The New York State Ethics Commission has now issued final regulations covering (1) outside activities and (2) the receipt of honoraria and travel reimbursement by State officers and employees. Proposed rules on these subjects were transmitted to you on January 9 and February 9, 1990. A copy of the final regulations and the form to be used in seeking approval of outside activities is attached for review and distribution to affected employees. Also attached are Ethics Advisory Notices 90-8 and 90-9 from the Ethics Commission explaining the new requirements.

OUTSIDE ACTIVITIES (Ethics Advisory Notice 90-8)

Applicability

The limitations on outside activities apply to State policymakers only. Within the University, policymakers generally are considered to be those employees at the level of Dean and above at the campuses and Associate Vice Chancellor and above in the Central Administration. The current list of policymakers for your campus is attached.

General Requirements

All policymakers are prohibited from serving as an officer of a political party or political organization or as a member of a national committee of a political party.

The regulations further require that salaried policymakers obtain the prior approval of their appointing authority (i.e., campus or Central Administration) and the Ethics Commission before:

- holding other public office or engaging in other public employment for more than nominal compensation (defined as: greater than the normal per diem or $4000 annually);
- engaging in any private employment, business or other activity (including not-for-profit) for more than the defined nominal compensation; and

- serving as director or officer of a for-profit corporation or institution, regardless of compensation.

Prior approval limited to the campus or Central Administration is required when salaried policy-makers engage in private employment or other activity for annual compensation between $1000 and $4000.

Approval of any request to engage in outside activities must be based upon consistency of the activity with the ethical standards in sections 73 and 74 of the Public Officers Law, previously distributed to the campuses in booklet form, and a determination that the activity does not interfere or conflict with the proper and effective discharge of the employee's SUNY responsibilities (see also Policies of the Board of Trustees, Article XI, Title H, §4 [8 NYCRR §335.26]).

Procedures for Requesting Approval

1. Where both University and Commission approvals are required, requests are to be made on forms provided by the Ethics Commission. A copy of the form "Request for Approval of Outside Activities" is attached for duplication and use on each campus. PLEASE NOTE: Policy-makers now engaged in activities which require approval of the Ethics Commission under these regulations have until May 29, 1990 to submit appropriate requests to the Ethics Commission. They may continue to engage in these activities unless notified otherwise by the Commission.

2. At the campuses, request forms should be submitted first by affected employees to the President or the President's designee. (Requests involving the designee should be reviewed by the President.) Requests for approval of outside activities involving a President should be submitted to the Executive Vice Chancellor. Those requests approved on campus should be transmitted directly to the Ethics Commission for approval, with a copy to the Executive Vice Chancellor. Approved requests of a President will be submitted to the Ethics Commission by the Executive Vice Chancellor.

3. Within the Central Administration, requests for approval of outside activities by other than the Executive Vice Chancellor and Chancellor should be submitted to the Executive Director for Central Administration Services. The Executive Director will submit approved requests to the Ethics Commission directly.
Separate procedures will be followed for the Executive Vice Chancellor and the Chancellor in accordance with Trustees' policy.

4. Where approval of the University alone is required by the regulations (i.e., request involving annual compensation from a private business of between $1000 and $4000), the official form can be modified or approval may be requested on a letter submitted by the employee. The same procedures as above should be followed except that no further approvals beyond the appropriate campus or Central Administration officer are required.

Finally, the Ethics Commission now also formally requires that codes of ethical conduct be adopted covering uncompensated state officers. Consideration is being given to the readoption of the Code approved by the Trustees in February 1989 covering the SUNY Trustees, campus council members and the trustees of the College of Environmental Science and Forestry.

HONORARIA AND TRAVEL REIMBURSEMENT (Ethics Advisory Notice 90-9)

The regulations on receipt of honoraria and travel reimbursement apply to all compensated State employees, with the exception of academic employees in SUNY and CUNY engaging in activities within their academic discipline.

