

ETHICS 2002

A PLAIN LANGUAGE GUIDE TO CHAPTER 68

NEW YORK CITY'S CONFLICTS OF INTEREST LAW



**New York City Conflicts of Interest Board Publication
March 2002**

INTRODUCTION	1
WHO IS COVERED?	2
WHAT THIS BOOKLET WILL TELL YOU	2
ACCEPTING GIFTS, FAVORS, ENTERTAINMENT, MEALS, TIPS, AND TRAVEL	3
OTHER GIFT RULES	5
USING OR DISCLOSING CONFIDENTIAL INFORMATION FOR PRIVATE PURPOSES	6
MISUSING YOUR CITY JOB FOR PRIVATE ADVANTAGE	7
RECEIVING INCOME FROM SECOND JOBS, YOUR OWN BUSINESS, AND INVESTMENTS	8
MOONLIGHTING	8
OUTSIDE BUSINESS INVESTMENTS	9
SUPERIORS AND SUBORDINATES	10
VOLUNTEERING FOR NOT-FOR-PROFIT ORGANIZATIONS	11
ENGAGING IN POLITICAL ACTIVITY	12
LEAVING CITY SERVICE (POST-EMPLOYMENT RESTRICTIONS)	13
WHAT CAN HAPPEN IF YOU VIOLATE CONFLICTS OF INTEREST RULES	15
HOW TO REPORT CONFLICTS OF INTEREST VIOLATIONS	15
WHISTLEBLOWER PROTECTION	15

HOW CAN I OBTAIN INFORMATION ON THE CONFLICTS OF INTEREST LAW	16
APPROVAL LETTERS AND WAIVERS	16
CONFIDENTIALITY	17
REQUESTING A TRAINING SESSION FOR YOUR AGENCY	18
TEST YOUR KNOWLEDGE OF THE CONFLICTS OF INTEREST LAW	19
QUICK REFERENCE	20
ANSWERS TO QUIZ	21
FOR MORE INFORMATION	23

**The Conflicts of Interest Board
2 Lafayette Street
Suite 1010
New York, NY 10007**

**(212) 442-1400
(212) 442-1407**

Web Site: nyc.gov/ethics



Introduction

If you work for the City of New York, you have a special public trust. You are expected to follow the rules of ethical conduct set forth in Chapter 68 of the *City Charter* and summarized in “plain language” in this booklet. These rules often set a higher standard than in the private sector.

Chapter 68, the Conflicts of Interest Law, regulates conflicts between your public duties and private interests. For the most part, these conflicts are financial.

For example, during the holiday season, a representative from a company your agency frequently deals with offers you an expensive gift. While a private company may allow its employees to receive expensive holiday gifts from firms they do business with, City workers are prohibited from accepting such gifts.

These rules of ethical conduct were enacted in order to assure the public that City workers are performing their jobs with integrity. Not only do the rules assure the public that City employees act fairly and impartially, but that their actions *appear* fair and impartial as well. Chapter 68 of the City Charter governs both the propriety and the appearance of propriety of a City employee’s activities.

Most of the ethical rules of conduct for City employees are found in Chapter 68 of the *City Charter*. These rules set minimum standards, and violation of the rules may result in serious penalties. These rules also protect you from abuses and from improper pressure from superiors, vendors, or outside employers to commit unethical acts. The City’s ethical rules represent the bottom line, not the highest ethical standards that you should aim for as a City employee. For example, you might refuse to accept *any* gift from a vendor with whom your agency does business, however small, because accepting it would send the vendor the wrong message. **You should be aware that your own agency may set higher standards than the minimum contained in Chapter 68.** For information about your agency’s special regulations, check with your agency’s general counsel or personnel officer.



Who is Covered?

The rules of conduct discussed in this booklet apply to all paid City officers, employees, and officials, regardless of salary or rank, whether full-time, part-time, or *per diem*. Some of these rules also apply to those who are not paid for City service, but who play an important role in government, such as members of Community Boards and Community School Boards.

What This Booklet Will Tell You

The Plain Language Guide discusses the following areas where potential ethical problems for City employees commonly arise:

- Accepting Gifts, Favors, Entertainment, Meals, Tips, and Travel
- Using or Disclosing Confidential Information for Private Purposes
- Misusing Your City Job for a Private Advantage
- Receiving Income from Second Jobs, Your Own Business, and Investments
- Volunteering for Not-for-Profit Organizations
- Engaging in Political Activities
- Leaving City Service (Post-Employment Restrictions)

The booklet also discusses:

- What Can Happen If You Violate Conflicts of Interest Rules
- How to Report Conflicts of Interest Violations
- Whistleblower Protection
- How to Obtain Information on the Conflicts of Interest Law
- Approval Letters and Waivers
- Requesting a Training Session for Your Agency



FOR MORE INFORMATION

We hope this booklet makes you more aware of the ways your actions as a City employee might violate the City's ethics rules or give the appearance of doing so.

