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October 13, 2004

Dear Colleagues,

Many of you have asked questions about the new requirement to fill out the New York State Ethics Commission Financial Disclosure Form. The first thing you should know is that if you make over \$70,851 you **must** take one of the following two courses of action:

- 1) Apply for an exemption immediately, before November 1, 2004.
- 2) File the financial disclosure form no later than November 15, 2004.

For those members making over \$70,851, New York State law requires you to either seek an exemption or file the financial disclosure form. Filing is done directly with the New York State Ethics Commission and failure to file may subject you to fines.

You should have received communications from Frederick Schaffer, CUNY Vice Chancellor for Legal Affairs, explaining how to file the exemption and the disclosure forms. I have asked PSC's legal counsel to provide you with further guidance to help you complete the financial disclosure form. Please find Stuart Lichten's memorandum to me enclosed.

If you choose to file the exemption, please do so immediately so that you will have reasonable assurance that the Ethics Commission will be able to respond to your request by the November 15th filing deadline. Our attorneys advise us that the law requires you to either have received an exemption or filed the financial disclosure form by the November 15th deadline. If you have not received an exemption by the November 15th deadline, our attorneys advise you to file the financial disclosure form by that date.

Helpful Websites:

<http://www.dos.state.ny.us/ethc/SUNY.html>

<http://www.dos.state.ny.us/ethc/pdfs/agencyform.pdf>

Visit the PSC/CUNY website (www.psc-cuny.org) for the above links and other helpful instructions.

Why did this happen? CUNY employees have been complying with the state law requiring financial disclosure by answering a question included on the Multiple Position Form. Under an Ethics Commission ruling, SUNY and CUNY academic employees were exempt from filing the longer form. After an audit of SUNY's compliance by the State Comptroller, the Commission determined that the exemptions from filing the long form for both SUNY and CUNY academic employees were not supported in law. Consequently, last year SUNY academic employees were required to file the long form and this year CUNY academic employees making above the threshold dollar amount will be required to either seek an exemption or file the long form.

What can we do about it? At this point, our legal counsel believes changing the procedure requires a change in the law. We have begun conversations with the CUNY Chancellory, our sister union, UUP, and our state affiliate, NYSUT, to explore ways to change the law so that we can return - at the very least - to the status quo ante.

Meanwhile, the PSC will be as helpful as possible in providing you with assistance in filling out this form. If you still have questions about completing this form, please call Clarissa Weiss at (212) 354-1252.

In solidarity,

Steve London
PSC First Vice President