Honoraria

Under the regulations, an honorarium is defined as a "payment, fee, or other compensation made as a gratuity or as an award or honor" for services rendered by a covered employee not related to the covered employee's official duties. It also includes a payment for travel expenses incurred by the employee in the course of services unrelated to the employee's duties. The regulations set forth specific conditions under which honoraria may be accepted.

Obtaining prior approval of requests to receive honoraria is optional rather than mandatory. Requests, if made, are subject only to University action and the filing of the determination with the Ethics Commission. Employees receiving honoraria without prior approval of the University, however, are required to report annually (by July 1, 1990 or April 1 of succeeding years) to their campus or Central Administration, as appropriate, the source, date, amount, and nature of the activities for which honoraria were received in the previous year. In turn, a compilation of individual reports must be filed with the Ethics Commission on an annual basis (by October 1, 1990 or June 1 of each succeeding year). Employees who have obtained prior approval from the University of requests to receive honoraria need not file these annual reports. No special form for submission of the request for prior approval or the annual report has been specified.
Requests for prior approval of honoraria or annual reports regarding honoraria should be submitted by affected employees to the President or the President's designee following a process similar to that outlined earlier in this Memorandum in the section on outside activities. Requests or reports involving a President should be submitted to the Executive Vice Chancellor. The campus designee or Executive Vice Chancellor, as appropriate, will be responsible for filing approved advance requests for receipt of honoraria and annual reports with the Ethics Commission.

Within the Central Administration, advance requests and reports by other than the Executive Vice Chancellor and Chancellor should be submitted to the Executive Director for Central Administration Services.

Travel Expense Reimbursement

Advance approval by the campus or Central Administration, as appropriate, is required for receipt of travel expense reimbursement related to an employee's official duties. The same process described for advance approval of honoraria should be utilized for approval of travel reimbursement that complies with the criteria contained in the regulations. No filings with the Ethics Commission are required.

Any honorarium or travel reimbursement received which is over $1000 must also be reported on an employee's annual financial disclosure statement, where filing of that form is required.

Any questions relating to compliance with these regulations may be directed to the Office of University Counsel at (518) 443-5400.

Sanford H. Levine
Sanford H. Levine

Attachments
Copies for information only sent to:
  Presidents, Community Colleges
  Deans, Statutory Colleges
  President Coll
  Provost Nesheim
April 13, 1990

Ethics Advisory Notice 90-8

Final Regulations on Outside Activities

The State Ethics Commission has adopted final regulations covering the outside activities of State officers and employees. (Part 932). A copy of the final regulations is enclosed for your information; they appeared in the April 11, 1990 State Register. Certain clarifying amendments have been added as a result of public comment received. The regulations became final as of April 11.

Under the regulations, State officers and employees in policy-making positions and members or directors of public authorities, public benefit corporations and commissions are prohibited from serving as an officer of a political party or political organization including district leader or member of a national committee of a political party. A definition of "political organization" has been added.

In addition, policy-makers, who serve on other than a per diem or non-paid basis, would have to file a written request for approval of their outside activity with the State Ethics Commission for the following activities:

(1) holding public office or public employment where more than nominal compensation is received,

(2) engaging in any private employment, profession, or business where more than nominal compensation is received, and

(3) serving as a director or officer of a profit-making corporation or institution.

The consent of the policy-maker's appointing authority must accompany the request. Nominal compensation is defined as the per diem amount provided to the
position where no other compensation is received, or $4000 in annual compensation (raised from the proposed regulations’ threshold of $1,000). State agencies would have to approve outside employment or activity from which a covered individual earned between $1,000 and $4,000.

Policy-makers who are presently engaged in outside activities which require approval by the Ethics Commission shall have 45 days from the effective date of the regulations, or until May 29, 1990 to submit a request for approval. If the Ethics Commission determines that the outside activity is not appropriate, the policy-maker would be required to immediately cease engaging in the activity.

The form to request approval of outside activities from the State Ethics Commission is attached for distribution to your affected employees.