In the back of this booklet, you will find a **Quick Reference** to the Conflicts of Interest Law and the Board's rules on the topics discussed in this booklet.

For specific advice on the ways in which these general rules apply to you, contact the **NYC Conflicts of Interest Board at (212) 442-1400**. For advice on any special rules that your agency may have, contact your agency's general counsel or personnel officer.

You may also consult our web site at: nyc.gov/ethics



ACCEPTING GIFTS, FAVORS, ENTERTAINMENT, MEALS, TIPS, AND TRAVEL

In general, you are not permitted to accept a gift worth \$50 or more from any person or firm that you know, or should know, does business with the City or intends to do business with the City. *It is your responsibility to find out if the person or firm does business with the City or intends to do business with the City.* Two or more gifts that individually are worth less than \$50 must be added together if you receive them within any twelve-month period from the same person or from relatives of the same person or from "affiliated" persons (like two employees of the same company).

Every time a City worker takes a gift worth \$50 or more from someone who does business with the City, an ethical problem and possibly a criminal violation may occur. It does not matter whether the gift is in the form of money, a

CD player, a dinner at a local restaurant, tickets to a football game, a trip to Atlantic City, or anything else.



EXCEPTIONS

A gift for customary social occasions is permitted as long as the reason for the gift is a close personal friendship. But it must be clear that the personal relationship is the motive for the gift. The entire circumstance of the gift giving must be considered to ensure that ethical problems as well as the *appearance* of impropriety are avoided.

There are other exceptions to the Gift Rules, such as:

- **Acceptance** of awards and plaques valued at less than \$150 which are publicly presented in recognition of public service.
- **Acceptance** of free meals or refreshments in the course of and for the purpose of conducting City business when:
 - (1) offered during a meeting which you are attending for official reasons,
 - (2) offered at a company cafeteria, club, or any place where payment is impractical,
 - (3) the meeting continues through normal meal hours in a restaurant and a refusal to participate would be impractical,
 - (4) offered by the meeting's host when going somewhere else would be impractical
 - (5) meeting over meals is a customary business practice for one party,
 - (6) you have no alternative but to accept the meal or refreshment given the situation in which you have been called upon to represent the interests of the City, and

(7) participating as a panelist or speaker in a professional or educational program and the meals or refreshments are provided to all panelists.

- **Acceptance** of travel-related expenses from a private entity as a gift to the City (rather than to you individually) when:
 - (1) the trip is for a City purpose and could therefore be paid for with City funds; and
 - (2) the travel arrangements are appropriate for that purpose; and
 - (3) the trip is no longer than reasonably necessary to accomplish the business which is its purpose.

- **Acceptance** of a free ticket to:
 - (1) professional or educational programs as a guest of the sponsoring organization; or
 - (2) ceremonies or functions sponsored or encouraged by the City as a matter of City policy; or
 - (3) an annual public affair of an organization that is made up of representatives of business, labor, professions, or news media or organizations of a civic, charitable, or community nature as a guest of the sponsoring organization (unless it has a contract with your agency) (for elected officials and their staffs, this exception is not limited to annual public affairs); or
 - (4) a function or occasion where your agency head has, in writing, approved your attendance as being in the interests of the City.

Exceptions of this nature are described in **Rules of the Board** available from the Conflicts of Interest Board. The Rules are also available on the Conflicts of Interest Web Site.

OTHER GIFT RULES

In addition, you are generally prohibited from giving a gift to a supervisor or a subordinate or from receiving a gift from a supervisor or subordinate if the gift is worth more than a negligible amount. For example, while you could give your boss a coffee mug as a holiday gift, you should not give an expensive pen. In all cases, common sense and circumspection should prevail. A collective gift by the office for birthdays, holidays, baby showers, and the like is usually permitted. No employee should feel pressured into buying gifts for their superior, particularly with the expectation of a reward in the future.

The conflicts of interest law prohibits you from accepting anything of value from anyone for performing your City job. You are also not allowed to accept any gratuity from any person whose interests may be affected by your actions as a City employee. Offers of such gratuities should put you on guard. Someone may be trying to influence your judgment or to bribe you.

Small tokens of appreciation, which as a practical matter cannot be returned, may sometimes be accepted as a gift to the City and placed in a common area for everyone to enjoy. For example, flowers or a box of chocolates from a senior citizen whom you helped may be accepted and enjoyed by the entire office. Other, more sizeable gratuities, such as a radio or a CD player, and any money, must be returned. You should immediately report the offer of a gratuity to the Inspector General for your agency or to the Department of Investigation or to the Conflicts of Interest Board.

You should also be aware that your own agency may have rules that are stricter than the conflicts of interest rules. For example, some agencies prohibit their employees from accepting any gifts from any firm the agency does business with. You must obey the stricter rules. The reason for stricter rules is that each agency has a different business relationship with outside vendors and other City agencies, and so employees in some agencies are more strictly regulated than in other agencies. In addition, Executive Order No. 16 requires that all employees in mayoral agencies report gifts and offers of gifts, and other conflicts of interest, to the Department of Investigation.

