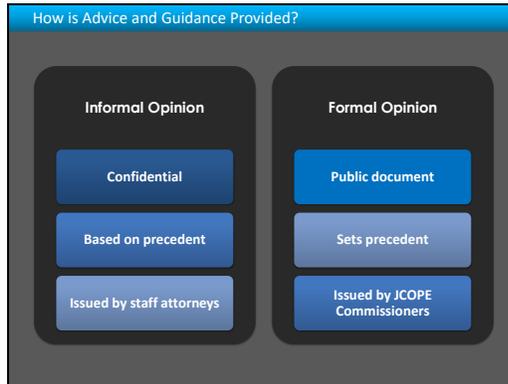
Slide 9



One of the primary functions of JCOPE is to offer advice and guidance to the regulated communities under its jurisdiction. There is an "Attorney of the Day" program that offers free, confidential guidance on State ethics laws. Your agency Ethics Officer is also a primary source of advice and guidance for you. We want to make sure you have the information you need, so contact your Ethics Officer or JCOPE for assistance.

Segue: If you call JCOPE attorneys, you will be able to get a legal advisory opinion on your situation...

Slide 10



There are two types of advisory opinions: Most of the time, you will receive an informal opinion that deals with a narrow, specific set of circumstances. They are confidential, and issued by the Commission's staff attorneys based on prior precedent. JCOPE provides confidential guidance by phone and e-mail.

If your situation is unique, it may require a formal advisory opinion to address your circumstances. A formal advisory opinion is issued by the Commissioners on matters of first impression. These opinions are public documents, with identifying information redacted. Every formal advisory opinion is posted on the Commission's website. These opinions set precedent for others in the future.

Segue: Let's look at the core functions JCOPE is best known for...

Slide 11



JCOPE also has responsibility for investigations & enforcement.

Segue: Let's talk about that next...

Slide 12

What You Need to Know

- If JCOPE begins an investigation, the subject will receive notice and an opportunity to respond.
- The notice is a confidential document that contains information regarding the alleged violations of law, the time and place of the hearing, and the name of the presiding hearing officer.
- Failure to answer or appear will not prevent JCOPE from proceeding with the hearing.
- All communications and records related to the investigation are confidential, unless and until JCOPE issues a Substantial Basis Investigation Report.

While we hope you never find yourself in this situation, your rights are preserved under the investigatory process:

- If you are going to be investigated, you will be notified. There are no secret investigations.
- Investigations are private matters unless/until the commission can substantiate a finding.
- Investigations are only made public after the commission rules there is a substantial basis to conclude that a violation has occurred.

Segue: To avoid this outcome, there is an ethics training requirement...

Slide 13



This is one of the commission’s core functions.

Slide 14

**Mandatory Ethics Training for FDS Filers**

Any State officer or employee required to file an annual Statement of Financial Disclosure (FDS) is required by law to complete ongoing ethics training.

Online Ethics Orientation (OEO)	New FDS Filers are required to complete the OEO within three months of becoming a filer. If the CETC is completed first, the OEO is not required.
Comprehensive Ethics Training Course (CETC): Live	FDS Filers are required to complete a live CETC within two years of becoming an FDS filer.
Ethics Seminar/Refresher Training: Live	Ethics refresher training provides an update on any changes in applicable laws, regulations, or policies. FDS Filers are required to take the JCOPE Ethics Seminar or retake the CETC every three years.

The reason you’re here today is because of the ethics training requirement contained in Executive Law § 94. The law specifies that this course be a live session, and you have to take it within 2 years of becoming an FDS filer. Some of you may have taken the OEO, the only ethics class allowed to be in an online format, but this CETC course is your primary training obligation. After completing this class today, you will need to attend refresher training every three years, as long as you remain an FDS filer. You may either retake this course, or take a course called the Ethics Seminar, to satisfy that refresher requirement.

Segue: JCOPE’s final core function is oversight through financial disclosure. Let’s look at that next.

Slide 15



Segue: One aspect of ethics laws that you all have in common is the requirement to file annual financial disclosure statements.

