



**New York State  
Office of General Services  
Flag Policy**



It is the policy of the Office of General Services to provide appropriate arrangements for the display of the National and State flags on the exterior of all facilities under its jurisdiction.

### **CONDITIONS FOR DISPLAY OF NATIONAL, STATE, AND POW-MIA FLAGS**

National and State flags will be flown every day of the year, if weather permits. Weather conditions preventing the display of flags on any day include rain, sleet, or high wind. If weather is inclement at the time of flag-raising, flags should not be flown until conditions improve. Flags that are illuminated can fly 24 hours a day.

The POW-MIA Flag is to be displayed over all State buildings and facilities on: Memorial Day, POW Remembrance Day (third Friday of September) and Veterans Day. This flag should be displayed beneath the National Flag if there is no third staff available.

### **Flags at Half-Staff**

The National Flag should be displayed at half-staff especially on the days noted below, or on other days by special proclamation of the President or Governor.

- **Memorial Day** (variable dates in May) - Flags must be flown at half-staff until Noon, and at top of staff for rest of the day.
- **Pearl Harbor Day** - Flags must be flown at half-staff on the seventh day of December.
- **Peace Officers Memorial Day** - Flags must be flown at half-staff on Peace Officers Memorial Day, which is the fifteenth day of May, unless that day is also Armed Forces Day.
- **Patriot Day** - Pursuant to a Presidential Proclamation, flags must be flown at half staff on Patriot Day - September 11th.

### **Flags at Half-Staff - Other Occasions**

Federal law specifies the following mandatory periods of mourning for which flags must be flown at half-staff:

- Thirty days from the date of death of the President or former President of the United States.
- Ten days from the date of death of the Vice President of the United States; the Chief Justice, or a retired Chief Justice of the United States or the Speaker of the House of Representatives.
- From the date of death until interment of a former Vice President, an Associate Justice of the Supreme Court, a Secretary of an executive or military department or a Governor of a State, territory or possession.
- The day of death and the following day for a member of Congress.
- In the event of death of other officials, former officials or other dignitaries, the Flag of the United States, as well as the State flag, shall be displayed at half-staff in accordance with such orders or instructions as may be issued by or at the direction of the President of the United States in accordance with recognized customs not inconsistent with the law.

Additionally, State law provides that flags may be flown at half-staff during special periods of mourning designated by the President of the United States or the Governor of New York, and to commemorate the death of a personage of national or State standing or of a local serviceman, official or public servant who, in the opinion of the local agency concerned, contributed to the community.

For additional information about Flag Display, refer to Title 4 US Code (Flag Code) and New York State Executive Law, Article 19.

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## Frequently Asked Questions

### **Who can order flags to half-mast for my school district, or town, or lodge, or....?**

Flag display is governed by Title 4 US Code (Flag Code) and New York State Executive Law, Article 19. These two directives cover Federal and State facilities only. The New York State Public Buildings Law provides that the Commissioner of General Services or his/her designee is responsible for the display of flags on the State Capitol and other public buildings under his “supervision and control”. In addition, per Executive Law, Article 19, flags shall be displayed daily during school days in, on or near every schoolhouse. Flags at individual counties, towns, and organizations are under the supervision and control of the locality in which they reside. As a general practice, however, most local governments follow the lead established by the Federal and State governments.

### **Why are the flags at half-mast?**

Flags shall be flown at half-staff on occasions in accordance with Federal Law, New York State Executive Law, and as otherwise directed by the Governor or Commissioner of General Services as his designee. Normally this includes commemoration of the death of a personage of National or State standing, or of a local serviceman, official or public servant, who in the opinion of the agency concerned, contributed to the community.

### **Can we get the flags flown at half-mast at the Capitol or statewide for our "cause"?**

New York State Executive Law, Article 19, Section 400, states “Because of the flag’s significance as a symbol of our country, and the feeling that our citizens have toward it, the flag should not be a vehicle for the expression of political, social or economic philosophy as some groups and individuals have tried to use it.”

### **Why does the Governor order the flags down for a fireman or a policeman who die in the line of duty?**

The Governor of the State may decide to lower the flags to commemorate the death of a personage of national or state standing or of a local serviceman, official, or public servant who, in the opinion of the local agency concerned, contributed to the community. It may also be flown at half-staff during special periods of mourning designated by the President of the United States or the Governor of this state.