USING OR DISCLOSING CONFIDENTIAL INFORMATION FOR PRIVATE PURPOSES

You are forbidden to disclose or use for personal gain any confidential information you have learned as a City employee. Confidential information is defined as any information unavailable to the public that you learn on the job as a City employee.

Suppose, for example, as a result of your work for the City, you learn that a City agency is developing a plan to rent office space in a certain building and that the plan has not been made public. It would be improper for you to give this advantageous information to a friend or relative in the real estate business since the information is confidential; it was learned on the job, and it is unavailable to the public. You must not use confidential information to gain any private advantage for yourself or anyone else.



MISUSING YOUR CITY JOB FOR PRIVATE ADVANTAGE

The City Charter forbids using your City position for private or personal gain or advantage for yourself, your relatives, or your business associates. For example, using your position as a City employee to obtain a favorable or speedy inspection for your brother's restaurant is a violation of the Conflicts of Interest Law. Writing a letter on your City agency letterhead for any personal reason is strictly forbidden, even if you are sending the letter to another City agency. If, for example, you have a tax problem, you cannot write to the Department of Finance on your City letterhead.

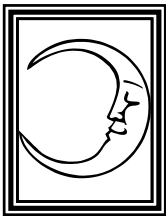
As a general rule the City Charter prohibits you from using City letterhead, personnel, equipment, resources, or supplies for any non-City purpose. For example, you may not call a sick parent in Chicago on a City phone or mail a personal letter using City postage or type a term paper on an office computer or take yellow pads home from the office to your grandchildren or ask a subordinate to run a personal errand for you. If you wish to make a personal phone call, you should use common sense regarding the duration and the distance of the call. If your mother lives in Australia, a daily phone call from the office would not show common sense, even though others in your agency might call their mothers in Brooklyn on a daily basis. Calling one's mother is not the issue here; calling Australia is.

Personal use of even small items of City property may result in agency disciplinary action or in prosecution by the Conflicts of Interest Board, particularly if the improper use was for a private business purpose. To use a City car to drop off your child at the movies is prohibited. To use or "borrow" a valuable item from your agency may result in criminal prosecution. For example, you may not "borrow" your agency's laptop computer to work at home on non-City business or to help your child do schoolwork.

You should be aware that many agencies have even stricter rules governing use of City property for non-City purposes than the general conditions this booklet has discussed, and you are bound to obey the stricter rules.

RECEIVING INCOME FROM SECOND JOBS, YOUR OWN BUSINESS, AND INVESTMENTS

Many City employees seek to supplement their City salaries through outside employment, businesses, investments, or “temping.” Generally, such activities are permissible, but you must be certain that outside sources of income do not cause a conflict of interest with your City job responsibilities.



Moonlighting If you work 20 hours or more per week for the City, you need permission in order to work for a person or company that has business dealings with *any* City agency. This includes, for example, a firm, including a private university, that receives funding from the City, or a firm that contracts to sell goods or services to the City, or a firm that is licensed by a City agency. To work for a company that has business dealings with a City agency, you need to obtain written approval for the job from your agency head and a waiver from the Conflicts of Interest Board. It is your responsibility to find out if the firm has business dealings with the City.

If you work for the City *less* than 20 hours per week, then you may work for a company that has business dealings with the City, as long as it does not do business with your City agency. You may not work for a firm that does business with your own agency, unless you obtain the written approval of your agency head and a waiver from the Conflicts of Interest Board. This rule applies to all part-time public servants, whether or not they are paid, including Community Board members. It does not apply to unpaid members of advisory committees, such as an *ad hoc* committee of citizens set up by the Borough President to give their views on a zoning proposal.

When working for a private employer, you

- **May not** use your City position to obtain any advantage for that employer;
- **May not** use City letterhead, personnel, equipment, resources, or supplies for your private employer;
- **May not** conduct any business for the employer on City time;
- **May not** use or disclose any confidential City information to help your private employer;
- **May not** work for your private employer on any matter that is before *any* City agency, unless you get a waiver from the Conflicts of Interest Board;
- **May not** appear as an attorney against the interests of the City in any case where the City is a party or a complainant, unless you get a waiver from the Conflicts of Interest Board; and
- **May not** be paid as an expert against the interests of the City, unless you get a waiver from the Conflicts of Interest Board.

Part-time Employees. If you work for the City *less* than 20 hours per week, the last three restrictions apply only with respect to your own City agency. For example, if you work for the Human Resources Administration 15 hours per week, you may work for a private employer on a matter before the Sanitation Department, provided that you comply with the other requirements discussed above and with any requirements that HRA has for outside employment.

You must also be careful to avoid any appearance that you are using your City job to help your private employer. This would certainly include helping your private employer in any matters that involve your City agency.