Slide 16

A slide with a blue header "Financial Disclosure". The main text reads: "The Financial Disclosure Statement (FDS) is a publicly available record containing financial and professional information about the FDS Filer and the filer's spouse." Below this, it says "The purpose of the FDS is to:" followed by a bulleted list: "• provide transparency" and "• prevent conflicts of interest between a person's professional duties and private financial interests and affiliations". On the right side, there is a small photograph of a person's hands writing in a notebook on a desk with a calculator.

Let's take a brief overview of financial disclosure statements. (Review slide)

Segue: Who is required to file?

Slide 17

A slide with a blue header "Who is Required to File?". The main text reads: "Officers, members, directors, and employees of any State agency, board, commission, council, public authority, public benefit corporation, or legislative employees who are:". Below this text are four blue rounded rectangular boxes arranged in a 2x2 grid. The top-left box says "Designated as Policymakers". The top-right box says "Threshold Filers (State employees who have an annual salary in excess of the filing threshold)". The bottom-left box says "Political Party Chairpersons as defined in POL § 73(k)". The bottom-right box says "The four Statewide Elected Officials, Legislators, and candidates for those offices".

You're in good company. Approximately 30k people in NYS are designated as FDS filers. They are:

- Policymakers designated by agency (including unpaid/per diem members of boards, councils, and commissions)
- Employees who exceed an income threshold > CSEA Salary Grade 24, called Threshold Filers
- Elected officials & candidates
- Some Political Party Chairs

Segue: What do you have to report on your FDS?

## Trainer Notes: CETC-UPO – Ethics Training for Unpaid/Per Diem State Officers

Slide 18

What is Disclosed?



- Offices or any positions of authority held in a business entity or organization, political party, or political organization
- Ownership or professional affiliation with any business entity
- Ownership and income from financial interests, investments, securities, real property, and other assets
- Debts, liens, mortgages, and other financial obligations
- Certain gifts, honoraria, and other payments

Basically, all the many ways we obligate ourselves financially. Since the purpose of the FDS is transparency in order to avoid conflicts of interest, the form asks for many details of your finances.

The FDS provides transparency regarding how your connections with the private sector may create conflicts of interest with your public service.

*(Review slide)*

Segue: Transparency is an important part of public service...

Slide 19

Things to Consider in Financial Disclosure

- Private sector individuals serving on State Boards may have more complicated financial circumstances to report than many State employees.
- If you have any questions regarding how to answer any questions on your annual FDS, please contact JCOPE and ask to speak to a Filing Specialist.



Even though you serve on a volunteer basis, it is still important that your service does not create any conflicts of interest between your private-sector employment or investments and your service to the State. The public has a right to know that your service does not personally enrich yourself or others.

*(Review slide)*

Segue: When is the FDS due?

Slide 20

When is the Annual Filing Deadline?

**May 15<sup>th</sup>**



Statewide elected officials, State officers, political party chairs, Policymakers, and State employees with an annual salary rate in excess of the job rate of a CSEA equivalent SG-24.

This is also the deadline if you want to request an extension for filing an FDS.

**! Individuals who qualify for filing after May 15<sup>th</sup> have 30 days to file.**

*(Review slide)*

- Most state employees & officials will have an annual filing due date of May 15.
- This is also the deadline if you want to request an extension for filing an FDS.
- November 15 is the due date if you are a professor for SUNY/CUNY.
- When you first become an FDS Filer, you have 30 days to file for previous year.

Segue: Because FDS are public documents, this sometimes raises privacy concerns.

## Trainer Notes: CETC-UPO – Ethics Training for Unpaid/Per Diem State Officers

Slide 21

**Privacy Concerns**

What you should know

- JCOPE automatically redacts the name of any minor child from the copy of the FDS that is made publicly available.
- Home addresses for paper filers are requested by JCOPE for identification purposes only and are redacted for public inspection.
- For FDS questions related to real property, you may disclose the general location of any investment property you or your spouse may own, including street name and locality. You do not have to identify the house or apartment number.



Although FDS are public documents, they are not posted online, and are only accessible by specific request. Generally speaking, the only FDS forms requested are by the media in response to a public figure being accused of breaking the public trust.  
*(Review slide)*

Segue: There are other means to keep your personal information private...

