

To: All CUNY Faculty

From: Frederick P. Schaffer

Re: Ethics Bulletin: FAQ's For CUNY Faculty re  
Financial Disclosure Statement Requirements

Date: September 29, 2006

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The New York State Ethics Commission ("NYSEC") will be notifying CUNY faculty by mail shortly 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.

**Q1. When must I file?** A1. If you are required to file an FDS, you must do so by November 15. 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 1.

**Q2. Who must file?** A2. You must file an FDS if your annual salary as a faculty member is more than \$76,861. Although the FDS asks for financial data for 2005, the determination as to whether you must file must be made on the bases of your duties and salary as of September 1, 2006.

**Q3. In determining if my salary exceeds that filing threshold, do I look to the amount associated with my title or the amount I actually earned last year?** A3. You look to the amount associated with your title. For example, if you worked part-time in a title that pays in excess of the filing rate of \$76,861 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 \$76,861, you must either file an FDS or apply for an exemption regardless of how much you actually earned.

**Q4. Do I have to file if I get a salary increase that causes my salary to exceed the filing rate of \$76,861 after September 1, 2006?** A4. If at any time after **September 1, 2006** and until **August 31, 2007**, 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 \$76,861, CUNY must notify the NYSEC of your new status, and the NYSEC 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.

**Q5. Who is entitled to an exemption?** A5. Pursuant to §94(9)(k) of the Executive Law, the Commission is authorized to grant an exemption to 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.

**Q6. If I have previously filed for and been granted an exemption, do I have to file for exemption again?** A6. No. If you have previously filed for and been granted an exemption from filing a 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.

**Q7. How do I apply for an exemption?** A7. If you do not have an exemption and believe you qualify for one, you must fill out and file the exemption form directly with NYSEC by November 1, 2006. **Do not send the exemption forms to your college ethics officer or to the Office of the General Counsel.**

**Q8. Where can I get the necessary forms?** The Financial Disclosure Statement and the Application for an Exemption Form can be found on the web site of the New York State Ethics Commission at [www.dos.state.ny.us/ethc/dthics.html](http://www.dos.state.ny.us/ethc/dthics.html). In addition, if you have **any other questions or need additional information** with respect to these rules, or need help filing out the either of the forms call your college ethics officer or Kathy DeGasperis and her staff at the New York State Ethics Commission at **518/474-4522**.

c: Labor Affairs Designees and Ethics Officers  
HR Directors  
Internal Audits