State agencies may establish or continue more restrictive requirements over the outside activities of their employees than those provided for in the regulations.

Finally, non-paid or per diem members of boards, councils and commissions, public authorities and public benefit corporations, who have been named as policy makers (and not otherwise subject to §73) are required to adopt a code of ethical conduct governing their outside activities.

If you have any questions concerning the regulations or the resulting procedures, please contact the State Ethics Commission at (518) 432-8207.
PART 932
OUTSIDE ACTIVITIES

Sec. 932.1 Definitions

932.2 Restriction on Policy-makers and Certain Others holding Positions of Officer or Member of Political Party Organizations

932.3 Restriction on holding other Public Office or Employment or engaging in other Outside Activities

932.4 Procedure to Approve Certain Outside Activities

932.5 Codes of Ethics for uncompensated and per diem directors, members and officers

932.6 Complaints

932.7 Violations

932.1 Definitions

(a) "Approving authority" shall mean the head of a State agency or appointing authority, or his or her designee, as appropriate, for the individual involved and, for the four statewide elected officials and the heads of State agencies, shall mean the State Ethics Commission which may delegate its approval authority to its Executive Director.

(b) "Covered individual" shall mean the four statewide elected officials and State officers or employees.

(c) "Four statewide elected officials" shall mean the Governor, the Lieutenant Governor, the Comptroller and the Attorney General.

(d) "Nominal compensation" shall mean no more than either

(1) the per diem amount provided to such position, where no other compensation for such appointment is received, or

(2) $4,000 in annual compensation for personal services actually rendered, e.g. wages, salaries, professional fees, royalties, bonuses, or commissions on sales, and that portion of income received from a corporation or unincorporated trade or business which represents a reasonable allowance for salaries and compensation for personal services actually rendered. Income received by the individual from transactions involving the individual's own securities, person property or real estate is not included in determining annual compensation for personal services actually rendered, provided the transactions are not with any State agency.
(e) "Policy-making position" shall mean that position annually determined by the appointing authority as set forth in a written instrument filed with the State Ethics Commission or as amended as required by §73-a(1)(c)(ii) and (iii).

(f) "Political organization" shall mean any organization that is affiliated with or subsidiary to a political party, and shall include, for example, partisan political clubs. "Political organization" shall not include an organization supporting a particular cause with no partisan inclination, for example, the League of Women Voters, and shall not include campaign or fund-raising committees.

(g) "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 and State University of New York and City University of New York, including all their constituent units except community colleges and the independent institutions operating statutory or contract colleges on behalf of the State.

(h) "State officer or employee" shall be defined as the term "State officer or employee" is defined in §73 and §73-a of the Public Officers Law.
than nominal compensation, in whatever form, is received without, in each case, obtaining prior approval from the State Ethics Commission.

(c) No individual who serves in a policy-making position on other than a non-paid or per diem basis, or who serves as one of the four Statewide elected officials, shall expend time or otherwise engage in any private employment, profession or business, or other outside activity from which more than nominal compensation, in whatever form, is received without, in each case, obtaining prior approval from the State Ethics Commission.

(d) No individual who serves in a policy-making position on other than a non-paid or per diem basis, or who serves as one of the four Statewide elected officials shall expend time or otherwise engage in any private employment, profession or business, or other outside activity from which more than $1,000 but less than nominal compensation, in whatever form, is received or anticipated to be received without, in each case, obtaining prior approval from his or her approving authority.

(e) No individual who serves in a policy-making position on other than a non-paid or per diem basis, or who serves as one of the four Statewide elected officials shall serve as a director or officer of a for-profit corporation or institution without, in each case, obtaining prior approval from the State Ethics Commission.

932.4 Procedure to Approve Certain Outside Activities

(a) Any individual who requests approval to engage in any of the outside activities set forth in Part 932.3 from which more than nominal compensation, in whatever form, is to be received, must file a written "Request to Approve Outside Activities" with the State Ethics Commission which must contain the consent of the individual's approving authority and any other information the Commission deems necessary to make a determination. The Commission will not consider requests without such consent. The State Ethics Commission may require such individual to submit additional information as it deems appropriate.

