



THE ETHICS REVIEW

A JOINT COMMISSION ON PUBLIC ETHICS NEWSLETTER

POLITICS IN THE WORK PLACE

Summer has gone, the leaves are set to cascade from the trees, and a chill in the air is not too far away. All this points to one irrefutable fact: Elections are just around the corner. So JCOPE thinks now is a great time to talk politics ... in the workplace.

As a State employee, you can certainly volunteer to work for a political campaign. Just remember to follow a few important guidelines:

- You cannot use any State resources (phones, computer, copy machines, etc.) for anything related to the campaign.
- You cannot do any campaign related activities during the work day unless you are using approved leave.
- You cannot ask any person or entity to make a contribution to the campaign if, within the past 12 months, that person or entity has had dealings with you in your State job. (If you are a supervisor, this prohibition includes dealings with the unit or division you supervise.)

Inside This Issue

Politics in the Work Place	1
Dear JCOPE	1
Enforcement Actions	2
Quotes of the Quarter	2

- You cannot ask any person or entity to make a contribution to the campaign if you have reason to believe that, in your State job, you will have dealings with that person or entity in the near future. (If you are a supervisor, this prohibition includes dealings with unit or division you supervise.)
- If you asked a person or entity to make a contribution, and that person or entity subsequently has dealings with you in your State job (or dealings with your unit or division if you are a supervisor), you must recuse yourself from that matter and report the situation. Any persons who report to you on that matter need to report to a different supervisor.
- Finally, you cannot use your official title, position, or authority in any campaign activities, including mass mailings.

Questions about these rules?

Contact JCOPE at jcope@jcope.ny.gov or 518-408-3976

Dear JCOPE

Question:

I have been in charge of procurement for a division within my agency since 2008. Over the last 2 years, I have developed a friendship with a vendor's representative. Let's call her Valerie. Valerie and I have gone for drinks together and played golf together. Recently, Valerie offered me two tickets to a major league baseball game. Can I accept them? Please say "yes"!!!

Big Fan

(Boldly Imagining Good Fun and a No-Hitter)

Answer:

Yes, you can accept the tickets (there, I said it) but the question is, do you have to pay for them. BIGFAN, this is a great question and a tough one, as the answer depends on certain facts. Let's start with something easy. The tickets are obviously worth more than nominal value, so they would be considered a GIFT under the regulations that govern when it is permissible for a public official to accept a GIFT.

Now for the tricky part – Valerie. The issue here is that Valerie is an INTERESTED SOURCE and a friend. Valerie is considered an INTERESTED SOURCE because she does business with you and your agency in your official capacity. Generally, under the regulations, you are prohibited from accepting a GIFT from an INTERESTED SOURCE. But Valerie is also a friend and the regulations say that you may be able to accept items received from friends and family.

(Continued on next page)

Dear JCOPE (Continued)

Given the fact that Valerie is an INTERESTED SOURCE, that your friendship developed as a result of your professional relationship, and that you are in charge of procurement for your agency, it creates the perception that the offer of the tickets is motivated more by the professional relationship than the personal one. To avoid the appearance that the offer of these tickets can improperly influence you in your official activities, it's best to "play it safe" and pay for the tickets or watch the game on TV.

If you need further guidance, please do not hesitate to call or email JCOPE at (518) 408-3976 or jcope@jcope.ny.gov

ENFORCEMENT ACTIONS

Revolving door restrictions: A former assistant vice president for the Roswell Park Cancer Institute (RPCI) paid \$2,500 under a settlement with the Commission for violations of the State's two-year bar on appearing or practicing before the employee's former agency. Shortly after leaving RPCI, RPCI contracted with the former State employee to work on several projects all within two years of leaving service as a State employee with RPCI. Public Officer's Law §73(8) prohibits former State employees from appearing or practicing before his or her State agency within two years of leaving State service.

Outside Compensation: A former Empire State Development Corporation (ESDC) employee admitted to violating the Public Officers Law by consulting and seeking State grants for a private health care company while she was also employed by the State. The employee agreed to pay a \$5,000 fine as part of a settlement with the Commission. Public Officers Law §73(7) bars a state employee from receiving compensation for services related to, among other things, grants or contracts from the State.

Confidential Information: An assistant chief officer in the MTA's track engineering division was fined \$2,000 in a settlement with the Commission for violating the State's ban on disclosing confidential information acquired as part of his employment. The fine is an addition to a demotion and cut in pay by the MTA. The employee provided confidential information to a company responding to an MTA request for information. Public Officers Law §74(3)(c) prohibits an employee from disclosing confidential information gained by reason of his official position.

Improper Use of State Resources: A former assistant chief officer of infrastructure engineering with the MTA's Department of Subways-Maintenance admitted to using MTA computers, scanners, copiers and specialized software for his personal engineering business. The employee agreed to pay a \$1,500 fine as part of a settlement with the Commission. In addition, the employee was terminated by the MTA. Public Officers Law §74(3)(d) prohibits an employee to use his position to misappropriate state resources for his private business.

QUOTES OF THE QUARTER

Ethics is knowing the difference between what you have a right to do and what is right to do.
Justice Potter Stewart

"Where should I go?" -Alice
"That depends on where you want to end up." - The Cheshire Cat
Lewis Carroll, *Alice's Adventures in Wonderland & Through the Looking-Glass*

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NEW YORK STATE
JOINT COMMISSION ON PUBLIC ETHICS

Tip Line: **800-87-ETHICS**
(800-873-8442)

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REPORT MISCONDUCT BY STATE OFFICIALS,
EMPLOYEES, LOBBYISTS, AND THEIR CLIENTS

Improper Gifts • Conflicts of Interest • Nepotism
Abuse of Official Position • Sexual Harassment
Other Violations of the Public Officers Law or Lobbying Act

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