



Honoraria

In June 2014, the Joint Commission on Public Ethics (JCOPE) adopted final regulations establishing the procedures and conditions for approval and acceptance of Honoraria by specified New York State officials and employees. The effect of these regulations is to supersede prior Advisory Opinions or other guidance to the extent they are inconsistent with the final regulations.

What is an honorarium?

An honorarium is any payment, which may take the form of a fee or any other compensation, made to a State employee in consideration for a service performed that is **not part of his or her official duties**. Such service includes, but is not limited to, delivering a speech, writing or publishing an article, or participating in any public or privacy conference, convention, meeting or similar event. An honorarium also includes reimbursement made to a State employee for expenses incurred for travel, lodging, and meals related to the service performed.

What does an honorarium *not* include?

Payment to union representatives to provide services on behalf of an employee organization.

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

Yes. An honorarium must be approved by the OMH Commissioner or his/her designee. Employees must submit OMH Form 95 ADM (Request for Approval for Receipt of Honorarium) for prior approval within a reasonable period of time **prior** to the performance of the service for which the honorarium is offered, or to the receipt of the honorarium. Employees must make the inquiries necessary to complete the form accurately in order to permit a determination as to whether the person or entity offering the honorarium is an Interested Source.

An Interested Source means any person or entity who on his or her own behalf, or on behalf of an entity:

- Is regulated by, negotiates with, appears before, seeks to contract with or has contracts with, or does other business with OMH, any of its facilities or any other State agency when OMH receives the benefits of the contract;
- Lobbies OMH or any of its facilities or is the spouse or unemancipated child of such lobbyist;
- Is involved in any administrative or judicial proceeding which is adverse to the employee or OMH; or
- Has received or applied for funds from OMH or any of its facilities at any time during the previous 12 months up to and including the date of the proposed or actual receipt of the honorarium.

Conditions for approval:

If the entity offering the honorarium is **not** an Interested Source, the request to accept the honorarium may be approved if the following conditions are met:

- State personnel, equipment, and time are not used in preparing the service for which an honorarium is offered;
- No State funds (including funds from any New York State public authority or any public benefit corporation) are used to pay the employee's attendance, registration, travel, lodging, or meal expenses related to the service for which an honorarium is offered;
- If the service is to be performed during the employee's official work day, he or she must charge accrued leave (other than sick leave) to perform such service;

- The approving authority (Commissioner, Facility Director, or appropriate designee) determines that the offeror is not being used to conceal that the honorarium is actually offered or paid by an Interested Source (see below); and
- Performing the service for which the honorarium is offered and accepting the honorarium do not violate [Public Officers Law §74 \(Code of Ethics\)](#).

If the entity offering the honorarium **is** an Interested Source, the request may be approved only if all the conditions listed above are met **and** in addition, all the following conditions are met:

- It is not reasonable under the circumstances, to infer that the honorarium was intended to influence the employee in the performance of his or her official duties.
- The honorarium could not, under the circumstances, reasonably be expected to influence the employee in the performance of his or her official duties.
- The honorarium is not, under the circumstances, intended as a reward for any official action on his or her part.

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 (see separate guidance on Official Activity Expense Payments and Service Payments).

JCOPE has also determined the following:

- For all OMH employees, all pharmaceutical companies are Interested Sources for the payment of honoraria.
- If a particular entity is an Interested Source for one OMH facility, it is an Interested Source for all OMH facilities.

Are there any exemptions from the limitations governing the receipt of honoraria?

Employees serving in the titles of research scientist, research physician, research psychiatrist, or psychiatrist are exempt from the Honorarium approval procedures (including the conditions for approval), provided that the service performed is within the subject matter of their official academic or research discipline

Reporting Requirements:

Pursuant to Public Officers Law §73-a, Employees who are required to file a financial disclosure statement ("FDS") – **even those who are exempt from the honorarium approval requirements** – are obligated to report any honorarium in excess of \$1,000 (or all honoraria, the total of which exceed \$1,000 received from a single offeror) in his or her FDS for the applicable year.

For questions and additional information, please contact:

- *For facility employees, the facility's designated Ethics Officer.*
- *For Central Office employees, [Daniel Ragone](#), Bureau of Central Office Personnel Services, at (518) 474-2413.*
- *In Counsel's Office, contact [Riele Morgiewicz](#) at (518) 474-1331*
- [Additional Information](#)