(b) The approving authority shall make its determination based the provisions of §§73 and 74 of the Public Officers Law, as well as pertinent State agency policies, procedures or rules and regulations governing employee conduct, and such other factors as the approving authority may deem appropriate. The decisions of the approving authority based on its interpretation of §§73 or 74 of the Public Officers Law shall not be binding on the State Ethics Commission in any later investigation or proceeding.

(c) The State Ethics Commission shall make its determination based on whether the proposed outside activity interferes with or is in conflict with the proper and effective discharge of such individual's duties. In making its determination, the Commission shall consider the provisions of §§73 and 74 of the Public Officers Law.
(d) Those individuals who, prior to the effective date of Part 932, are engaged in activities prohibited by Part 932.3 shall have forty-five (45) days from such effective date to submit a "Request to Approve Outside Activities" to the State Ethics Commission to continue to engage in such activity. Upon a determination by State Ethics Commission that such outside activity is not appropriate, the individual must immediately cease and desist from engaging in such activity.

(e) Nothing contained in Part 932 shall prohibit any State agency from adopting or implementing its own rules, regulations or procedures with regard to outside employment which are more restrictive than the requirements of Part 932.

932.5 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 but 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 but 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 State Ethics Commission.

932.6 Complaints

Any person may file a complaint with the State Ethics Commission which alleges that a violation of the provisions of this Part has occurred. The Commission, pursuant to its authority under §94 of the Executive Law, may conduct an investigation and take such other action as it deems proper.

932.7 Violations

In addition to any penalty contained in any provision of law, a knowing and intentional violation of this Part by an individual subject to it may result in appropriate action taken by the State Ethics Commission or referral by it to the individual's appointing authority. The appointing authority, after such a referral, may take disciplinary action which may include a fine, suspension without pay or removal from office or employment in the manner provided by law.
Outside Activity Request

NAME (LAST, FIRST, M.I.)

STATE AGENCY

STATE AGENCY ADDRESS

HOME ADDRESS

All correspondence should be sent to my [ ] State Agency Address
[ ] Home Address

This is a request for approval of:

[ ] the public office of:

[ ] private employment, engaging in a profession or business or other outside activity from which more than $4,000 annual compensation would be received.

Position and employer:

Does your private employment, profession, business or outside activity conduct any business with your employing state agency? [ ] YES [ ] NO

*If YES, attach a description of the activity.

[ ] my serving as a director or officer of a profit-making corporation or institution.

Corporation or institution name:

Does the corporation/institution conduct any business with your employing state agency? [ ] YES [ ] NO

*If YES, attach a description of the activity.

You MUST ATTACH a copy of your job duties and specifications to this request.

Signature X

Date

APPOINTING AUTHORITY CONSENT (MUST be completed by the appointing authority):

I give my consent to the above-stated outside activity, having determined that this request is appropriate, considering Sections 73 and 74 of the Public Officers Law; this agency's applicable policies, procedures or rules and regulations governing employee conduct; and other factors such as (specify, if appropriate):

Authorized

Signature X

Date

Title
April 27, 1990

Ethics Advisory Notice 90-9

Regulations on Limitations on the Receipt of Honoraria and Reimbursement for Travel Expenses

The State Ethics Commission has adopted final regulations, effective April 11, 1990, covering the limitations on the receipt of honoraria and reimbursement for travel expenses. A copy of the final regulations is enclosed for your information.

The regulations set forth conditions under which State officers and employees and the four statewide elected officials may accept an honorarium. Under described circumstances, these covered individuals may accept an honorarium which is a payment, fee or other compensation for services rendered not related to the covered individual’s official State duties; an honorarium may also include a payment for travel expenses incurred by the individual for such non-State-work related services rendered.

