By Email

To: All CUNY Faculty

From: Frederick P. Schaffer

Re: Ethics Bulletin: Reminder and FAQs For CUNY Faculty regarding Financial Disclosure Statement Requirements

Date: October 7, 2015

The New York State Joint Commission on Public Ethics ("JCOPE") will be notifying CUNY faculty shortly (required filers only), by email, around October 15, 2015 regarding the requirement to file a Financial Disclosure Statement ("FDS"). The following questions and answers are intended to summarize for you the most important principles and dates.

1. **Who must file?**

You must file an FDS if your annual salary as a faculty member is more than $91,821.00. Although the FDS asks for financial data for 2014, the determination as to whether you must file must be made on the bases of your duties and salary as of September 1, 2015.

2. **When must I file?**

If you are required to file an FDS, you must do so by November 16, 2015. If you believe you are exempt but have not previously applied for and been granted an exemption, you must file your request for an exemption by November 16, 2015. No late requests for exemptions will be considered.

3(a). **Who is entitled to an exemption?**

The Commission is authorized to grant an exemption to CUNY faculty whose duties do not involve the negotiation, authorization or approval of:

   i. **contracts**, leases, franchises, revocable consents, concessions, variances, special permits, or licenses as defined in section seventy-three of the public officers law;
ii. the purchase, sale, rental or lease of real property, goods or services, or a contract therefor;

iii. the obtaining of grants of money or loans; or

iv. the adoption or repeal of any rule or regulation having the force and effect of law.

3(b). What if I am the Chair of my department, or I administer a grant?

In both situations you are not eligible for an exemption.

* 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. Department chairs are required to file an FDS by the May 15 deadline for policymakers.

** Grant administrators: Grant administrator is required to file FDS as an academic filer (November 15).

4(a). How do I obtain an exemption?

If you do not have an exemption and believe you qualify for one, you must fill out and file the exemption form directly with JCOPE by November 16, 2015. The exemption from FDS filing requirement can be accessed on the JCOPE Website at:

http://www.jcope.nv.gov/forms/ethics.html

4(b). The JCOPE exemption form requires that I attach a job description, but I don’t have one. What do I do?

Where a job description is not available, an academic applicant may submit either of the following:

(1) A copy of the current annual report which the applicant filed with his/her department,

OR

(2) A job description prepared by the applicant that includes the following: whether the individual is involved in purchasing or contracting activities; administrative duties such as chair or director for a department or program; and, whether the individual received externally funded grants.
5. If I have previously filed for and been granted an exemption, do I have to file for exemption again?

No. If you have previously filed for and been granted an exemption from filing an FDS and there have been no changes in your duties and responsibilities, there is no need to file for a new exemption. The original exemption continues to be effective.

6. I applied for an exemption. When will I hear if it is granted? Do I have to file while I am waiting to hear?

Generally, you will receive a reply within 10 days. You may file the disclosure statement in addition to the exemption request. If your exemption is approved, JCOPE will return your original form and no record of it will be retained by the Commission. If you choose to wait for a response and are denied, you are given 20 days from the date of denial to file your FDS.

7. In determining my salary, do I look to the amount associated with my title or the amount I actually earned last year?

You look to the amount associated with your title. For example, if you worked part-time in a title that pays a full-time salary in excess of the filing rate of $91,821.00 or if you have been on sabbatical for a portion of the year in a title that pays in excess of the filing rate of $91,821.00, you must either file an FDS or apply for an exemption regardless of how much you actually earned.

8. Do I have to file if I get a salary increase that causes my salary to exceed the filing rate of $91,821.00 after September 1, 2015?

If at any time after September 1, 2014 and until August 31, 2015, you receive an increase in your annual salary - whether through an increase provided by a collective bargaining agreement, an annual step increment or promotion - to a rate in excess of the filing rate of $91,821.00, CUNY must notify JCOPE of your new status, and JCOPE will contact you by mail with instructions to file an FDS or to file for an exemption. You will then have thirty (30) days to either file an FDS or apply for an exemption from filing.

9. What if I have a personal emergency and cannot file on time?

Ask JCOPE for an Extension. Call JCOPE at 518-408-3976 or 1-800-873-8442 and ask for the help desk. The relevant form “Application for an Extension” (Academic Filers) and instructions are available at: http://www.jcope.ny.gov/forms/ethics.html
10. What if I Fail to File?

You must file as soon as possible or you may be in trouble. Pursuant to the Public Officers Law §73-a (4), [the Financial Disclosure Filing Statute] penalties of up to $40,000 can be imposed for failure to file. Also, Notices of Delinquency for failure to file an FDS for the specific calendar year 2015 will be posted on the Commission’s website. Again this year, the Commission will assess penalties for filings received after the statutory deadline. To avoid fines, your form must be received no later than November 16, 2015. New employees required to file must do so within 30 days of commencing employment.

11. But I still have more questions, where do I go?

You should consult with your College ethics officer or JCOPE. A list of College ethics officers and phone numbers is available at the following webpage:
http://www2.cuny.edu/about/administration/offices/legal-affairs/ethics/college-ethics-officers/

You may also go to the JCOPE website for more information on Financial Disclosure Filings, please see Instructions for Filing Financial Disclosure Statement at:

Financial Disclosure Statement for 2014 form is available at:
http://www.jcope.ny.gov/forms/ethic/FDS%20Form%202014_fillable%20%284%29.pdf

If you have any other questions or need additional information with respect to these rules, or need help filling out the either of the forms, please call your college ethics officer or Call JCOPE at 518-408-3976 or (518) 474-3973 for JCOPE's technical support related to the online filing programs.

c: Vice Chancellor Gloriana Waters, Human Resources Management
   Esdras Tulier, Deputy to the Vice Chancellor and University Director for HR Policy and Strategy
   Judith Opperman, Senior University Director of HR Operations
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   Legal Affairs Designees and Ethics Officers
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