

Moonlighting

—In General—

Q. As a City employee, can I hold a second job, or is that a conflict of interest?

A. Yes, you may have a second job, unless the second job is with a company that has business with the City, such as a City license, City contracts, or City funding. In addition, your second job must be on your own time, and you may not use your official City position, confidential information, or City personnel or equipment for the job, or to benefit your non-City employer. Also, some agencies have stricter rules on holding a second job. Make sure to check with your personnel office or agency counsel before accepting a second job.

Q. The second job I want is with a company that has business dealings with the City. Is this a conflict?

A. Yes, even if they have no dealings with *your* agency. You must receive written approval from your agency head, detailing why your second job would not conflict with your official City duties. You must submit that document to the Board in a request for a waiver. If the Board sees no conflict, you will be granted a waiver and you will be permitted to work the second job.

Q. How do I get a waiver from the Board?

A. Sometimes you need an order or waiver from the Board before you can take a particular job. For example, if you are a full-time employee who wishes to work part-time as an electrician for a company that does business with the City, you would need a waiver from the Board. Under the law, the Board Cannot Grant a waiver unless the City employee's own agency head first approves the request. Therefore, before coming to the Board for the waiver, you must

obtain approval from your agency head (not just your supervisor). For information on how to obtain that approval, contact your agency's general counsel or personnel office. When you write to the Board, make sure to include the necessary information. (See, "The Waiver" Leaflet on this page.)

—Applying for a Second Job—

Q. Before I can ever get a second job I need to send out a resume. Does that pose a problem?

A. Sending out your resume in response to an ad is generally okay. You must conduct the job search on your own time, and you may not use City letterhead or in any way use your City position to gain leverage.

—Authoring Books—

Q. My day is filled with stories from my City job...enough to fill a book. Can I write one?

A. Generally this is okay, but the book must be written on your own time, you cannot use City resources (including paper or a computer), you can't disclose confidential information, and any editorial views must be expressed as your *own*, and not the views of your agency. In addition, you can't use your agency position to promote the book. Be sure to check with the Board on specifics.

—Consulting Work—

Q. My job with a City agency makes me a specialist in my field. Can I do consulting work on the side?

A. You may consult, but there are guidelines you must follow:

- You may not be a consultant to a firm that does business with the City.
- You may not represent any private interests before any City agency.
- You may not disclose confidential information.
- You may not give opinion evidence as a paid expert against the City.
- You may not use your City position to obtain any personal gain for yourself or anyone associated with you.

Check with the Board to receive an opinion on your specific situation.

—Legal Practice—

Q. Can an attorney for a City agency maintain a private practice?

A. Yes, however, you may not appear as an attorney or counsel against the interests of the City in any litigation, or in any action in which the City is a complainant. You cannot represent clients who have business dealings with the City. Also, many agencies have additional rules for attorneys who wish to maintain an outside practice. Check with your agency counsel for details.

FOR ADDITIONAL INFORMATION, CONTACT
NEW YORK CITY CONFLICTS OF INTEREST BOARD
2 LAFAYETTE STREET, SUITE 1010
NEW YORK, NY 10007
212-442-1400 (TDD 212-442-1443)
OR VISIT THE BOARD'S WEB SITE AT
<http://nyc.gov/ethics>

6/04