If you work as an attorney, agent, broker, or consultant to a firm, then you are regarded as having a position with that firm. This means, for example, that if you are a full-time employee with the Fire Department and are also a licensed real estate broker, you may not act as a broker for any person or firm which does business with the City without a waiver from the Conflicts of Interest Board. There are also special rules for City employees who moonlight through private temporary employment agencies. You should call the Board in these situations.

Outside Businesses and Investments. There are restrictions on your having an ownership interest in a company that has business dealings with the City. These restrictions also apply to an ownership interest that your spouse or

registered domestic partner or unemancipated child has in a company that does business with the City. (Your child is unemancipated if he or she is under 18, unmarried, and living in your home.)

You have an ownership interest in a firm if you have an interest in the firm that is:

- More than 5% of the firm or
- Worth more than \$32,000 or
- More than 5% of the firm's debt (such as bonds) or
- More than \$32,000 of the firm's debt.

Even if your interest is less than these amounts, you still have an ownership interest in the firm if you or your spouse or registered domestic partner or unemancipated child runs the business.

For example, if you work for the Department of Sanitation 20 or more hours per week and your wife is a partner owning 20% of a stationery supplier that sells stationery to the Department of Citywide Administrative Services, then you are deemed to have a prohibited ownership interest. Either the firm must stop selling stationery to the City or you must disclose the ownership interest to the Conflicts of Interest Board and ask for an order from the Board permitting your interest.

If you work less than 20 hours per week for the City, then you and your spouse (or registered domestic partner) and your unemancipated children are allowed to have an ownership interest in a firm that does business with any City agency except your own City agency. For example, if you work two days a week for the Department of Sanitation, you may own a business that deals with Consumer Affairs but not a business that deals with the Department of Sanitation.

By the way, ownership interest does not include an interest in a pension plan or deferred compensation plan or mutual fund if neither you nor your spouse (or registered domestic partner) nor your unemancipated child controls the investments made by the plan or fund. Ownership interest also excludes blind trusts.

Superiors and subordinates. You are prohibited from having a business or financial relationship with a superior or a subordinate. For example, if you own a small apartment building, you may not rent an apartment to someone you supervise. If you do outside carpentry work, you may not do a private job for

your boss. You also may not share an apartment with a superior or subordinate since splitting the rent would involve a financial relationship.

Second City jobs. You may take a second, part-time job with another City agency, but you must first obtain the approval of your full-time City agency and you must notify the second agency that you are employed full-time by another City agency. In addition, you must perform the second City job during times when you are not required to perform your full-time City job, and you may not use equipment, letterhead, personnel, or other resources of your full-time City agency in your second City job.

Remember, your agency may have stricter rules regarding receiving outside income, and you must obey the stricter rules.



Volunteering for Not-For-Profit Organizations

Volunteer work by City employees with not-for-profit organizations, such as charitable or religious groups, ordinarily creates no conflict of interest. (Paid work with a not-for-profit organization is treated the same as any outside paid work—see “*Receiving Income from Second Jobs, Your Own Business, and Investments,*” above.)

If, however, you are involved with a not-for-profit organization that does business with the City or is interested in doing business with the City, you must be careful. It is still permissible for you to volunteer for the not-for-profit organization *if*:

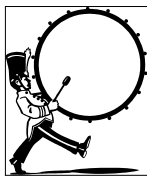
- You take no part in the organization’s business dealings with the City; and
- You are not paid for this volunteer work; and
- Your volunteer work for the organization is done on your own time, not on City time, and you do not use City letterhead, personnel, equipment, resources, or supplies for this work. (In some limited instances you may be able to get your agency head’s approval to do volunteer work on City time using City resources. You may never use City letterhead for anything other than approved City business.)

For example, you are an accountant with the Office of the Actuary and you generously donate your services to your favorite charity, which has business dealings with the City. If your services for the charity have nothing whatsoever to do with the charity's business dealings with the City and you are not paid for the work you do, and you do the work on your own (non-City) time, you have no conflict of interest.

If, however, the not-for-profit organization has business dealings with your *own* City agency or is regulated by your City agency, then you must obtain permission from your agency head to volunteer for the organization. If you wish to be involved with the charity's business dealings with the City or your agency, then you must obtain approval from your agency head as well as a waiver from the Conflicts of Interest Board.

For example, you are an accountant with the Comptroller's Office, and you wish to volunteer your services for a not-for-profit that has business dealings with your own agency. To do so, you must get permission from your agency head. If you wish to involve yourself in the business between your agency and the not-for-profit, then you will need approval from your agency head as well as a waiver from the Conflicts of Interest Board.

The rule is less strict if you do not have any policymaking or administrative responsibility at the not-for-profit organization and do not deal with the organization in your City job. In that event, you do not have to get your agency head's approval to do your volunteer work. For example, if you volunteer to read to a child for a literacy project that does business with your City agency, you do not need to obtain your agency head's permission because this volunteer work does not involve any policymaking or administrative responsibility. All of the other rules discussed above apply, however.



