

Commonly Asked Questions Concerning Honoraria – 2016-2017

1. Which of your employees are covered by the regulations?

All of your employees are covered irrespective of whether they have been designated as policymakers for the purpose of financial disclosure. [See](#) 930.2 (f). **Even employees who are exempted from restrictions on honoraria (certain employees who also held academic positions) must still nonetheless report their honoraria.** Please note that pursuant to Public Officers Law §73(5-a), no statewide elected officials, or head of any civil department shall solicit, accept or receive any honoraria, as that term is defined in Public Officers Law §5-a(a).

2. How are employees to know about the honoraria reporting requirements?

Many state agencies send an annual notice to all employees reminding them of their obligation to seek approval of honoraria.

3. What is an honorarium?

An honorarium is generally a speaking fee or compensation received from writing an article, or reimbursement for travel expenses not related to official duties. [[See](#) 930.2 (c).] The key is that the service provided is not job related. In making this determination, the agency must consider whether it would make the employee available on State time to provide the service. [For academic employees, [see](#) 930.7].

4. Who has the responsibility for approving honoraria?

Agency heads or their designees are authorized by the Commission's regulations to approve an employee's request to receive an honorarium. Agency heads, not otherwise restricted by Public Officers Law §73(5-a), must seek honoraria approval directly from the Commission.

5. What are the criteria for an agency to approve an employee's request to receive an honorarium?

- a. The honorarium must not be job related. For example, an employee who is responsible for responding to the public about certain aspects of the agency's regulations cannot accept an honorarium for giving a speech about the regulations.
- b. The source of an honorarium cannot be a disqualified source; these are entities or individuals who are regulated by, negotiate with, do business or have contracts with, appear before, lobby, in litigation with or applied for funds from your agency. [[See](#) 930.3 (a)(1)(i)-(iv).] Moreover, a disqualified source cannot direct a third party to provide an employee an honorarium.

6. What should you do if you are unsure of whether to approve an honorarium?

You should contact the Commission for assistance at (518) 408-3976.

7. What is the reporting year?

April 1, 2016 – March 31, 2017

8. What happens if you have disapproved an employee's request to receive honoraria?

The report submitted to the Commission captures both honoraria approved and disapproved by the agency.

9. Are there any other reporting requirements?

For those employees who have been designated as policy-makers or who earn in excess of the income threshold and are required to complete the financial disclosure statement, an honorarium received in excess of \$1,000 must be reported on Question 13.