

 NEW YORK STATE Corrections and Community Supervision DIRECTIVE	TITLE New York State Ethics		NO. 2260
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SUPERSEDES DIR #2260 Dtd. 02/16/17	DISTRIBUTION A	PAGES PAGE 1 OF 5	DATE LAST REVISED
REFERENCES (Include but are not limited to) See Section XII	APPROVING AUTHORITY 		

- I. INTRODUCTION:** Every employee is bound by the provisions of the State ethics laws, which establish specific standards of conduct, restrict certain business and professional activities, both while in State service and after leaving government, and require financial disclosure of policymakers and other higher-level officials.
- II. FINANCIAL DISCLOSURE:** Annual statements of financial disclosure are required of all policymakers and those individuals who earn compensation in excess of the job rate of a Salary Grade 24.
- III. CONFLICTS OF INTEREST**
- A. Employees are restricted in the activities in which they may engage while in State service. Basically, they may not engage in activities that would create, or appear to create, a conflict with their public duties. No employee shall have an interest or derive any benefit from any contract of this Department. No employee shall receive any fee, commission, gratuity, or gift from any person or entity doing business with the Department.
- B. Employees should not have any interest in or engage in any business or activity “in substantial conflict” with the discharge of their public duties. This restriction prohibits them from:
1. Disclosing confidential information acquired in the course of their official duties or using such information to further their personal interests.
 2. Using or attempting to use their official positions to secure unwarranted privileges or exemptions for themselves or others.
 3. Giving reasonable basis for the impression that any person can improperly influence them or unduly enjoy their favor in the performance of their official duties, or that they are affected by the kinship, rank, position, or influence of any party or person.
- C. Employees should endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of their public trust.

- D. Employees are not eligible to purchase any items declared surplus by a facility through the Local Disposition Authorization (LDA). However, subject to the general requirements of the New York State Ethics Law, an employee may purchase Department of Corrections and Community Supervision (DOCCS) surplus property which is made available to the public through the Office of General Services (OGS) unless the employee is bidding on surplus property originating from the employee's facility or work unit. Employees of the Division of Support Operations are not eligible to purchase any surplus property offered for sale which was made available through the Technical Support Services Unit (see Directive #3173, "Acquisition and Disposition of Surplus Property").

IV. OUTSIDE ACTIVITIES

- A. The New York State Joint Commission on Public Ethic's (JCOPE) regulations restricts the outside activities of employees as follows:
1. 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.
 2. No salaried employees may engage in any outside activity which interferes or is in conflict with their official State duties.

For policymakers, prior JCOPE approval is required before engaging in any outside activity if the amount to be earned is more than \$5,000 annually (emphasis supplied). The [JCOPE "Outside Activity Report"](#) needs to be completed and forwarded to the New York State JCOPE.

- B. Any employee seeking outside employment also needs written approval from the Commissioner or the Commissioner's designee in accordance with Directive #2218, "Outside Employment."

V. OFFICIAL ACTIVITY EXPENSE PAYMENTS AND HONORARIA

- A. A State employee may accept reimbursement of travel and related expenses from a third party for attending a conference or another activity relating to their official duties (official activity expense payment) or accept a payment from a third party for making a speech, writing an article, attending a conference, or another activity not related to their official duties (honorarium) only under certain circumstances. The source of the payment is critical.
- B. The New York State JCOPE regulations requires prior approval or subsequent reporting, depending upon the nature of the payment and the position of the individual receiving the payment, in accordance with 19 NYCRR Part 931 (official activity expense payments) or 19 NYCRR Part 930 (honoraria). Copies of these regulations are available on the New York State [JCOPE website](#).
1. Employees seeking approval to accept an official activity expense should fill out [Form #2260A](#), "Honorarium Payment Ethics Approval Form." Employees seeking approval to accept an honorarium should fill out [Form #2260B](#), "Official Activity Expense Payment Ethics Approval Form." A copy of the appropriate form must be sent to the Department's Ethics Officer, who is located in the Office of Counsel, at the same time it is submitted to the Commissioner for final approval.

2. The Department must retain all written approval for three years and make them available to JCOPE upon request.

VI. 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. In addition, it is unlawful to accept a gift from a contractor or contractor's agent.

VII. POST-EMPLOYMENT RESTRICTIONS

- A. Two-Year Bar: Former State officers and 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.
- B. Lifetime Bar: Former State officers and employees may not appear, practice, communicate, or otherwise render 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.