Engaging in Political Activity

City employees may be involved in most volunteer political activities, such as contributing money to a candidate for office or working on a political campaign. But there are certain guidelines you must follow. (Paid work for a political organization is treated the same as any outside paid work—see *“Receiving Income from Second Jobs, Your Own Business, and Investments,”* above.)

You may never use your City position to help a political candidate or a political campaign. For example, you may not send out a fundraising letter on City letterhead or use a City telephone to make calls on behalf of a candidate or photocopy a campaign flier on a City photocopier.

You may not coerce anyone, or even request a subordinate, to work on a political campaign or contribute to a candidate or party. You may not make a political contribution in order to be nominated for office or to obtain a City position or to gain some advantage in your City job. In fact, you may not give or promise to give anyone anything in order to be nominated for office or to obtain a City position, nor can anyone ask you to do so.

Certain higher level City servants may not request *anyone* to make a political contribution to any candidate for a City office or to any City elected official who is running for any office. Such higher level City servants are also prohibited from holding certain political party positions.



Leaving City Service (Post-Employment Restrictions)

As a City employee, you may often deal with companies in the private sector. If you are thinking about leaving City service, you may want to contact some of the firms you deal with to talk about the possibility of going to work for them. But **Stop!** This kind of networking is prohibited. Similarly, a private firm with which you have some official business dealings may let you know about a job opening in that firm for someone with your City experience. Exploring these possibilities, a common practice in the private sector, would present a conflict of interest for a City employee.

Before you talk to a company, say, XYZ Development Corp., about a possible job, you must make sure that you do not currently have any business dealings with XYZ in your City job. For instance, if you are reviewing a permit application that XYZ has submitted to your agency, you may not discuss a job with XYZ *until* either (1) your work on the permit application is completed, or (2) your supervisor has, at your request, assigned your duties concerning XYZ to someone else in your unit.

Once you leave City service and take a job at XYZ Development Corp., you still have to comply with three restrictions in the Conflicts of Interest Law.

- First, you may *never* work for XYZ on any specific matter on which you personally worked in more than a minor way as a City employee. You should contact the Conflicts of Interest Board or your agency's counsel to see if your work on a matter was minor.
- Second, for one year after you leave City service, you may not contact anyone in your former City agency on behalf of XYZ. This includes meetings, telephone calls, and letters. But you may work on a job that involves your former City agency so long as you do not work on any assignment you had as a City employee and so long as you do not contact your former agency within one year after you leave City service. The one-year period begins to run on the date on which you effectively resign and stop working for the City. However, if you are "on leave" from your City position, you are still a City employee.
- Third, you may never disclose or use for private advantage any confidential City information learned through your City job. (Again, confidential information is information that is not available to the public.) Check with your agency counsel or with the Conflicts of Interest Board if you have a question about the confidentiality of information.

To avoid these restrictions, you must obtain the approval of your agency head *and* a waiver from the Conflicts of Interest Board. You should know that the Board does not often grant post-employment waivers. Call the Board for specific information and advice related to your post-employment situation. However, the post-employment restrictions do not apply if you go to work for another government agency, whether federal, state, or local.

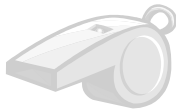
Because everyone's City employment history is different, you should ask your agency's general counsel, personnel officer, or the Conflicts of Interest Board for help in answering your questions about whether a particular job offer in the private sector would create any problems under the post-employment rules. Getting this advice is especially important since it is possible, under some circumstances, that you may be prohibited entirely from working for XYZ Development Corp.

What Can Happen If You Violate Conflicts of Interest Rules?

You may face severe penalties if you violate the City's conflicts of interest rules. Under your agency's disciplinary process, you may be demoted or suspended for some period or even fired. The Conflicts of Interest Board may fine you up to \$10,000 for each violation of the Conflicts of Interest Law and recommend to your agency that you be disciplined or fired. A violation of the Conflicts of Interest Law is also a crime, a misdemeanor that the District Attorney's office may prosecute. Upon conviction, you may be fined and sent to jail and lose your City job. The Conflicts of Interest Board may also void any contract or transaction that violates the Conflicts of Interest Law.

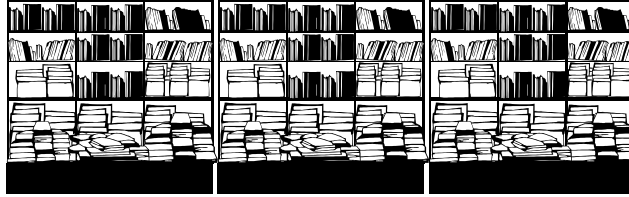
How to Report Conflicts of Interest Violations

As City employees and residents, we all suffer when ethics laws are violated. To report a conflict of interest violation, call the Department of Investigation, 24 hours a day, at (212) 825-5959, or call the Inspector General of your agency, or call or write the Conflicts of Interest Board, 2 Lafayette Street, Suite 1010, NY, NY, 10007, (212) 442-1400. All complaints are confidential.



