

ASK THE CITY ETHICIST

#8: Volunteering

by

Mark Davies

Question: *Can I volunteer for an organization that runs a food pantry? The organization gets funding from the City.*

Answer: The City not only allows but also strongly encourages public servants to participate in volunteer activities that help others, particularly people who are less fortunate than us. But it is possible for even volunteer activities to create a conflict of interest with your City job, so you need to follow certain rules when volunteering.



Rule 1. You can't get paid for the work.

Getting reimbursed for actual and reasonable expenses (e.g., subway fare) is not payment. Anything else, such as a small stipend or free goods or services, means you are getting paid. In that case, the rules on moonlighting apply. But we're assuming here that you are not getting paid for your work for the food pantry.

Rule 2. You must do the volunteer work on your own time.

During times when you are supposed to be working for the City, you must do only City work.

Rule 3. You may not use City equipment, City supplies, City resources, City letterhead, or City employees for the volunteer work.

For example, you cannot photocopy fliers for a fundraiser for the food pantry on a City copier or ask a co-worker to make the copies. The Board fined a Dept of Ed employee for using City workers, copiers, and computers on projects for her church and a private children's organization.

Rule 4. You can't be involved in the organization's business dealings with any City agency.

"Doing business" includes not only contracts but also permits, licenses, and funding. For example, if the organization needs a building permit from the DOB, you can't contact the DOB about the permit. Or if the food pantry is having trouble getting its grant from DYCD, you can't contact DYCD to see what the problem is. In fact, you can't even advise the organization about getting the permit or the grant. Don't have anything to do with the organization's City business.

Rule 5. The organization can't be doing any business with your City agency and can't be regulated or supervised by your agency.

If the organization does business with your agency or if it is regulated or supervised by your agency, then you must get the permission of your agency head in order to volunteer for the food pantry. (You don't need the permission of the Conflicts of Interest Board, just that of your agency head.) But this rule only applies if you have a policymaking position or administrative authority with the organization. The rule does not apply if you are just volunteering your time, for example, if you unload food donations and pass out bags of food to clients of the food pantry. In that case, you don't need permission.

Rule 6. Never, ever use your City position to help the organization.

There are many, many non-profit organizations in the City, and often they compete with one another for City funding, goods, and services. So using your City position to benefit your organization may hurt other organizations. For example, the Conflicts of Interest Board fined a Parks Department employee \$1,500 for using his Parks Department position in part to obtain permits for basketball courts for his non-profit organization. The Board also fined a DOT employee \$1,000 for asking DOT contractors to buy ads in a fundraising journal for his sons' hockey club. Just remember never to mix your City job and your volunteer activities.

Rule 7. Most important of all: ask before your act.

If you are unsure whether your volunteer work creates a conflict of interest, call the Conflicts of Interest Board at 212-442-1400 and ask for the attorney of the day. You can also email us through our website (<http://www.nyc.gov/ethics>) by clicking on "Contact COIB." All calls and emails are confidential, and you may contact us anonymously.

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