Slide 22

**Options Available Regarding Disclosure**

A Policymaker (FDS Filer) can make a request to:

- Receive an [extension](#) of time to file an FDS on the basis of justifiable cause or undue hardship
- [Redact](#) responses to questions from the copy made publicly available
- [Not answer](#) specific questions on the FDS regarding a spouse or minor child

*These requests are granted under limited circumstances*



An FDS filer can make a request to:

- Get an extension for filing – request must be made by filing deadline of 5/15.
- Redact specific information from the FDS copy made publicly available.
- Seek a limited exemption for some questions regarding a spouse or minor child.

Segue: It's important to file your FDS in a timely manner. There are consequences if you don't...

Slide 23

**What If I Don't File on Time?**

If you fail to file your FDS, or if you file a deficient FDS by either not answering a question or failing to respond to a question with the required specificity, JCOPE will notify you.

If you fail to respond, JCOPE will send you and your appointing authority a Notice of Delinquency that advises you of fees and penalties.

 **Notices of Delinquency are made publicly available on the JCOPE website.**

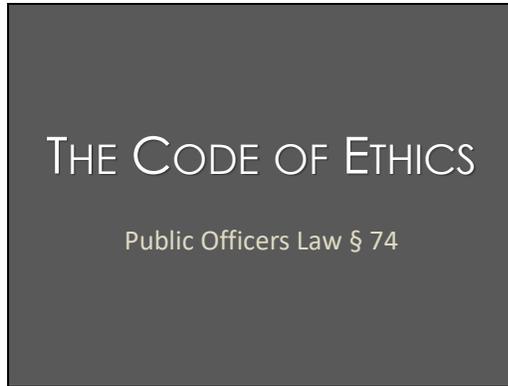
If you still fail to file your FDS, you may be subject to a civil penalty of up to \$40,000 after a hearing, or criminal prosecution.

If you have any questions or difficulties filing your FDS before the deadline, please contact JCOPE for assistance.  
*(Review slide)*

Once notified, you then have 15 days to comply or correct your filing. Otherwise, a Notice of Delinquency (NOD) is issued and made public.

Segue: Any questions about Financial Disclosure Statements?

Slide 24



This is one of the most important laws we will cover today. It forms the foundation of the ethics laws and focuses on helping you as a State officer to navigate through potential ethical pitfalls.

This will help you identify and address potential conflicts of interest.

We will talk about:

- guiding principles
- To whom it applies
- standards of ethical conduct, with examples

Segue: Let's get started.

Slide 25



The Code of Ethics will help you address conflicts of interest when performing your State duties.

Whenever we think of professional conduct in State service, we always refer to the code of ethics and ask if a potential conflict of interest exists, especially with respect to areas of concern such as gifts and outside activities.

The code of ethics embodies the guiding principles of: *(review)*

Segue: Who is subject to the Code of Ethics?

## Trainer Notes: CETC-UPO – Ethics Training for Unpaid/Per Diem State Officers

Slide 26

**To Whom Does it Apply?**

The Code of Ethics applies to all officers and employees of New York State, including:

-  Legislative members and employees
-  Officers and employees of any State agency, department, division, board, commission, or any public benefit corporation or public authority, including unpaid and per diem officers and members.
-  Officers or employees of specific "closely affiliated corporations:" Youth Research Inc., The Research Foundation for Mental Hygiene, Inc., Health Research Inc., The Research Foundation of the State University of New York, and Welfare Research Inc.

It applies to everyone including: ... agencies, departments, divisions, boards & commissions, including:

- unpaid and per diem officers and members
- Officers and employees of "closely affiliated corporations," listed here.

Segue: Let's look at what the law actually says...

Slide 27

**The General Rule: Public Officers Law § 74(2)**

 New York State officers and employees, members of the Legislature or legislative employees shall not...

"have any interest, financial or otherwise, direct or indirect, 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 his (or her) duties in the public interest."

*(Read slide)*

General Rule: You may not use your position for personal benefit. This requires us to examine activities in context of substantial conflict between public duties and personal interests. *(Trainer note: "Personal Interest" can be for the benefit of someone else, like friends or family.)*

Segue: Beside losing the public trust, violations of the Code of Ethics carry penalties...

