A PRIVATE SECTOR GUIDE
TO THE
NEW YORK STATE ETHICS LAW

GETTING ADVICE
The Commission on Public Integrity offers advice on applications of the law in the individual circumstances. Individuals with questions may contact the Commission by letter or telephone. The Commission's assistance is always confidential.

RESOURCES
The Commission on Public Integrity offers a number of resources on its website at www.nyintegrity.org.

GETTING ADVICE
Contact the Commission by phone at 518-408-3976 or e-mail cpi@nyintegrity.org.
INTRODUCTION
This brochure is designed to help private sector businesses and charities familiarize themselves with some key parts of the New York State ethics law as it pertains to employees of the executive branch of State government. If you do business with the executive branch, if you are regulated by, receive grants from, are licensed by, or lobby State agencies or if you are considering hiring current and former State employees, then this is for you.

This guide is not meant to serve as formal advice or as a substitute for legal counsel. Since the laws governing this area may be amended from time to time, be sure to consult the most current version of the law, or contact the Commission at 518-408-3976 for further information and explanation.

GIFTS
State officers and employees may not accept or solicit a gift of more than nominal value under circumstances in which it could be inferred that the gift was intended to influence or reward the recipient for performing official duties. The Commission has defined "nominal" as no more than a regular cup of coffee.

POST-EMPLOYMENT RESTRICTIONS
New York State employees possess many abilities and talents that private employers find valuable. They also may have special knowledge and personal relationships in public service that potential employers find attractive. However, the law sets specific standards for the relationships former state employees may have with the former agencies after they leave state service.

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 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.

OUTSIDE ACTIVITY
The Commission’s regulations restrict the outside activities of State officers and employees as follows:

- certain high-level officials, including all policymakers, are barred from serving as an officer of any political party or organization or serving as a member of a political party committee, including district leader or member of a national committee;
- no salaried State officers or employees may engage in any outside activity which interferes or is in conflict with their duties.

For policymakers, prior agency approval is required before engaging in any outside activity if the amount to be earned is more than $1,000 annually, and prior approval from the Commission on Public Integrity is required if the amount to be earned is more than $4,000 per year.

HONORARIA
The four statewide elected officials, as well as agency heads, are barred from accepting honoraria for speeches. Other State employees may accept reimbursement of travel expenses or honoraria only under certain circumstances. The source of the payment is critical.

The Commission’s regulations require prior approval or subsequent reporting depending upon the nature of the payment and the position of the individual receiving the payment.

PENALTIES
Although the Commission has no authority to impose penalties on a private company or individual for violations of the ethics law, it can refer such cases to the appropriate prosecuting authority where a violation is punishable by law. The Commission can publicize the names of private persons or entities involved in a State employee’s violation of law.

Individuals who violate certain provisions of the Public Officers Law are subject to a civil penalty not to exceed $40,000. In lieu of a civil penalty, the Commission may refer violations to an appropriate prosecutor for prosecution as a Class A misdemeanor.