

NEW YORK STATE DEPARTMENT OF CIVIL SERVICE
DIVISION OF STAFFING SERVICES
GENERAL INFORMATION BULLETIN No. 07-01

TO: Department and Agency Personnel, Human Resource, and Affirmative Action Officers
FROM: Terry Jordan, Director of Staffing Services
SUBJECT: Redesignated Oath and Statement Forms for Newly Hired State Employees and Public Officers
DATE: January 19, 2007

We have been asked by Mr. Daniel E. Shapiro, Director, Division of Corporations, State Records and Uniform Commercial Code at the Department of State to share this information with you:

Dear Human Resources Administrators:

I am pleased to provide redesigned oath and statement forms for completion by newly hired state employees and public officers. The forms provide clear guidance with respect to the nature of the information which must be provided to meet statutory requisites. Additionally, the forms will be available on Department's website at <http://www.dos.state.ny.us/corp/oath.html>.

I would urge you to download the appropriate form(s) for use in your agency. ***Please note that the current yellow form for new state employees (DOS-183) is replaced with the State Employee Statement in Lieu of Oath Pursuant to Civil Service Law §62 and Public Officers Law §78 Certificate ("DOS-1690").*** Although the current yellow form indicates that it is an "oath of office" it is actually the statement in lieu of oath permitted by Civil Service Law §62. While new state employees may use the Officer or State Employee Oath/Affirmation and Public Officers Law §78 Certificate ("DOS-1691"), most Human Resources Offices may wish to use DOS-1690 because it need not be notarized.

In contrast to state employees, public officers should always complete the Officer or State Employee Oath/Affirmation and Public Officers Law §78 Certificate ("DOS-1691"). Such individuals must take the statutorily required oath.

I would also request that the information to be included in the form (other than signatures) be typed. Illegible forms will be returned.

The following explanatory information may be of additional assistance to you in determining which form is appropriate for your agency and the information which must be provided thereon. If you have any questions, please feel free to contact me at (518)473-2281. Thank you.

Sincerely,

Daniel E. Shapiro
Director
Division of Corporations, State Records
and Uniform Commercial Code

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Oath/Affirmation of State Employees and Public Officers

State Employees

Civil Service Law Section 62 requires every person employed by New York State or any of its civil divisions, except an employee in the labor class, prior to the discharge of his or her duties, to take the oath or affirmation required by the New York State Constitution for executive, legislative and judicial officers. In lieu of the oath, an employee may execute and file a statement prescribed by Civil Service Law Section 62. The oath, affirmation or statement of every state employee is required to be filed with the Department of State.

An enrolled member of an Indian nation or an Indian individual having an affiliation with an Indian nation recognized by the United States or the State of New York may elect to comply with the requirements of Civil Service Law Section 62 by subscribing and filing the statement prescribed by Civil Service Law Section 62.

Civil Service Law Section 62 provides that the oath, affirmation or statement for an employee of a municipal corporation is filed with the clerk of such municipal corporation. The oath, affirmation or statement of every other employee, including an employee of a public library and an employee of a board of cooperative educational services, if no place be otherwise provided by law, is required to be filed in the office of the clerk of the county in which they reside.

Public Officers Law Section 78 requires all members, officers and employees of state agencies to also file a certificate with the Department of State acknowledging receipt of a copy of certain provisions of the Public Officers Law and agreeing to conform to such provisions. A member, officer or employee of the New York State Senate is required to file such certificate with the Secretary of the Senate. A member, officer or employee of the New York State Assembly is required to file such certificate with the Clerk of the Assembly.

Public Officers

Public Officers Law Section 10 requires every public officer to take and file an oath or affirmation prior to the discharge of any of their official duties. The form of the oath or affirmation is set forth in Article XIII, Section 1 of the New York State Constitution.

A public officer, who is a "state officer," as defined in Public Officers Law Section 2, must file his or her oath or affirmation with the New York State Department of State.

A public officer, who is a "local officer," as defined in Public Officers Law Section 2, must file his or her oath or affirmation in the office specified by Public Officers Law Section 10. Local officers are urged to review the statutes applicable to their particular office for any additional filing requirements for their oaths or affirmations.

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A judicial officer of the Unified Court System should file his or her oath or affirmation with the New York State Department of State (if he or she is a "state officer") or with the office specified by Public Officers Law Section 10 (if he or she is a "local officer") and, in addition, must file a copy of his or her oath or affirmation with the Office of Court Administration.

Public Officers Law Section 78 requires all members, officers and employees of state agencies to also file a certificate with the Department of State acknowledging receipt of a copy of certain provisions of the Public Officers Law and agreeing to conform to such provisions. A member, officer or employee of the New York State Senate is required to file such certificate with the Secretary of the Senate. A member, officer or employee of the New York State Assembly is required to file such certificate with the Clerk of the Assembly.

Filing with the Department of State

The forms listed below are available on the Department of State's website at:

<http://www.dos.state.ny.us./corp/oath.html>

Social security numbers should not be included on any of the forms. Other than signatures, all information on the forms must be typed.

Completed forms should be forwarded to the Department of State, Miscellaneous Records Bureau, 41 State Street, Albany, NY 12231.

- DOS-1690 State Employee Statement in Lieu of Oath Pursuant to Civil Service Law §62 and Public Officers Law §78 Certificate
- DOS-1691 Officer or State Employee Oath/Affirmation and Public Officers Law §78 Certificate
- DOS-1689 State Employee Statement in Lieu of Oath Pursuant to Civil Service Law §62 and Public Officers Law §78 Certificate
(Alternative form for use by Native Americans)
- DOS-1688 New York State Senate or New York State Assembly Member, Officer or Employee Statement in Lieu of Oath Pursuant to Civil Service Law §62
- DOS-1692 New York State Senate or New York State Assembly Member, Officer or Employee Oath/Affirmation
- DOS-1687 New York State Senate or New York State Assembly Member, Officer or Employee Statement in Lieu of Oath Pursuant to Civil Service Law §62
(Alternative form for use by Native Americans)