The regulations provide that an honorarium which is offered to a State employee for services related to his State job (which may not be accepted by the State officer or employee under the final rules) may instead be paid directly to the State’s General Fund or to such fund as is appropriate for a public authority, public benefit corporation or commission not funded through State general fund appropriations.

Covered individuals may seek prior approval from their appointing authority for the receipt of an honorarium, or may report once a year to their appointing authority the source, date, amount of the honorarium and the nature of the activity for which the honorarium was received. On July 1, 1990, and on each succeeding April 1, covered individuals must file the annual written report of honoraria received with their approving authority.
In turn, on or before October 1, 1990 and each succeeding June 1, the approving authorities are required to file a compilation of individual reports with the State Ethics Commission.

The regulations also set forth conditions under which reimbursement for travel expenses related to the covered individual's official duties may be accepted. Reimbursement may not be accepted from an individual or organization, other than any governmental entity, under specified circumstances. For example, reimbursement may not be accepted from individuals or organizations which are regulated by, contract with, or lobby before the State agency employing the covered individual, or which are involved in litigation with the State agency, adverse to the State, or which have applied for or received funding from the State agency which employs the individual for whom the reimbursement is proposed.

An exemption is created for academic employees of the State University and City University of New York and employees serving in the title series of "Research Scientist", "Cancer Research Scientist", and "Research Physician" who also serve in academic status.
PART 930 LIMITATIONS ON THE RECEIPT OF HONORARIA
AND REIMBURSEMENT FOR TRAVEL EXPENSES

Sec.
930.1 Applicability.
930.2 Definitions.
930.3 Conditions under which an honorarium may be accepted.
930.4 Conditions for limited acceptance by the State of a payment in lieu
of an honorarium.
930.5 Procedure to seek approval of and report honoraria.
930.6 Conditions under which reimbursement for travel expenses related
to the covered individual's official duties may be accepted.
930.7 Exemption.

Section 930.1 Applicability.

This part shall apply to the following:

(a) the four state-wide elected officials, and
(b) State officers or employees, as defined.

930.2 Definitions.

(a) "Approving authority" shall mean the head of a State agency or
appointing authority, as appropriate, or his or her designee for State officers
or employees, and, in the case of the four statewide elected officials and the
heads of State agencies, shall mean the State Ethics Commission, which may
delegate the approval authority required by these regulations to its Executive
Director.

(b) "Covered individuals" shall mean the four state-wide elected
officials and State officers or employees, as defined below.

(c) "Honorarium" shall mean

(1) a payment, fee or other compensation to a covered individual
for services rendered by a covered individual not related to the covered
individual's official duties, which payment, fee or other compensation is
made as a gratuity, or as an award or honor; e.g., for delivering a
speech, writing or authoring an article or publication or attending a
meeting or conference, and

(2) a payment, whether to a lodging site or a provider of
transportation, for travel expenses made to or on behalf of an individual,
or reimbursement made to the covered individual for travel expenses
incurred, for such services rendered by a covered individual not related to the covered individual's official duties. (For travel reimbursement related to a covered individual's official duties, see Part 930.6 below.)

(3) "Honorarium" shall not mean

(i) a travel payment in the form of a gift from a relative; or

(ii) a payment in lieu of an honorarium made to the State or a travel payment provided by non-governmental sources for activities related to a covered individual's official duties; or

(iii) compensation in the nature of salary, wages or fees for services for non-State related work performed or travel payment provided by non-governmental sources for activities related to a covered individual's appropriate or authorized outside employment; or

(iv) a payment, fee, travel payment or other compensation provided to a covered individual who provides services for or acts on behalf of an employee organization certified or recognized under Article 14 of the Civil Service Law to represent such covered individual.

(d) "Ministerial matter" shall mean an administrative act carried out in a prescribed manner not allowing for substantial personal discretion.