Whistleblower Protection

City employees who file reports of possible ethical violations are protected by the Administrative Code of the City of New York Section 12-113, commonly called the Whistleblower Statute. This law was designed to prevent retaliation in the form of any adverse personnel action by one City employee against another who reports corruption, criminal activity, or a conflict of interest.



How Can I Obtain Information on the Conflicts of Interest Law?

It is always better to be safe than sorry. If you have questions regarding the Conflicts of Interest Law, call the Conflicts of Interest Board during business hours at (212) 442-1400. You may call anonymously, and all calls are, with limited exceptions, confidential. You may also write or fax the Board at 2 Lafayette Street, Suite 1010, New York, NY 10007; FAX: (212) 442-1407.

The Board has created a number of publications addressing various aspects of the Conflicts of Interest Law. These publications include leaflets, outlines, articles, newsletters, videotapes, and a poster. The Board also makes available copies of Chapter 68, the Board's rules, the Financial Disclosure Law, and the Board's advisory opinions.

You may request publications by fax or by phone, or by downloading them from our Web Site at: nyc.gov/ethics. There, you will find information about the Conflicts of Interest Law, about our agency and its mission, FAQ's on selected topics, and a complete and updated list of all the Board's publications, which can be downloaded in PDF format.

Approval Letters and Waivers



Sometimes you may need a letter of approval for an activity in which you wish to engage. If you do, you will need to write a letter to the Conflicts of Interest Board. Your letter should contain the following information:

- who you are and where you work,
- your official City job title,
- your responsibilities,
- your question,

- your address where you want the Board's answer sent and a daytime telephone or beeper number. (If you do not want to be called at work, say so in your letter and give another number or an e-mail address where Board staff can contact you.)

For example, if you are seeking advice about taking a second job, first tell the Conflicts of Interest Board who you are, including your City job title and duties, and then describe the job you want to take. The description should include the name of the company, the position and the duties you will have, the person for whom you will work, whether or not you will be paid and, if so, how much, the days and hours you will work, how long the job will last, if it is temporary, and whether or not the company does business with the City.

Sometimes you will need an order or a waiver from the Conflicts of Interest Board in order to take a particular job. For example, if you are a full-time City employee who wishes to work part-time as an electrician with 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 will need to obtain approval from your agency head (not merely your supervisor). **For information on how to obtain that approval, speak with your agency's general counsel or personnel officer, or call the Conflicts of Interest Board at (212) 442-1400.**

The more complete the information in your written request, the quicker the Board can return a written opinion or waiver. Turnaround time is generally fast.

Confidentiality

The Board is subject to a very strict confidentiality law. Board staff will not ordinarily tell anyone – not even your agency - about your oral request. In fact, you can call the Board anonymously. Your written request and the Board's response are also confidential, with the exception of waivers and orders. As discussed above, the Board cannot grant a waiver without written approval from your agency, so they will have to know about your waiver request. The Board also usually requires agency approval for an order. By law, all waivers and some orders are available to the public, but your *request* for the order or waiver remains confidential, even from your agency, unless you waive your right to confidentiality. If you have any concern about confidentiality, call the Board. For example, suppose you call the Board to ask whether you can moonlight for a certain firm and a Board attorney tells you that you will need a waiver. You may decide you'd prefer not to take the job so that you do not have to seek approval from your agency. You can do that and ordinarily no one will ever know, except you and the Board. There is, however, one big warning about confidentiality: if it looks like you violated the law or your City duties, the Board may share your information with government investigators, so always ask before you act.



Requesting a Training Session for Your Agency

If your agency is interested in scheduling a training session covering the basics of the conflicts of interest rules, ask for the Director of Training and Education, Conflicts of Interest Board, at (212) 442-1421.

Test Your Knowledge of the Conflicts of Interest Law

Below you will find 10 questions on the laws in this booklet. Answer them with either a **YES** (the activity is permitted) or a **NO** (it is not permitted), then check your answers against the key provided on the last page of the booklet.

Your score will tell you how well you have understood the material you have read. If you receive a low score, we advise you to read the booklet again, reviewing your answers as you do so.

The object of the quiz is not to see if you pass or to fail, but for you to see how much you have understood. Understanding the Conflicts of Interest Law may not be all that easy, but it is essential that every City employee do so.

The answers can be found on page immediately following the “Quick Reference” listing.

1. You want to work in your spare time for a firm that does business with the City, but not with your agency. Can you accept the job?

