

ASK THE CITY ETHICIST

If You're Volunteering on the Board of Not-for-Profit

by

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Question: *I work full-time for a City agency, and I'm also the president of a not-for-profit organization that doesn't get a dime from the City. This doesn't create a conflict of interest with my City job, does it?*

Answer: All outside activities, even volunteer work, have the potential to violate the City's conflicts of interest law, which is contained in Chapter 68 of the City Charter. To make sure volunteer work doesn't create a conflict of interest in violation of Chapter 68, there are few things all City employees should keep in mind:



1. Make sure the not-for-profit organization isn't in any way involved with your City agency. You said the City doesn't give a dime to your not-for-profit, but does your City agency do business with, regulate, or supervise the not-for-profit? If so, you'll need to get prior approval from your agency head because, as the president, you have policymaking and administrative responsibilities at the not-for-profit. You won't need to get a waiver from the Conflicts of Interest Board, unless you get paid by the not-for-profit or if you want to take any part in the not-for-profit's business dealings with the City. Without a waiver from the Board and prior approval from your agency head, the conflicts of interest law prohibits you from discussing the not-for-profit's business at either your City agency *or* the not-for-profit.

2. City business dealings or not, never mix your work for the not-for-profit with your work for the City. All of your work for the not-for-profit must be done on your own time and without the use of City equipment, letterhead, personnel, e-mail, or other City resources. Using your City computer and e-mail account to send a personal e-mail, which is generally permitted, must be distinguished from conducting business, even for a not-for-profit organization, which is prohibited. In fact, the Board recently fined a former employee of the Department of Health and Mental Hygiene \$7,500 for, among other things, using a significant amount of City resources – time, computer, e-mail account, and telephone – to perform work for a not-for-profit organization that she served as an unpaid Member and Vice-Chair of the Board of Directors.

3. Do not use confidential City information or your City position to benefit the not-for-profit. For example, you would violate the City's conflicts of interest law by soliciting contributions to the not-for-profit from your either your superiors or subordinates or people you deal with in your City job.

If you don't know 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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