

## HONORARIA AND TRAVEL REIMBURSEMENT

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### What is an honorarium?

- An honorarium is a payment, fee or other compensation in the nature of an award, an honor or a gratuity which is made to a State employee for services rendered that are **not** related to the employee's official duties (e.g., delivering a speech, writing an article or publication or attending a meeting or conference).
- An honorarium also includes reimbursement made to a State employee for travel expenses incurred for services that are **not** related to the employee's official duties.

### What does an honorarium *not* include?

- A payment made to the State General Fund in lieu of an honorarium.
- A travel payment made by nongovernmental sources for activities related to a covered individual's official duties.
- Compensation or travel payment by non-governmental sources for approved outside employment/activities.
- Payment to union representatives to provide services on behalf of an employee organization.

### Under what conditions may an employee accept an honorarium?

Individuals may accept an honorarium if the services performed are **not** related to their duties and the Office of Mental Health does not pay the travel expenses provided the source of the honorarium is not a disqualified source. The use of State personnel, equipment and work time is prohibited, unless the services are **related** to the employee's duties **AND** the payment

(in lieu of honorarium) is made to the General Fund.

### Under what conditions is an employee prohibited from accepting an honorarium?

An employee may not accept an honorarium for services that are part of or related to the employee's official State duties. In addition, an honorarium may **not** be accepted if the individual or non-governmental organization paying the honorarium is a **disqualified source**, meaning the individual or organization or any officer or member of the organization's board of directors:

- is regulated by, does business with, appears before or negotiates with OMH or any of its facilities;
- lobbies or has litigation adverse to OMH or any of its facilities;
- applies for or receives funds from OMH or any of its facilities; or
- contracts with OMH, any of its facilities or another agency when OMH receives the benefit of the contract.

### The Commission on Public Integrity has also determined the following:

- For all OMH employees, all pharmaceutical companies are disqualified sources for the payment of honoraria or the payment of travel reimbursement related to official duties.
- If a particular entity is a disqualified source for one OMH facility, it is a disqualified source for all OMH facilities.
- An employee may not accept an honorarium for services performed in a location to which the employee has traveled at OMH's expense, even if the

**The Commission on Public Integrity has determined that pharmaceutical companies are disqualified sources for all OMH employees.**

services to be performed will be on non-State time (e.g., nights or weekends).

**Is an employee required to request prior approval to accept an honorarium?**

No, the Ethics regulations give employees a choice. Employees may either submit OMH Form 95 ADM (Request for Approval for Receipt of Honorarium) for prior approval for each honorarium received during the year; or submit an annual written report on April 1st listing each honorarium received during the previous calendar year. In either case, the employee makes the submission to his or her appointing authority, which then files the submission with the Commission on Public Integrity. If submitting Form 95 ADM, employees must obtain supervisory approval and approval from the employee's appointing authority or the appointing authority's designee.

**May an employee accept reimbursement from outside sources for travel expenses which are related to the employee's official duties?**

Yes, with prior approval, employees may accept reimbursement from Federal, other state or municipal entities, non-state organizations or individuals for **travel expenses related to their duties provided the source of the reimbursement is not a disqualified source**. The purpose must:

- Be for and benefit the Office of Mental Health; **or**
- Be to attend a function of a not-for-profit professional organization **and** result in the employee's increased knowledge, benefiting OMH.

Travel expenses reimbursed by an outside organization must be at a rate not greater than that paid by OMH unless specifically approved in advance by the appointing authority. Reimbursed expenses for food and lodging shall be limited to the employee only (e.g., not for spouse) and must be for a

reasonable time period during which the employee is required to be at the event.

**Under what circumstances is an employee prohibited from accepting reimbursement from outside sources for travel expenses which are related to the employee's official duties?**

Reimbursement from outside sources for travel expenses which are related to the employee's official duties may **not** be accepted if the individual or non-governmental organization making the payment, or any officer or member of the organization's board of directors, is a **disqualified source** (see definition of a disqualified source on page one, column two).

**How does an employee request approval to accept reimbursement from outside sources for travel expenses which are related to the employee's official duties?**

Employees must submit OMH Form 96 ADM (Request for Approval for Reimbursement for Travel Expenses from Outside Organizations/Individuals) and receive prior approval. Employees must research the organization, and its officers and members of the Board of Directors, to ensure that none are a disqualified source, obtain supervisory approval and obtain approval from the employee's appointing authority or designee.

**Are there any exemptions from the limitations governing the receipt of honoraria and travel reimbursement?**

Employees serving in the titles of research scientist and research physician/research psychiatrist who also "serve in academic status"<sup>1</sup> are exempt from the limitations on the receipt of honoraria and reimbursement for travel expenses **but only** "to the extent that the publication of books and articles,

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<sup>1</sup> "Cancer Research Scientists" are also exempt, but OMH does not have any employees in this title.

delivery of speeches or attending meetings or conferences are within the discipline of the individual involved.” The exemption does **not** exempt individuals from the obligation to **report** honoraria, both in the annual reporting cycle and if they are a required filer, in their Financial Disclosure Statement .

extent that the employee receives honoraria or travel reimbursement in his or her capacity as a State officer or employee of the other agency. Employees are also not exempt to the extent that an activity would give rise to either an actual conflict or the appearance of a conflict of interest with their State responsibilities.

If an exempt OMH employee also works for another agency but in a non-exempt title, then the exemption does not apply to the

**Employees who knowingly and intentionally violate these provisions may be subject to civil penalties up to \$40,000 plus restitution of any associated gain.**

*For questions and additional information, please contact:*

- *For facility employees, the facility’s designated Ethics Officer.*
- *For Central Office employees, Jason Willis, Agency Labor Relations Representative, Bureau of Central Office Personnel Services, at (518) 474-2413 or [Jason.Willis@omh.ny.gov](mailto:Jason.Willis@omh.ny.gov).*
- *For general questions, contact Counsel’s Office at (518) 474-1331.*
- *For questions related to research, academic issues or relationships with pharmaceutical companies, Robin Goldman in Counsel’s Office, (518) 474-1331, [Robin.Goldman@omh.ny.gov](mailto:Robin.Goldman@omh.ny.gov).*