2. A firm you do business with in your City job sends you two tickets to the NBA playoffs at Madison Square Garden as a holiday present. Can you accept them?
3. You leave your City job to accept a position with a state agency where you will work on the same project that you worked on for the City. Is this all right?
4. You are soon to be married (congratulations!). You will, of course, invite friends who work for various firms that do business with the City. Can you accept gifts from them?
5. You would like a second job and want to send your resume in response to an ad. Is that a problem?
6. You want to volunteer to work for a political campaign. Is that ok?
7. Your new job in the private sector suddenly requires that you work on a project you worked on when you were a City employee. Is this activity permitted?
8. Your City agency often deals with an organization for which you want to volunteer service on the Board of Directors. Is this activity permitted? Can you volunteer?
9. Because of your City position, you have learned potentially valuable information regarding real estate investments in the City. You would like to pass the information to your wife, who owns a real estate business. Can you?
10. You have an important letter to write, endorsing a person for political office whom you highly esteem. Can you use City letterhead to write the letter?

Quick Reference

Below, you will find a list of the technical provisions of the conflicts of interest provisions we have discussed in plain language in this booklet. Section and paragraph numbers refer to the Conflicts of Interest Law, set forth in Chapter 68 of the New York City Charter, and the Board's rules, found in title 53 of the Rules of the City of New York.

For more information regarding the Conflicts of Interest Law, and for a listing of our publications, which focuses on specific topics such as "Moonlighting"

and “Post-Employment Restrictions,” see our Home Page on NYC LINK. Our Internet address is: <http://www.ci.nyc.ny.us/html/conflicts>.

WHO IS COVERED?

See City Charter Section 2601, especially subdivision (19), “public servant.”

ACCEPTING GIFTS, FAVORS, ENTERTAINMENT, MEALS, TIPS, AND TRAVEL

See City Charter Section 2604 (b) (5) and (13); Conflicts of Interest Board Rules Section 1-01, entitled “Valuable Gifts.”

USING OR DISCLOSING CONFIDENTIAL INFORMATION FOR PRIVATE PURPOSES

See City Charter Section 2604 (b) (4) and (d) (5).

MISUSING YOUR CITY JOB FOR PRIVATE ADVANTAGE

See City Charter Section 2604 (b) (2) and (3); Conflicts of Interest Board Rules Section 1-13.

RECEIVING OUTSIDE INCOME FROM SECOND JOBS, YOUR OWN BUSINESS, AND INVESTMENTS

See City Charter Section 2604 (a), (b) (1) through (3), (6) through (8), and (14); Conflicts of Interest Board Rules Sections 1-04 through 1-06, 1-09, and 1-11. See City Charter Section 2601 for definitions of “ownership interest,” “firm,” “position,” “business dealings with the City,” and other relevant terms.

VOLUNTEERING FOR NOT-FOR-PROFIT ORGANIZATIONS

See City Charter Section 2604 (b) (2) and (3) and (c) (6); Conflicts of Interest Board Rules Section 1-13.

ENGAGING IN POLITICAL ACTIVITY

See City Charter Section 2604 (b) (9) through (12) and (15); Conflicts of Interest Board Rules Sections 1-02 and 1-03.

LEAVING CITY SERVICE (POST-EMPLOYMENT RESTRICTIONS)

See City Charter Section 2604 (d); Conflicts of Interest Board Rules Sections 1-07 and 1-12.

OBTAINING ORDERS AND WAIVERS

See City Charter Section 2604 (a) (3) and (4) and (e).

WHISTLEBLOWER PROTECTION

See New York City Administrative Code Section 12-113.

WHAT CAN HAPPEN IF YOU VIOLATE CITY CONFLICTS OF INTEREST RULES?

See City Charter Section 2606; Conflict of Interest Board Rules Sections 2-01 through 2-05.



Answers to the Quiz on Page 18

1. If you are a part-time City employee, the answer is “Yes.” If you are a full-time City employee, then the answer is “No,” unless you receive approval from your agency and a waiver from the Board.

2. The Board has established under \$50 as the cut-off on the value of anything that a City worker may accept as a gift from a firm doing business with the City. Since the tickets are worth \$50 or more, you cannot accept them.

3. You may accept the position with the state and do the job because there is a “government-to-government” exception to the post-employment rules.

You do not need a waiver from the Conflicts of Interest Board or approval from your agency head.

4. Customary gifts for social occasions such as weddings are generally OK. This is true for gifts exchanged between co-workers and between City employees and friends at firms doing business with the City—but the gift must be reasonable, and the main reason for the gift must be your friendship with the person.

5. Sending your resume in response to an ad is generally OK. 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 advantage. And be sure to check with the Conflicts of Interest Board before even thinking of seeking a position with a firm you or your agency does business with.

6. Yes. Being a public servant does not diminish your right to engage in political activity. However, you must perform all of your political activities on your own time and you may not coerce anyone, or even ask a subordinate, to contribute to the campaign or work on it.

7. No, if you personally worked on the specific project other than in a minor way for the City. There is a lifetime ban on your working on the same particular project for anyone else, except another government agency.