VIII. NEPOTISM: Employees may not participate in any decision to hire, promote, discipline, or discharge a relative for any compensated position at a State agency, public authority, or the Legislature.

IX. POLITICAL ACTIVITY

- A. Civil Service Law §107 protects State employees from discriminatory practices based on their political affiliations.
 1. Employees' appointments, selections to, or removals from office, or their employment status may not be affected or influenced by political opinions or affiliations.
 2. State employees may not use their State authority or official position to coerce, intimidate, or otherwise influence other State employees to give money or service for any political purpose, to influence the political action of any person or entity, or to interfere with any election.
 3. State offices may not be used for soliciting or collecting any political contributions.
- B. A "Peace Officer" or a "Police Officer," as those terms are defined in the Criminal Procedure Law, shall not serve as a town or village justice in accordance with the Uniform Justice Court Act §105(c).
- C. State employees are responsible for acting in accordance with Public Officers Law and subject to the applicable rules and regulations regarding political campaigning, political activity, and lobbying. Additional information can be found on the JCOPE website at <https://jcope.ny.gov/>.

X. DUTY TO REPORT CORRUPTION, FRAUD, AND OTHER ABUSES: In accordance with Executive Law §55, every Department employee is under an affirmative duty to promptly report to the Office of the State Inspector General any information concerning corruption, fraud, criminal activity, conflicts of interest, or abuse by another Department employee or State officer relating to their office or employment, or by a person having business dealings with the Department for such improper actions relating to those dealings.

The knowing failure to so report shall be cause for removal from office, or employment, or other appropriate penalty. Any Department employee who does report improper governmental action in accordance with Executive Law §55 shall not be subject to dismissal, discipline, or other adverse personnel actions.

For the reporting of employee misconduct that can lead to disciplinary action within the Department, the procedures set forth in Directive #2111, "Report of Employee Misconduct," shall be followed.

For the reporting of theft, loss, or misuse of State assets and supplies, the procedures set forth in Directive #2794, "Reporting Losses," shall be followed. In accordance with requirements established by the State Comptroller, it is the responsibility of all Department employees to notify their supervisor when they are aware of, or suspect that State owned assets have been lost or stolen.

XI. TRAINING AND OTHER RESOURCES

- A. Department employees who are required to file a Financial Disclosure Statement (FDS) in accordance with Section II, are also required by law to complete ethics trainings.
- B. The Online Ethics Orientation (OEO) is required within the first 90 days of becoming an FDS filer, unless the FDS filer completes the Comprehensive Ethics Training Course (CETC) first. The OEO is available on JCOPE's Statewide Learning Management System (SLMS).
- C. The Comprehensive Ethics Training Course (CETC) is the primary training obligation for FDS filers. It must be completed within two years of becoming an FDS filer and every three years thereafter (refresher training). The CETC is offered on a yearly basis in all correctional facilities, regional offices, and at the Training Academy. JCOPE also provides the CETC course. However, space availability and locations are limited, and preregistration is required. By statute, this course must be live, so it is not available as an online option.
- D. New York State JCOPE offers a number of other resources on its website at <https://jcope.ny.gov/>.
- E. You may contact the Commission at 518-408-3976; the fax number is: 518-408-3975; the email address is: jcope@jcope.ny.gov. The Department Ethics Officer is located in the Office of Counsel and may be contacted at 518-457-4951.

XII. REFERENCES

- Correction Law, Section 22
- Public Officers Law, Sections 73, 73-a, and 74
- Executive Law, Sections 55 and 94
- Uniform Justice Court Act, Section 105(c)
- Hatch Act; [OSC Hatch Act Overview](#) (restricts political activity)*
- Civil Service Law §107 ("Little Hatch Act")
- Title 19 of the Official Compilation of Codes, Rules and Regulations of the State of New York
- 7NYCRR, Ch. II, Parts 52.4 & 52.5

- ACA Expected Practices:
 - 5-ACI-1A-24, 5-ACI-1C-01, 5-ACI-1C-22, 5-ACI-1F-02
 - 2-CO-1A-29, 2-CO-1C-24
 - 4-APPFS-3C-02, 4-APPFS-3E-02
 - 2-CI-6C-3
 - 1-ABC-1A-22
- Directives #2111, #2218, #2794, and #3173

*The Hatch Act would, for example, prohibit an employee from running for elective office if that person had oversight or control of a Department or facility program funded in whole or in part by Federal Government funds. Opinions may be obtained from the U.S. Office of Special Counsel at 800-85-HATCH.