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

(f) "State officer or employee" shall mean:

(1) heads of state departments and their deputies and assistants, other than members of the Board of Regents of the University of the State of New York who receive no compensation or are compensated on a per diem basis;

(2) officers and employees of statewide elected officials;

(3) officers and employees of state departments, boards, bureaus, divisions, commissions, councils or other state agencies other than officers of such boards, commissions or councils who receive no compensation or are compensated on a per diem basis; and

(4) members or directors of public authorities, other than multi-
state authorities, public benefit corporations and commissions at least one of whose members is appointed by the Governor, who receive compensation on other than a per diem basis, and employees of such authorities, corporations and commissions.

(g) "State Ethics Commission" shall mean the State Ethics Commission created by §94 of the Executive Law.

§930.3 Conditions under which an honorarium may be accepted.

(a) A covered individual may accept an honorarium, if

(1) the honorarium is not to be received for services rendered for or on behalf of an individual who, or on behalf of an organization, or any of its officers or members of the board of directors, which

   (i) is regulated by, or regularly negotiates with, appears before other than a ministerial matter, does business with or has contracts with either the State agency employing the covered individual or the covered individual in his or her official capacity on behalf of the agency, or

   (ii) attempts to lobby or to influence action or positions on legislation or rules, regulations or rate making before either the State agency employing the covered individual or the covered individual in his or her official capacity on behalf of the State agency; or

   (iii) is involved in litigation, adverse to the State, with the State agency with which the covered individual is employed or affiliated, or with the covered individual in his or her official capacity, and no final order has been issued; or

   (iv) has received or applied for funds from the State agency employing the covered individual at any time during the previous calendar year, up to and including the date of the proposed receipt of the honorarium, or and

(2) the service for which an honorarium is offered is not part of the duties of the position in which the covered individual serves, and

(3) State personnel, equipment and time (including that of the covered individual) will not be used to prepare for delivery of a speech or to render a service for which an honorarium is to be received, and

(4) the State agency with which the covered individual is employed or affiliated does not pay the travel expenses of the covered individual, and the sole purpose of the travel was to perform the service for which an honorarium was offered, and

(5) the service for which an honorarium is offered is not
performed during the covered individual's State work day or, if the service is to be performed during the covered individual's State work day, he or she must charge accrued leave (other than sick leave) to perform such service.

(b) A covered individual may accept an honorarium if such honorarium is provided by an organization whose sole purpose is religious, social (e.g. athletic groups, alumni or school associations, interest clubs), or self-help, and none of the conditions precluding acceptance, described in 930.3(a) exist.

930.4 Conditions for limited acceptance by the State of a payment in lieu of an honorarium.

An approving authority may approve a payment in lieu of an honorarium, and the use of State equipment, personnel and time to prepare a speech or publication or render a service, provided that the payment in lieu of an honorarium will be made by the granting organization or individual directly to the general fund of the State or to such fund as is appropriate for a public authority, public benefit corporation or commission not funded through State general fund appropriations, and the service for which an honorarium was offered is related to the covered individual's official duties or responsibilities.

930.5 Procedure to seek approval of and report honoraria.

(a) State officers and employees may submit a written request for approval by the approving authority for the receipt of an honorarium, and, upon approval of the receipt of an honorarium in accordance with these rules, the approving authority shall file such determination with the State Ethics Commission. The four statewide elected officials and the heads of State agencies shall submit a written request for approval by the State Ethics Commission for the receipt of an honorarium.

(b) In circumstances where the approving authority has approved the receipt of an honorarium, a covered individual may use either State vehicles (or other transportation) or personnel where such have been specifically assigned for use to a covered individual during his or her employment and such use is authorized or provided to such official, officer or employee as part of his or her employment or for his or her security.

(c) (1) On July 1, 1990, and on each succeeding April 1, a covered individual, who received an honorarium of any amount during the year previous to the date of reporting, must file an annual written report with his or her approving authority. The annual written report shall contain a statement of with respect to each honorarium received by the covered individual:

(i) the source of the honorarium,

(ii) the date of receipt and the place where the service was performed,
(iii) the amount of the honorarium and the nature of the service for which the honorarium was received.