Slide 28

**Civil Penalty Amount**

Violations of the Standards of Conduct may result in a civil penalty of up to \$10,000 and the value of any gift, compensation, or benefit received as a result of the violation.

 In addition to civil penalties, each agency is empowered to impose disciplinary actions, which may include fines, wage garnishment, or termination.

If an investigation reveals a knowing & intentional violation of these standards, these are the penalties...

*(Review slide)*

Segue: Let's look at the nine standards of conduct...

Slide 29



Segue: The 9 Standards of Conduct embody the rules of ethical behavior in the workplace...

Slide 30

Impartiality Standard

**Standard A**

You cannot accept outside employment that will impair your independence of judgment when performing your State duties.



You serve on a board that oversees a contract with a private sector vendor.

As a representative of the State, you are responsible for making sure the vendor is adhering to your board's contract.

The vendor offers you a part-time position as a consultant on a completely different project that does not involve your board.

Can you pursue this outside employment?

Our first standard focuses on the guiding principle of impartiality and independence of judgment when performing your state job.

*(Read example or paraphrase)*

ASK: So what do we think? Can you accept the job?

No. Even though the new position is for a different project, accepting the job would create the appearance of a conflict of interest between your duties on the oversight board and your private financial interests by accepting a paycheck from a vendor you oversee.

Segue: The next standards relate to confidentiality...

## Trainer Notes: CETC-UPO – Ethics Training for Unpaid/Per Diem State Officers

Slide 31

**Confidentiality Standards**

**Standard B**

You cannot accept employment or engage in any business or professional activity which will require you to disclose confidential information that you have gained as a result of your State position.

**Standard C**

You cannot disclose confidential information you have gained as a result of your State position to benefit either yourself or someone else.

**BEST practice**

Talk to your Ethics Officer to determine what information is confidential according to your State position.



Standards B & C really focuses on the guiding principle of confidentiality and knowing what you can and cannot disclose with respect to your State job. This varies by agency – it's important for you to know what's considered confidential in your job or other position.  
*(Read or paraphrase standards)*

Segue: Let's look at the next standard...

Slide 32

**Unwarranted Privileges**

**Standard D**

You cannot use your official position to obtain privileges or exemptions for yourself, including using State resources for your private business or other paid, non-governmental purposes.

You are a member of the State Board of Elections. Professionally, you also have your own desktop publishing business.

You may not use the Board's scanners, printers, computers and technical software to perform services for your clients, even if you bring your own paper and ink, and do this private work after hours.



Standard D is about not receiving unwarranted or undeserved privileges or using State resources for your own private business or other compensated non-governmental uses.  
*(Review example)*

You may not use State resources for your own side business, even if you do it after hours, and even if you bring your own paper and ink. You would still be using State equipment and office space to further your own private business interests.

Segue: Let's look at the next standard...

Slide 33

**Financial Conflicts**

**Standard E**

You cannot participate in a transaction as a representative of the State with a business entity in which you may have a direct or indirect financial interest that conflicts with the proper discharge of your official duties.

You serve as a member of the Council on the Arts, which considers grants to arts organizations.

You may not participate in a vote to offer a grant for a performing arts venue where your spouse works.



Standard E focuses on your financial conflicts of interest and making sure your private financial interests don't conflict with your public service.  
*(Read example)*

Here you can see that your spouse's outside employment may create the impression that you might be unduly influenced in the grant offer process.

Segue: Let's look at the next standard...

## Trainer Notes: CETC-UPO – Ethics Training for Unpaid/Per Diem State Officers

Slide 34

**Financial Conflicts**

**Standard G**

You must abstain from making personal investments in enterprises that you have reason to believe may be directly involved in workplace decisions you may make which would create a substantial conflict between your duty in the public interest and your private interest.

You serve as a Commissioner on the Gaming Commission, which oversees casinos. You are also part-owner of a local craft brewery that is seeking a contract to provide their product to a restaurant that is located within a casino.