### **Which flag goes under, or to the right of the other?**

No other flag or pennant should be placed above, or if on the same level, to the right of the flag of the United States of America, except during church services conducted by naval chaplains at sea, when the church pennant may be flown above the flag during church services for Navy personnel.

The flag of the United States of America should be at the center and at the highest point of the group when a number of flags of states, and locations are grouped and displayed from staffs.

When flags of states, cities or localities are flown on the same halyard with flag of the United States, the United States Flag should always be at the peak. When flags are flown from adjacent staffs, the flag of the United States should be hoisted first and lowered last. No flags or pennants may be placed above the flag of the United States or to the right of the United States flag.

### **What is the order of precedence when there are two flagpoles and three flags?**

The flag of the United States of America always takes precedence. Generally, the third flag is placed on the same pole, but under the national flag.

### **How long are the flags at half-mast after someone dies?**

Flags may be flown at half-staff during special periods of mourning designated by the President of the United States or the Governor of New York as follows:

- Thirty days from the date of death of the President or former President of the United States.
- Ten days from the date of death of the Vice President of the United States; the Chief Justice, or a retired Chief Justice of the United States or the Speaker of the House of Representatives.
- From the date of death until interment of a former Vice President, an Associate Justice of the Supreme Court, a Secretary of an executive or military department or a Governor of a State, territory or possession.
- The day of death and the following day for a member of Congress
- In the event of death of other officials, former officials or other dignitaries, the Flag of the United States, as well as the State flag, shall be displayed at half-staff in accordance with such orders or instructions as may be issued by or at the direction of the President of the United States in accordance with recognized customs not inconsistent with the law.

Additionally, State law provides that flags may be flown at half-staff during special periods of mourning designated by the President of the United States or the Governor of New York, and to commemorate the death of a personage of national or State standing or of a local serviceman, official or public servant who, in the opinion of the local agency concerned, contributed to the community. In such a case, the official or governing body that ordered the lowering of the flags shall also determine the appropriate length of time to keep them at half-staff.

For additional information about Flag Display, refer to Title 4 US Code (Flag Code) and New York State Executive Law, Article 19.

### **Who automatically qualifies to have the flag flown at half-mast upon their death?**

The list above indicates the person(s) who are automatically qualified by Federal and State Code to have the flags flown at half-mast upon their death.

As a general rule, the Governor of the State may decide to lower the flags to commemorate the death of a personage of national or state standing or of a local serviceman, official, or public servant who, in the opinion of the local agency concerned, contributed to the community. It may also be flown at half-staff during special periods of mourning designated by the President of the United States or the Governor of this state.

To lower flags at ALL facilities statewide, including OGS facilities and all other State and local municipal and school facilities, would require an order from the President of the United States or the Governor of the State of New York. In a state with a population the size of New York and with the countless prominent citizens who call New York State home, it is only possible to lower the flags statewide in extraordinary circumstances.

The decision to remember an individual for accomplishments during their lifetime by lowering flags at a state or local government facility which is not under the jurisdiction of the New York State Office of General Services (OGS), is made by the local official in charge of the facility. For example, individual school districts in New York State often lower the flag upon the passing of a noted superintendent or teacher; and cities, towns, and villages often do so to honor recently deceased acknowledged local leaders or officials. This is done within the jurisdiction of, and under the authority of, the respective Mayors and/or Superintendents.

### **Why don't you fly the POW-MIA flag every day statewide? Why do you fly it every day on the Thruway?**

The POW-MIA flag is to be displayed over all State buildings and facilities on: Memorial Day, POW Remembrance Day (third Friday of September) and Veteran's Day. This flag should be displayed beneath the National flag if there is no third staff available.

By proclamation of the Governor, since April 9, 1997, the POW-MIA flags have been flying daily at the 27 New York State Thruway travel plazas.

### **What is the proper protocol for flying the Flag on Memorial Day?**

Flag Code, section 12, adopted by the National Flag Conference states:

" On Memorial Day, the flag is displayed at half-staff from sunrise until noon and at full- staff from noon until sunset for the Nation lives and the Flag is the symbol of the Living Nation" The Flag is flown at half-staff until noon out of respect for veterans that have died, and at full-staff from noon until sunset because the Nation lives.

### **Do we fly our flags at half staff on September 11th?**

Yes. A joint resolution of Congress has named September 11th as Patriot Day. This resolution requests that the President, each year, issue a proclamation asking states to lower their flags on September 11th. Each year since, the President has done so and it is expected that this practice will continue.