(2) A covered individual will not be required to file such an annual written report if he or she received prior written approval from the appropriate approving authority for the receipt of each honorarium received during such year.

(d) Each approving authority shall file a compilation of copies of the written reports submitted by covered individuals pursuant to paragraph (c)(1) above, with the State Ethics Commission on or before October 1, 1990, and each succeeding June 1.

(e) Any honorarium or honoraria from each source which totals in excess of $1,000, received by a covered individual required to file a financial disclosure statement pursuant to §73-a of the Public Officers Law, must be reported in that disclosure statement regardless of whether approval for such receipt is required under these rules.

§930.6 Conditions under which reimbursement for travel expenses related to the covered individual's official duties may be accepted.

(a) Covered individuals may accept reimbursement for travel expenses from the federal government, other State or municipal government entities, non-State agency organizations or individuals for travel related to the covered individual's official duties under the following conditions:

(1) the covered individual files a written request with the appropriate approving authority within a reasonable period of time in advance of the event or activity for approval to receive travel reimbursement in accordance with these rules;

(2) the appearance, presence or participation of the covered individual is for a State agency purpose and would benefit the State agency involved; or the appearance, presence or participation of the covered individual is at a meeting, seminar, or conference of a not-for-profit professional organization and will result in increased knowledge in the covered individual's subject matter area which would benefit the state agency involved;

(3) the approving authority approves such travel reimbursement pursuant to these rules;

(4) the travel expenses, if not reimbursed, could be paid by the State agency according to its travel reimbursement procedure;

(5) the expenses reimbursed on behalf of the covered individual would be at a rate not greater than the State agency would reimburse the covered individual under its travel rules or regulations unless otherwise
specifically approved by the approving authority;

(6) the reimbursed expenses for food and lodging at the site to which the travel occurs is provided for no longer than the covered individual is reasonably required to be present at such event and is only for such covered individual; and

(7) the reimbursed expenses are not received from or on behalf an individual who, or on behalf of an organization, or any of its officers or members of the board of directors, other than any governmental entity, which

(i) is regulated by, regularly negotiates with, appears before on other than a ministerial matter, does business with or has contracts with either the State agency employing the covered individual or the covered individual in his or her official capacity on behalf of the State agency, or

(ii) attempts to lobby or to influence action or positions on legislation or action on rules, regulations or rate making before either the State agency employing the covered individual or the covered individual in his or her official capacity on behalf of the State agency, or

(iii) is involved in litigation, adverse to the State, with the State agency with which the covered individual is employed or affiliated, or the covered individual in his or her official capacity, and no final order has been issued, or

(iv) has received or applied for funds from the state agency employing the covered individual at any time during the previous calendar year, up to and including the date of the proposed receipt of the honorarium.

(b) Any reimbursement for travel expenses from each source which totals in excess of $1,000, received by a covered individual required to file a financial disclosure statement pursuant to §73-a of the Public Officers Law, must be reported in that disclosure statement, regardless of whether approval for such receipt is required under these rules.

(c) Nothing herein shall preclude the use of either state vehicles (or other transportation) or personnel where such have been specifically assigned for use to a covered individual and such use is authorized or provided to such official, officer or employee as part of his or her employment or for his or her security.

§930.7 Exemption.

(a) Academic employees of the State University and City University of New York including all their constituent units who are covered by §73 of the Public Officers Law and employees serving in the titles of "Research Scientist",
"Cancer Research Scientist", and "Research Physician" who also serve in academic status are exempt from the limitations on the receipt of honoraria and reimbursement for travel expenses to the extent that the publication of books and articles, delivery of speeches or attending meetings or conferences are within the discipline of the individual involved.

(b) Such academic employees who are also employed by a State agency other than the State University of New York or the City University of New York, in a title other than "Research Scientist", "Cancer Research Scientist", and "Research Physician" shall not be exempt from the limitations on the receipt of honoraria and reimbursement for travel expenses in their other capacity as State officers or employees.