You must recuse yourself from Commission business involving this casino and recuse yourself from decisions regarding this contract by the brewery to remedy this conflict of interest.



Standard G focuses on your personal investments and making sure they don't conflict with your public service. You can't invest based on any "insider" knowledge you may acquire in your State service, and you can't share this confidential information with others so they can profit from your insider knowledge.

*(Read example)*

Don't invest where you have inside professional knowledge and interest. Here, recusal isn't enough of a remedy.

Segue: This is a good time to talk about recusals...

Slide 35

**Financial Conflicts: Recusal**

"Recusal" means to remove oneself from participation (including discussions, deliberations, and votes) to avoid a conflict of interest.

Even the appearance of a conflict of interest might be enough to trigger the need for you to recuse yourself from actions taken as a State official.

There are times, however, when recusal is not enough of a remedy.

Consult with your agency's Ethics Officer or reach out to JCOPE's Attorney of the Day for confidential guidance on potential recusals.



Recusal is often a remedy to resolve the appearance of a conflict of interest.

*(Review slide)*

Segue: Let's look at the next standard...

Slide 36

**Financial Conflicts: Recusal Example**

**Advisory Opinion No. 03-09**

County Soil and Water Conservation Districts (SWCDs) seek grant funding from the Department of Agriculture and Markets' Soil and Water State Committee. The Commission required a voting member of a State Committee to disclose that he was a SWCD board member and recuse himself from any vote involving a grant application from a SWCD on whose board he served or provided any services.

In that Opinion, the Commission recognized that the Committee's enabling legislation contemplated that voting members would be individuals with expertise and interest in County conservation issues. However, the Commission also noted,

"that a member's judgment could be affected if he were called on to vote on a grant application in which he has a direct interest. Moreover, the public might well perceive favoritism in such circumstances even if none actually existed."



Advisory Opinion 03-09 addresses recusals for board members, and provides a good example of when that might be necessary...

*(Review Slide)*

Segue: Recusals aren't always a perfect remedy...

## Trainer Notes: CETC-UPO – Ethics Training for Unpaid/Per Diem State Officers

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Recusal: Things to Consider

What if my recusal does not permit my board/commission to reach a quorum?



"whether . . . recusals pose an operational problem is [ ] not for the Commission to determine. The Commission has previously held that the determination of whether and when recusals reach an unacceptable level is for the State agency to make."

Recusals can have an impact on operational functions, but it is up to each agency to balance those operational needs by deciding when and under what circumstances recusals are necessary to remedy a potential conflict of interest. (Advisory Opinion No. 93-16, *citing* Advisory Opinion No. 92-10.)

**The risk in not recusing- in order to maintain a quorum-may mean the board members are subjecting themselves to potential violations of POL 74.**

Slide 38

Contracting Goods & Services

**Standard I**

You, or any entity you are a member of, or any corporation that you own substantial stock in, cannot sell goods or services to entities that are licensed or regulated by your agency.



You may also be prohibited from holding an outside job with any such licensed or regulated entity.  
*(See Advisory Opinion No. 99-08)*

**Example:**  
You are member of the Hospital Review and Planning Council of the Department of Health. Acme Hospital is regulated by your agency. You or business entities you are affiliated with are prohibited from selling goods or services to Acme Hospital.

“Standard I” says that your private business interests may not intersect with entities that are licensed or regulated by your state agency. In other words, you can’t contract for work with a business you regulate.

*(Review example)*

If you think there might be a conflict, ask.

Segue: The last two standards lie at the heart of the code of ethics...

**Trainer Notes: CETC-UPO – Ethics Training for Unpaid/Per Diem State Officers**

Slide 39

Standard F & H are sometimes referred to as the “Integrity Standards” and they set the public “optics test” for professional behavior. The two standards do not carry a monetary or civil penalty; however you could still face disciplinary action from your agency.

Standard F really focuses more on professional behavior... (*Review Standard F*) If it looks like you could be improperly influenced, that’s enough to violate this standard. Standard H, again features the public optics test. (*Review Standard H*) Don’t act in ways that give the appearance of misconduct. If it might look suspicious, don’t do it.

