



## MEMORANDUM

**TO:** College Ethics Officers, Labor Designees, and Campus Counsels

**FROM:** The Office of the Senior Vice Chancellor for Legal Affairs and General Counsel, The City University of New York

**DATE:** April 5, 2024

**SUBJECT:** 2023 Financial Disclosure Statement Filing, Honoraria, Official Activity Expense Payments, and Outside Activities Requests

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We are writing to ask that you remind those individuals on your campus who are required to file financial disclosure statements (“Financial Disclosure Statement or “FDS”) with the New York State Commission on Ethics and Lobbying in Government (“COELIG”) about their obligations to do so.

Please distribute this notice to all relevant employees of The City University of New York (the “University” or “CUNY”) on your campus who are obligated to file an FDS or report receipts from honoraria earnings.

### **FINANCIAL DISCLOSURE STATEMENTS**

The annual FDS filing for calendar year 2023 must be filed by Wednesday, **May 15, 2024**, by all employees in “policy-making” positions and by those non-exempt employees who earn over the threshold amount.<sup>1</sup>

A notification from COELIG regarding 2023 Financial Disclosure Statement will be sent out in mid-April via email from [ethics@public.delivery.com](mailto:ethics@public.delivery.com).

All newly hired employees are required to file an FDS for the previous year within 30 days of being appointed to a covered position. For example, an employee hired on July 25, 2023 must file an FDS for 2022 by August 24, 2023. Any employee promoted

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<sup>1</sup> The filing threshold for financial disclosure will apply to anyone serving in a job title with an annual salary in excess of \$111,897 (as of 4/1/2024). For detailed instructions, please go to the COELIG webpage regarding FDS, <https://ethics.ny.gov/financial-disclosure>

into a policy-making position, or newly designated a policy-maker, must also file an FDS within 30 days of assuming the new position.

Employees who are designated as policy-makers, or those earning over the Salary Grade-24 rate (\$111,897 as of 4/1/2024) and who have not received an exemption from COELIG, are required to file an annual financial disclosure statement with COELIG.

Please be aware that you must use the following website (NY.gov): <https://my.ny.gov/> to access your COELIG online FDS account. If you do not already have a NY.gov account, please follow the instructions to create one included in the attached.

### **Definition of Policy-Maker**

Policy-makers (or decision-makers) are typically employees who manage a group of people, including chairs, deans, directors or other heads of academic departments; or a process with financial implications such as dealing with vendors or administering contracts. For more specific guidance, please see the attached "Guidelines and Procedures Regarding Policy-Making Positions."

### **Department Chairs as Policy-Makers**

University school and college 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 COELIG's definition of a policy-maker, department chairs in academic departments possess discretionary policy-making authority and therefore ***are considered policy-makers and will not be granted an exemption from filing an FDS.***

**Please also note that Department Chairs are required to file an FDS for 2023 by the May 15, 2024 deadline for policy-makers, even if they already filed as an academic filer for 2023 before the November 15, 2023 deadline. Department Chairs only need to file an FDS in May of each year and need not file in November unless and until they end their term as Chair and return to a non-policy-making faculty position.**

### **FDS Non-Compliance**

COELIG reviews each FDS for compliance. Employees who fail to file an FDS or who file a deficient FDS will be notified by COELIG by email to their CUNY email address. Notices of non-compliance are posted on the COELIG website and will be sent to the College. Please check to be sure that the email address that COELIG has for all employees is current and correct.

If, following written notice by COELIG, 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 that 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 COELIG's website.

A filer may request a 45-day extension of time to file the FDS based on justifiable cause or undue hardship. Extensions may be requested through the FDS Online Filing

System or by completing and submitting this writeable PDF form, which must be received or postmarked on or before the filing due date.

## **HONORARIA**

All CUNY employees are required to comply with the law and regulations governing the receipt and reporting of honoraria earnings, regardless of their designation as a policy-maker (see [Title 19 NYCRR Part 930: Honoraria](#)). Please notify all of your campus employees about reporting receipts of honoraria.

COELIG generally defines an honorarium as a payment for a service that is not part of an employee's official duties. Examples include delivering a speech, writing or publishing an article, and participating in a public or private conference, convention, or meeting. Honoraria also include expenses incurred for travel, lodging and meals related to the service performed.

### **CUNY Employees Not Employed in Academic Titles**

Non-academic employees of CUNY must seek prior approval in order to accept honoraria revenues and must report the receipt of honoraria revenues to their college's ethics officer. Keep in mind that honoraria revenues generally cannot be received from an interested 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**

All CUNY faculty are exempt from the restrictions on the **receipt** of honoraria revenues, provided that the service performed by the faculty member is within the subject matter of his or her academic discipline. This exemption means:

1. CUNY faculty do not need to seek approval to receive honoraria.
2. CUNY faculty may receive honoraria income from an interested 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.**

COELIG, while defining honoraria as compensation for work unrelated to an employee's official duties, still requires faculty to report receipts 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 University Office of Legal Affairs at <https://www.cuny.edu/about/administration/offices/legal-affairs/policies-resources/ethics/honoraria/>. The reporting period for honoraria is April 1, 2023 to March 31, 2024.

All records of honoraria income received by CUNY employees during the period April 1, 2023 through March 31, 2024 must be forwarded to the College Ethics Officers by **May 1, 2024**.

A University school or college does not need to report honoraria to COELIG. However, each school and college needs to retain all honoraria reports for three years.

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

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

### **Official Activity Expense Payments**

Any FDS filer may accept payment or reimbursement from a third party for travel or expenses related to an activity that is part of, and related to his official position given that certain conditions are met (See [Title 19 NYCRR Part 931](#)). Any such payments in excess of \$1,000 are reportable on the FDS. An example of such a payment would be reimbursement for travel and lodging offered by the sponsor of a conference related to college admissions to a University's college vice president for admissions. These payments or reimbursements from third parties are rare and must be pre-approved by College Ethics Officers. The College must retain records of such approvals for three years.

### **Outside Activities**

An Outside Activity is any outside employment, either public or private, engaged in on an ongoing basis by a CUNY employee who has been designated a policy-maker that is unrelated to responsibilities and duties performed by the employee for CUNY. Please be aware that an Outside Activities Report must be submitted for review and approval by your appointing authority before you engage in an outside activity. For more information, please see the Outside Activities FAQs on our website at: <https://www.cuny.edu/about/administration/offices/legal-affairs/policies-resources/ethics/outside-activities-faq/>.

Enclosures:

- Guidelines and Procedures Regarding Policy-Making Positions–November 2016
- Faculty Reporting Honoraria Form 2023-2024 – due 5/1/2024
- Employee Reporting Honoraria Form 2023-2024 - due 5/1/2024
- [Quick Reference Guide to the FDS Online Application](#)

cc: Doriane K. Gloria, Senior Vice Chancellor for University Human Resources, and Labor Management  
Sujata Malhotra, Executive Director of Central Office of Human Resources  
Gordon Taylor, Associate Vice Chancellor for Audit