

Title 19 NYCRR Part 932 is amended to read as follows:

OFFICIAL COMPILATION OF CODES, RULES AND REGULATIONS OF THE
STATE OF NEW YORK

TITLE 19. DEPARTMENT OF STATE

CHAPTER XX. JOINT COMMISSION ON PUBLIC ETHICS

PART 932 OUTSIDE ACTIVITY RESTRICTIONS AND APPROVAL PROCEDURES
FOR POLICY MAKERS

932.1 Purpose of Regulations.

The purpose of these regulations is to effectuate the statutory provisions of Public Officers Law §§73 and 74 and to provide an approval procedure and guidelines for outside activities by Policy Makers.

932.2 Definitions.

(a) *Appointing Authority*, for officers and employees of a State Agency, shall mean that individual or body that has the authority by law, rule, or regulation to appoint a person to a position, or that individual or body to whom such authority may be properly delegated by law, rule, or regulation.

(b) *Commission* shall mean the New York State Joint Commission on Public Ethics and its predecessor agencies.

(c) *Compensation* shall mean the economic consideration received by a Policy Maker in exchange for services rendered, *e.g.*, wages, salaries, health insurance benefits, professional fees, royalties, bonuses, or commissions on sales. As applied to any business venture that is owned or controlled by a Policy Maker, whether or not incorporated, Compensation shall also include income received from such venture.

(d) *Outside Activity Approval Form* shall mean a form designated by the Commission as the Outside Activity Approval Form and available on the Commission's website.

(e) *Party* shall mean (i) any organization which at the last preceding election for governor of the State of New York polled at least fifty thousand votes for its candidate for governor and (ii) the national political entity affiliated with such organization.

(f) *Party Committee* shall mean any State committee, county committee, and such other committee (including national committee) as the rules of the Party may allow.

(g) *Policy Maker* shall mean

- (1) a Statewide Elected Official;
- (2) a head of a State Agency, and
- (3) an officer, employee, director, commissioner, or member of a State Agency (other than a multi-state authority) who holds a policy making position pursuant to Public Officers Law §73-a(1)(c).

(h) *Political Organization* shall mean any organization that is affiliated or coordinated with a Party. The term does not include campaign or fundraising committees.

(i) *State Agency* shall mean any State department, or division, board, commission, or bureau of any State department, any public benefit corporation, public authority, or commission at least one of whose members is appointed by the Governor. State Agency shall also include the State University of New York or the City University of New York, including all their constituent units except (1) community colleges of the State University of New York and (2) the independent institutions operating statutory or contract colleges on behalf of the State.

(j) *Statewide Elected Official* shall mean the Governor, Lieutenant Governor, Attorney General, or Comptroller of the State of New York.

932.3 Restrictions on Certain Political Activities Applicable to All Policy Makers.

(a) No Policy Maker, regardless of whether the person serves on an unpaid or per diem basis, shall serve as an officer, director, or board member of any Party or Political Organization.

(b) No Policy Maker, regardless of whether the person serves on an unpaid or per diem basis, shall serve as a member, officer, director, or board member of any Party Committee.

(c) Nothing in this section shall prohibit a Policy Maker from serving as a delegate to a State or national Party convention.

932.4 Required Prior Approval for Salaried Policy Makers.

(a) A Policy Maker who (i) is not the head of a State department or agency or a Statewide Elected Official and (ii) serves the State on other than a nonpaid or per diem basis, shall obtain the following approvals prior to engaging in the activities listed below:

Outside Activity		Required Approvals / Actions
A job, employment, or business venture that generates, or is expected to generate, between \$1,000 and \$5,000 in Compensation annually		Appointing Authority must approve
A job, employment, or business venture that generates, or is expected to generate, more than \$5,000 in Compensation annually		Appointing Authority and the Commission must approve
Seeking public office or holding other public employment (regardless of Compensation received)		Appointing Authority and the Commission must approve
Serving as a director or officer of a for-profit entity (regardless of Compensation received)		Appointing Authority and the Commission must approve
Serving as a director or officer of a not-for-profit entity.		
	Compensation is \$0 - \$999 annually	Approval not required, but must notify agency in writing prior to commencing service
	Compensation is between \$1,000 and \$5,000 annually	Appointing Authority must approve
	Compensation is more than \$5,000 annually	Appointing Authority and the Commission must approve

(b) A head of a State Agency or a Statewide Elected Official shall obtain approval from the Commission prior to engaging in the outside activities listed in Section 932.4(a).

932.5 Approval Procedures.

(a) A Policy Maker who requires approval, pursuant to Part 932.4(a), from his Appointing Authority only, shall submit to the Appointing Authority a written approval request prior to commencing the outside activity.

(1) The Appointing Authority shall make its determination based on its interpretation of whether the proposed outside activity is in accordance with the applicable provisions of the Public Officers Law, Commission Advisory Opinions, pertinent State Agency policies, procedures, or regulations governing employee conduct, and such other factors as the Appointing Authority may deem appropriate.

(b) A Policy Maker who also requires Commission approval pursuant to Part 932.4(a), or a head of a State Agency or Statewide Elected Official who requires Commission approval pursuant to Part 932.4(b), shall submit to the Commission a request on the Outside Activity Approval Form that contains a signature of approval from the Appointing Authority. The Commission will not consider requests without such written prior approval.

(1) For a head of a State Agency or a Statewide Elected Official, that agency's ethics officer or other designated individual must sign the Outside Activity Approval Form indicating agency approval of the request.

(2) The Commission shall make its determination based on its interpretation of whether the proposed outside activity is in accordance with the applicable provisions of the Public Officers Law, Commission Advisory Opinions, regulations, and policies. The Commission may require additional information as it deems appropriate.

932.6 Previously Approved Outside Activity: Annual Disclosure and Material Changes

(a) Once an outside activity has been approved pursuant to Part 932.5 it shall remain effective unless and until there is a material change in the Policy Maker's State responsibilities or in the outside activity, at which point the Policy Maker must submit a new request for approval in accordance with Parts 932.4 and 932.5

(b) On an annual basis, a Policy Maker who has received approval for an outside activity pursuant to Part 932.5 must inform, in writing, his Appointing Authority (or, in the case of a head of a State Agency or a Statewide Elected Official, that agency's ethics officer or other designated individual) if he is still engaged in the outside activity for which approval was granted. The Appointing Authority (or, in the case of a head of a State Agency or a Statewide Elected Official, that agency's ethics officer or other designated individual) shall determine when such annual disclosure is to be made.

932.7 Enforcement.

In addition to any penalty contained in any other provision of law, a Policy Maker's performance of an outside activity that is in violation of the Public Officers Law, Commission Advisory Opinions, regulations, or policies, may subject him or her to a

civil penalty or other Commission action or referral to the Policy Maker's Appointing Authority. The Appointing Authority, after such a referral, may take disciplinary action that may include a fine, suspension without pay, or removal from office or employment in the manner provided by law.

932.8 Codes of Ethics for Uncompensated and Per Diem Directors, Members and Officers.

The boards or councils whose officers or members 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 and the commissions, public authorities and public benefit corporations whose member or directors are subject to §73-a of the Public Officers Law and are not subject to §73 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, of such directors, members or officers both during and after service with such boards, councils, commissions, public authorities and public benefit corporations. Such codes of ethical conduct shall be filed with the Commission.

932.9 Agencies Permitted More Restrictive Rules.

Nothing contained in this Part shall prohibit any State Agency from adopting or implementing its own rules, regulations, or procedures with regard to outside activities that are more restrictive than the requirements of this Part.