Segue: Our professional conduct directly contributes to the integrity of State service...

Slide 40

We all play a role in improving the culture of ethics in NYS government. Remember, public service is a public trust, and we must all do our share to uphold the integrity of that service. Today’s training is an important element in educating yourself about the ethics laws you are expected to uphold. Whenever you have questions about how the ethics laws may impact you, please reach out to your Ethics Officer or JCOPE for help. And if you see misconduct occurring, report it.

Segue: Let’s look at some additional applications of POL 74...

Slide 41



Now we will look at other applications of 74, which include the reverse two year bar and negotiation of future employment.

Segue: Let's start with the "Reverse two-year bar"...

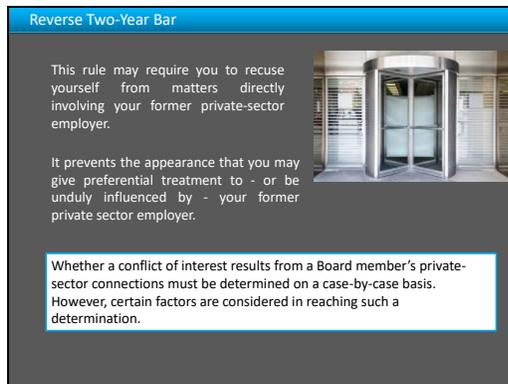
Slide 42



This is one of the "revolving door" provisions designed to address the public perception that people enter the State workforce to personally enrich themselves using their former private sector connections.

Segue: Let's first explain what the reverse two-year bar is...

Slide 43



This affects former private sector employees who are entering State service.

*(Review slide)*

You may be required to recuse yourself for a "cooling off period" of two years. *More information can be found in advisory opinions 98-09 and 07-04.*

***In cases where you are CURRENTLY employed, you should always recuse yourself from matters involving your current employer.***

Segue: Let's look at the factors that would be considered to determine if recusal would be needed...

Slide 44

**Reverse Two-year Bar: Recusal Considerations**

The Commission adopts a presumption that action by a member of a board concerning a former employer or business that he or she left within the last two years is a violation of § 74. Such a presumption could be rebutted by looking at other factors, including:

- whether the board member was in an employment relationship with the applicant, which implies daily oversight and control, or was in a consulting relationship, which suggests a more temporary connection;
- whether the board member was an officer or senior official of the applicant;
- whether the board member or the applicant had a fiduciary relationship with the other;
- whether the applicant is the actual former employer or business entity with which the board member had the relationship or whether it is a related, subsidiary, or umbrella organization; and
- for how long the relationship existed.

(Advisory Opinion 94-11)  
Segue: There are other considerations when you leave State service...

Slide 45

NEGOTIATION OF  
FUTURE EMPLOYMENT

Another application of 74 is the Negotiation of Future Employment, and involves restrictions that apply to both solicited and unsolicited job offers.

Slide 46

**Unsolicited and Solicited Job Offers**

As a State officer, there are restrictions on if and when you may negotiate future employment with an entity or individual that has a specific matter pending before you.

If you receive an unsolicited job offer, or if you are interested in soliciting an employment opportunity, you may only pursue an employment opportunity after:

1. Fully recusing yourself from the matter, and
2. Promptly notifying your Ethics Officer if you receive an unsolicited job offer or if you intend to solicit a job offer from an entity or individual that has a specific matter pending before you.



(Review slide)  
If you want to pursue a job with an individual or entity that has a matter pending before you, you'll have to recuse yourself from the matter and notify your Ethics Officer.

Segue: There is an additional restriction on serving in certain political offices as a State officer...

## Trainer Notes: CETC-UPO – Ethics Training for Unpaid/Per Diem State Officers

Slide 47

**Restrictions on Political Outside Activities**

Policymakers, including those in an unpaid or per diem position, are prohibited from serving as:

- an officer of any political party or political organization; and
- a member of any political party committee. For example, serving as a political party district leader or a member of the national committee of a political party.

19 NYCRR Part 932.4



Policymakers – including unpaid/per diem - must remain nonpartisan by not serving as:

- Officer in political party or org
- Member of a political party committee

Segue: The agency you represent may have additional policies on conflicts of interest and outside activities...

