MEMORANDUM

To: College Ethics Officers and Labor and Legal Affairs Designees

From: Frederick P. Schaffer
General Counsel and Senior Vice Chancellor for Legal Affairs

Re: Financial Disclosure Statement Filing and Honoraria Reporting 2013

Date: April 2, 2014

It will soon be time to file annual Financial Disclosure Statements ("FDS") and to report Honoraria to the New York State Joint Commission on Public Ethics ("JCOPE"). Please distribute this notice to all CUNY employees on your campus who are obligated to file FDS or report receipts of honoraria.

FINANCIAL DISCLOSURE STATEMENTS

The annual FDS for calendar year 2013 must be filed by Thursday, May 15, 2014 by all employees in "policy making" positions and by those non-exempt employees who earn over the threshold amount.¹

Notification from JCOPE regarding 2013 Financial Disclosure will be received via email ONLY.

JCOPE will send all notifications to employees' official CUNY email accounts.

¹ The filing threshold for financial disclosure will apply to anyone serving in a job title with an annual salary in excess of $90,020. For detailed instructions, please go to the JCOPE webpage regarding FDS: http://www.jcope.ny.gov/forms/ethics.html
All newly hired employees are required to file an FDS within 30 days of being appointed to a covered position. Any employee promoted into a policymaking position, or newly designated a policymaker, must also file an FDS within 30 days of assuming the new position.

Employees who are designated as policymakers, or those earning over the SG-24 rate ($90,020) and who have not received an exemption from JCOPE, are required to file an annual financial disclosure statement with JCOPE.

**Definition of Policymaker**

Policymakers (or decision makers) are typically employees who manage a group of people or a process with financial implications; deal with vendors; administer contracts, grants, franchises, revocable consents, concessions, variances, or special permits; negotiate or approve leases, permits, or licenses; or are involved in the sale or rental of goods, services or real property.

**Department Chairs as Policymakers**

Department Chairs are CUNY employees charged with administrative duties including purchasing authority (however limited) and the management of the members of the department and support staff.

Under JCOPE’s definition of a policymaker, Department Chairs in academic departments possess discretionary policymaking authority and therefore are considered policymakers and will not be granted an exemption from filing an FDS.

Please also note that Department Chairs are required to file an FDS by the May 15, 2014 deadline for policymakers, even if they filed as an academic filer for the November 15, 2013 deadline.

**FDS Non-Compliance**

JCOPE reviews each FDS for compliance. Employees who fail to file an FDS or who file a deficient FDS will be notified by JCOPE by email to their CUNY email address. Notices of non-compliance are posted on the JCOPE website and will be sent to the College. Please check to be sure that the email address that JCOPE has for all employees is current and correct. This is especially important for employees who have recently left the college but are still required to file a 2013 FDS.

If, following written notice by the Commission, an employee continues to knowingly and willfully fail to file an FDS, or knowingly and willfully with intent to deceive makes a false statement or gives information which the employee knows to be false the employee is subject to a civil penalty up to $40,000. Please review recent enforcement actions posted on JCOPE’s website.
HONORARIA

All CUNY employees are required to comply with the law and regulations governing the receipt and reporting of honoraria, regardless of their designation as a policymaker (see Limitations on the Receipt of Honoraria and Reimbursement for Travel Expenses, attached).

JCOPE generally defines honorarium as “a speaking fee or compensation received from writing an article, or reimbursement for travel expenses not related to official duties”.

CUNY Employees Not Employed in Academic Titles

Non-academic employees of CUNY must seek prior approval in order to accept honoraria and must report the receipt of honoraria to their College’s ethics officer. Two factors to keep in mind:

1. Honoraria cannot be accepted for speaking or writing in an area that is related to the employee’s CUNY duties.
2. Honoraria cannot be received from a disqualified source (generally defined as an entity or individual seeking to do or actually doing business with CUNY, such as vendors, would-be vendors, unions, etc.).

CUNY Faculty: Full Time and Adjunct

CUNY faculty are exempt from the restrictions on the receipt of honoraria. This exemption means:

1. CUNY faculty do not need to seek approval to receive honoraria.
2. CUNY faculty may receive honoraria from a disqualified source.

However, CUNY faculty must still report the receipt of any and all honoraria. The exemption for academic positions does not relieve faculty from the reporting requirement.

JCOPE, while defining honoraria as compensation for work unrelated to an employee’s official duties, nonetheless does not exempt faculty from reporting receipt of all speaking fees; reimbursed travel expenses; or payments received for writing and/or presenting written materials.

A form for recording all honoraria can be found on the webpage of the Office of Legal Affairs at http://www.cuny.edu/about/administration/offices/la/ethics/honoraria.html. The reporting period for honoraria is April 1 to March 31, with the record of all honoraria received due to JCOPE by June 1st.

All records of honoraria received by each CUNY employee during the period from April 1, 2013 through March 31, 2014 must be submitted to the College Ethics Officer by May 1, 2014. The College reports of honoraria are due to JCOPE by June 1, 2014.
**CUNY Employees Designated as Policymakers**

CUNY employees (in both academic and non-academic titles) who are designated as policy-makers who file an FDS must also report all honoraria in excess of $1,000 on their annual FDS.

Please remind all employees concerned of these requirements. You may consult the JCOPE website for any issues that may arise, or, as always, you may call the Office of the General Counsel for assistance.

Enclosures:
- (1) CUNY Employee Report of Receipt of Honoraria Form
- (2) CUNY Faculty Report of Receipt of Honoraria Form
- (3) Limitations on the Receipt of Honoraria and Reimbursement for Travel Expenses (Title 19 NYCRR Part 930)

cc: Vice Chancellor Gloriana Waters
    Jane Sovern (w/encls)