8. No. You must get prior approval, *in writing*, from your agency head saying that your volunteer work promotes the interests of the City. If you want to be involved in the organization's dealing with the City, then you must also get a waiver from the Conflicts of Interest Board. Where, however, you do not have any policymaking or administrative responsibility at the not-for-profit organization (e.g., You volunteer to distribute food in a food pantry that has a contract with your agency); you do not need the approval of your Agency Head to do your volunteer work.)

9. No. You may not use your City position to get an advantage for yourself, a relative, or someone with whom you have a business or a financial relationship, nor may you in any way disclose confidential City information.

10. No, you must not use City letterhead, supplies, equipment, or personnel in non-City matters.

FOR YOUR INFORMATION

All the Board's publications are available by phone, by fax, by fax back, and on the Board's web site.

To receive any of the materials listed below, call:

(212) 442-1402 or fax (212) 442-1407

Most publications may be downloaded in PDF format from the Publications Page on the Board's web site at : nyc.gov/ethics

BOOKS

Chapter 68 of the New York City Charter. The Board's "Blue Book."

Rules of the Board. The Board's "Red Book."

Financial Disclosure: Section 12-110 of the NYC Administration Code. The Board's "Green Book."

Ethics 2002: A Plain Language Guide to NYC's Conflicts of Interest Law. Conflicts of Interest Law and the Board of Education; An Employee's Guide to New York City's Ethics Law, with the Answers to Many Frequently Asked Questions.

Annual Reports of the Conflicts of Interest Board: Year-end summaries of activities, budget, staff, etc; cumulative index to advisory opinions. (Available: 1990 – 2000)

Outlines of Selected Topics: A breakdown of the law, citing Charter sections, rules, and official opinions regarding the major problems of the Conflicts of Interest Law.

- Community Boards
- Enforcement
- Gifts and Honoraria
- Misuse of City Property
- Outside Activities
- Ownership Interests
- Political Activities
- Post-Employment Restrictions

Advisory Opinions of the Conflicts of Interest Board: Official answers from the Board to request for opinions regarding possible conflicts of interests.

Ethical Times: The Board's Newsletter. Order back copies or become a subscriber.

FAQ LEAFLETS

An Introduction: Answers to some commonly asked general questions about the Conflicts of Interest law.

Signposts: Are You Violating the City's Ethics Law?

Community Boards

Job Hunting

Gifts and Honoraria: Details the restrictions on accepting gifts. If you deal with any vendors doing business with the City, this information will be especially important.

Misuse of City Resources: Explains the rules about using City equipment, personnel, time, and other resources for non-City purposes.

Temping: What you should know if you are thinking of taking work with a Temp agency to supplement your income.

Ethics Issues in Doing Business with the City of New York: Important information for firms who do business or are interested in doing business with the City.

Ownership of Real Property, Co-ops, and Condos: Frequently asked questions about how an employee can and cannot interact with the City on real estate and housing matters.

Rules on Political Activities: Being involved in political activities is O. K., but this leaflet describes some legal pitfalls to avoid.

Enforcement: Find out about the Board's enforcement program and procedures.

Moonlighting: Important information for public servants who wish to take a second job.

Community School Boards: Even unpaid members of the local school board are subject to the conflicts of Interest Law. Find out what you need to know.

Practicing Law: Important conflicts of interest information for New York City attorneys.

NYC's Financial Disclosure Law - A Guide to Section 12 – 110 of the NYC Administrative Code for all employees required to file Financial Disclosure Reports with the Conflicts of Interest Board.

Rules on Volunteer Activities: What you should know about doing volunteer work for not –for – profit organizations.

Conflicts of Interest Law and Community Boards: Frequently asked questions about how the law applies to Community Board members.

What you need to know (Series)

- **Waivers: The Ethics Rules**
- **Job Hunting: The Ethics Rules**
- **Political Activities: The Ethics Rules**

“Ethics Laws for Municipal Officials Within New York City” by former COIB Assistant Counsel Jennifer Siegel.

Enforcement Case Summaries (03/05/12)

CITYLAW Reprints

- **Rules for city Employees Seeking a Second Job**
- **Thinking of Leaving City Government? Here Are the Rules**

Poster

What is a Conflict of Interest? Poster. Bright orange, approx. 14” x 22”, with basic information, including the Board’s phone number.

Videos

It's a Question of Ethics: Short, dramatized scenarios of conflict situations with commentary by Board attorneys.

It's a Question of Ethics: The Game Show: Three City employees learn about the Conflicts of Interest Law by playing the Ethics Game, with expert commentary.

It's a Question of Ethics: The Board of Education Game Show: Three Board of Ed employees learn about how New York's Ethics law applies to them.

NYC Conflicts of Interest Board
2 Lafayette Street
Suite 1010
New York, NY 10007

Benito Romano, Acting Chair

Bruce A. Green, Member
Jane W. Parver, Member

Mark Davies, Executive Director

Phone: (212) 442-1400

Fax: (212) 442-1407

web: nyc.gov/ethics