Slide 48

**Codes of Ethical Conduct**

Boards, councils, public authorities, commissions, and public benefit corporations whose members, directors or officers are subject to §73-a of the Public Officers Law and are not subject to §73 of such law by virtue of their uncompensated or per diem compensation status, shall adopt a code of ethical conduct covering conflicts of interest and business and professional activities, including outside activities.

19 NYCRR Part 932.9



The entity you serve on should have an additional code of ethics that addresses conflicts of interest and outside activities. Please consult with your agency Ethics Officer or General Counsel for additional information on policies that may apply to you.

Segue: The Little Hatch Act describes additional restrictions on political activity in the workplace...

Slide 49

**“LITTLE HATCH ACT”**

CIVIL SERVICE LAW § 107

The Little Hatch Act addresses political activity in the State workplace, and puts rules in place about what can and cannot be done at work.

Slide 50

**Political Activity in the State Workplace**

Those in State service must avoid all political activity in the workplace.

The term "political activity" means doing something in active support of or opposition to a political party, a candidate for partisan political office (e.g., President, senator, representative, State or local legislature or office), or a partisan political group.



(Review slide)

Segue: Let's look at some examples of what is prohibited...

Slide 51

**What the Law Says...**



You may not be questioned, directly or indirectly, about your political affiliation as a condition of employment.



State offices may not be used for soliciting or collecting any political contributions.



You cannot use your State position or authority to coerce, intimidate or influence employees for any political purpose.



If you are involved in hiring potential employees, you cannot ask questions regarding a candidate's political affiliation, political contributions, or how an applicant voted in any election.



You cannot dishonestly use or attempt to use your official authority or influence in exchange for political action on someone else's part.

(Review Slide)

Segue: Let's look at a few examples...

Slide 52

**Prohibited Political Activities in the Workplace**

Political activity that violates Public Officers Law § 74

-  Circulating a candidate's nominating petition within your State office
-  Using the computer in your State office after work to produce a brochure in support of a candidate's campaign
-  Sending e-mail invitations to campaign events to friends within the agency
-  Using New York State internet connections to forward e-mail messages received from a partisan campaign or someone supporting a partisan candidate

In addition to Little Hatch Act, the code of ethics in POL § 74 also places restrictions on political activities. Here are some real-world examples that have been found to be in violation of POL74:

- No nominating petitions in the office – outside the State workplace on personal time is allowed.
- You can't use State resources to produce any political materials.
- You can't use State email for political communications, even to friends you know support your candidate.
- If you receive a political communication to your State email address in error, delete it and contact the candidate to give them your personal email address. Even

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forwarding a political email to your personal address is a violation because you have used the State's internet connections to distribute political materials.

Segue: The penalties for violations of this Act are significant...

Slide 53

**Civil Penalty Amounts**

Violations of Civil Service Law § 107 provide for a civil penalty of up to \$40,000 and the value of any gift, compensation or benefit received.



*(Review Slide)*

The penalties can be substantial, so seek guidance from your Ethics Officer or JCOPE if you have any questions about these restrictions on political activities.

Segue: Here's how to reach out...

Slide 54

**JCOPE Contact Information**

- For general inquiries, call: [1-800-87-ETHICS](tel:1-800-87-ETHICS) or [\(518\) 408-3976](tel:518-408-3976)
- For legal guidance email us at: [legal@jcope.ny.gov](mailto:legal@jcope.ny.gov)
- For questions on this training email us at: [education@jcope.ny.gov](mailto:education@jcope.ny.gov)

To reach your Ethics Officer, log into the FDS System where you file your annual FDS.

<https://jcope.ny.gov/access-fds-online-filing-system>

There is a "Help" button that will allow you to send an email directly to your Ethics Officer.

One of the central missions of JCOPE is to provide guidance on matters of State ethics. The purpose of this training was to give you greater awareness of your obligations under the Ethics laws, but if you have any questions, please contact your Ethics Officer or JCOPE.

A link to the FDS System can be found on the JCOPE website at <https://jcope.ny.gov/access-fds-online-filing-system>