

THOMAS P. DiNAPOLI  
STATE COMPTROLLER



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ALBANY, NEW YORK 12236

STATE OF NEW YORK  
OFFICE OF THE STATE COMPTROLLER

**EXECUTIVE ORDER ON CERTAIN ETHICS PRINCIPLES**

WHEREAS, the employees of the Office of the State Comptroller (OSC) must conduct their work with the highest ethical and professional standards; and

WHEREAS, given the sensitive and critical nature of OSC's responsibilities, employees of OSC must not take any action that, in fact or in appearance, utilizes State resources for personal benefit; and

WHEREAS, at the outset of my administration, I wish to emphasize the importance of these bedrock principles by (i) highlighting certain existing legal and/or policy requirements, (ii) establishing certain additional requirements to be followed by all OSC employees, and (iii) providing for such additional requirements to take effect immediately and to remain in place unless, and until such time as, some of them may be superseded by additional statutory requirements; and

WHEREAS, although legislation currently pending before the Legislature would amend existing law to impose similar restrictions to the provisions of paragraphs 5 through 8 of this Order, such legislation, which would supersede said provisions if enacted, has not been finally approved and generally would not take effect until 30 days following enactment, while this Order is to take effect immediately within OSC;

NOW THEREFORE, I, Thomas P. DiNapoli, Comptroller of the State of New York, in consideration of the aforementioned, do hereby order that:

1. OSC telephones shall not be used for non-governmental purposes. The only exceptions are for emergencies and necessary personal calls. Reimbursement for personal calls shall be in accordance with OSC policies and procedures.
2. OSC computers, email and internet connections shall not be used for non-governmental purposes except for incidental and necessary personal use that is limited in frequency and duration, and does not conflict with the proper exercise of the duties of the OSC employee. Provided, however, in no event shall OSC computers or related technology be used for personal profit, as a means to harass or to create a hostile work environment, or for other activities for which OSC has "zero tolerance", as outlined in OSC's policies and procedures.
3. Official OSC stationery shall not be used for non-governmental purposes. Further, under no circumstances shall State mail, postage, OSC internal office mail or inter-agency office mail be used for non-governmental purposes. This provision shall not be construed to prevent an authorized OSC employee from providing on agency

letterhead an evaluation of an individual who was employed by or served an internship with OSC, including a letter to a prospective employer or to an educational institution, where otherwise consistent with OSC procedures.

4. No OSC employee may make or offer to make any monetary contribution to the campaign of the Comptroller, or to any political campaign committee organized by or for the specific benefit of the Comptroller.

5. In addition to those restrictions set forth in the Civil Service Law or other law, no OSC employee who is involved in recruiting, interviewing or hiring applicants for employment, or making appointments to State boards or commissions, or making promotional, disciplinary or other employment decisions relating to OSC employees, may ask any such applicant or employee to reveal: (a) the party affiliation of the applicant; (b) whether the applicant has made campaign contributions to any party, elected official, or candidate for elective office; or (c) whether the candidate voted for any elected official or candidate for elective office.

6. In addition to those restrictions set forth in the Civil Service Law or other law, no OSC employee who is involved in awarding or approving State grants or contracts, or making decisions relating to State grants or contracts, may ask any officer or director of such current or prospective contractor or grantee to reveal: (a) the party affiliation of the individual; (b) whether the individual or entity has made campaign contributions to any party, elected official, or candidate for elective office; or (c) whether the individual or entity voted for any elected official or candidate for elective office.

7. In addition to those restrictions set forth in the Public Officers Law or other law, no OSC employee shall solicit or accept any gift or gratuity of other than nominal value, whether to the employee or to a third party (including a charitable organization on behalf of or on the recommendation of the employee), under circumstances in which it could reasonably be inferred that the gift or gratuity (i) was intended to influence, or could reasonably be expected to influence, the performance of his or her official duties, or (ii) was intended as a reward for any official action on his or her part.

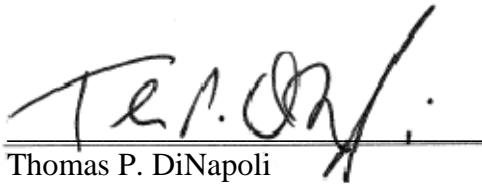
8. No OSC employee shall take part in any hiring, employment or contracting decision related to (i) a family member, (ii) an entity in which a family member is an officer, director or principal, or (iii) an entity, ten percent or more of which is owned or controlled by a family member. If a decision arises relating to any of the above, the employee must advise his or her supervisor and OSC's ethics officer of the relationship, and recuse himself or herself from any and all discussion of the decisions relating to the matter. For purposes of this paragraph, "family member" includes the employee's spouse, child, stepchild, stepparent and any person who is a direct descendant of the grandparents of the employee or the employee's spouse, as well as any other person living in the employee's household.

9. Any alleged or suspected (i) violation of this or any other Executive Order of the Comptroller or OSC Executive Policy, (ii) violation of the Public Officers Law, or

(iii) fraudulent or other illegal activities pertaining to OSC or the State, is to be reported immediately to OSC's ethics officer.

10. In addition to any other penalty authorized by law, any violation of this Order may result in disciplinary action.

11. This Order is to take effect immediately, and is to be construed in a manner consistent with any current or subsequently enacted law.

A handwritten signature in black ink, appearing to read "T.P. DiNapoli", is written over a horizontal line. The signature is stylized and cursive.

Thomas P. DiNapoli  
Comptroller, State of New York  
Original Date: February 27, 2007