The new Public Employee Ethics Reform Act of 2007, which established a series of reforms to strengthen New York State’s ethics and lobbying laws, was signed into law on March 26, 2007. One provision of this Act amends Public Officers Law §73 to add subdivisions which prohibit nepotism and improper political considerations in government hiring and contracting. The following are the most important points.

**Prohibitions**

OMH officers or employees are prohibited from participating in:

- any hiring, termination, disciplinary or promotional decision pertaining to a relative at any State agency, public authority or the Legislature.

- any State contracting decision involving payment of greater than $1,000 to themselves, their relatives or any entity in which their relatives have a financial interest.

**Definition of a Relative**

A relative is defined as “any person living in the same household as the individual and any person who is a direct descendant of that individual's grandparents or the spouse of such descendant.”

**Related Law**

In addition to the new subdivisions added to Public Officers Law §73, the following subdivisions of Public Officers Law §74 also pertain to nepotism.

- §74.3(d) provides that, “No officer or employee of a state agency, member of the legislature or legislative employee should use or attempt to use his official position to secure unwarranted privileges or exemptions for himself or others.”

- §74.3(f) provides that, “An officer or employee of a state agency, member of the legislature or legislative employee should not by his conduct give reasonable basis for the impression that any person can improperly influence him or unduly enjoy his favor in the performance of his official duties, or that he is affected by the kinship, rank, position or influence of any party or person.”

**Violations**

State officers and employees who knowingly and willingly violate these provisions may be subject to a civil penalty of up to $40,000 plus the value of any associated gain.

For questions and additional information, please contact:

- For facility employees, the facility’s designated Ethics Officer.
- For Central Office employees, Crystal Scalesci, Agency Labor Relations Representative, Bureau of Central Office Personnel Services, at (518) 474-2413 or cohrcis@omh.state.ny.us.

Issued April 17, 2007