




To: All CUNY Faculty

From: Frederick P. Schaffer 

Re: Ethics Bulletin: FAQs For CUNY Faculty re
Financial Disclosure Statement Requirements

Date: September 21, 2009

The New York State Commission on Public Integrity ("NYSCPI") will be notifying CUNY faculty shortly, by email only, 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 **\$84,863.00**. Although the FDS asks for financial data for 2008, the determination as to whether you must file must be made on the bases of your duties and salary as of **September 1, 2009**.

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 **\$84,863.00** 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 **\$84,863.00**, 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 \$84,863.00 after September 1, 2009?

A4. If at any time after **September 1, 2009** and until **August 31, 2010**, 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 \$84,863.00, CUNY must notify the NYSCPI of your new status, and the NYSCPI 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 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.
- v. For an Exemption Form go to:
http://www.nyintegrity.org/forms/ethc/pdfs/Academic_Extension_Application.pdf

Q. NYSCPI exemption form requires a job description. We don't have them. How can we apply?

A. 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 their department,

-OR-

(2) A job description prepared by the applicant which 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 individual received externally funded grants.

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

A. 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, NYSCPI 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 disclosure, or Nov. 15, whichever is later.

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

A. Ask the NYSCPI for an Extension. Go to:

http://www.nyintegrity.org/forms/ethc/pdfs/Academic_Extension_Application.pdf for the form and instructions.

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 NYSCPI by November 1, 2009.** **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?

A8. The Financial Disclosure Statement Form can be printed out from the NYSCPI web:http://www.nyintegrity.org/forms/ethc/efile_step_by_step.html. The Exemption Form can be printed out from: http://www.nyintegrity.org/forms/ethc/pdfs/Exemption_Application.pdf.

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 NYSCPI at 518-408-3976 or 1-800-873-8442 and ask for the help desk. Email help is available from cpi@nyintegrity.org.

Q9. What if I Fail to File?

A9. You must file as soon as possible or you are in trouble. Pursuant to the Chapter 14 of the Laws of 2007 (Public Employees Ethics Reform Act) penalties for violations of Public Officers Law §73-a, [the Financial Disclosure Filing Statute] increased from a maximum of \$10,000 to \$40,000. Also **Notices of Delinquency for failure to file the financial disclosure statement for the specific calendar year 2008 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 late fines, your form must be received no later than **November 15, 2009.** New employees required to file must do so within 30 days of commencing employment.

Please also go to: <http://www.nyintegrity.org/enforcement/delinquent.html>.

Q10. But I still have more questions, where do I go?

A10. You should consult with your College ethics officer or the Office of the General Counsel ("OGC") for guidance on what you should do. More information about ethics is on the CUNY OGC website at: <http://www.cuny.edu/>

[administration/legal-affairs/ethics.html](http://web.cuny.edu/administration/legal-affairs/ethics.html). A list of College ethics officers and phone numbers is available at <http://web.cuny.edu/administration/legal-affairs/ethics/ethics-officers.html>.

You may also go to the New York State Commission on Public Integrity website for more information on Financial Disclosure Filing for Faculty at http://www.nyintegrity.org/faq/efile_faq.html.

And <http://www.nyintegrity.org/forms/ethc/pdfs/webFDS2008.pdf>.

For a copy of the form with detailed instructions on how to answer each question go to:

<http://www.nyintegrity.org/education/Financial%20Disclosure%20workbook.pdf>

- c: Labor Affairs Designees and Ethics Officers, for distribution at each campus;
HR Directors;
University Director of Internal Audit;
Campus Audit Liaisons.