

# **ASK THE CITY ETHICIST**

## *Romantic Relationships and Conflicts of Interest*

By  
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**Question:** *My boyfriend is considering applying for an open position at my City agency. Can I recommend him for the job?*

**Answer:** If you and your boyfriend live together, then definitely not. Although nothing in the City’s conflicts of interest law specifically addresses boyfriends—or girlfriends, fiancés, and casual dates, for that matter—applicable definitions and provisions of that law expressly apply to persons in a dating relationship. One provision prohibits any public servant from using his or her City position to give anyone with whom the public servant is “associated” a private or personal advantage. Parents, spouses, siblings, and children are definitively associated with a public servant, as is anyone with whom the public servant has a business or other financial relationship. Within the context of a dating relationship, sharing a household or having a child are common examples of financial relationships.



If your boyfriend is associated with you, even if he has outstanding qualifications, you may not recommend him for the position and you must completely “recuse” or insulate yourself from anything to do with the hiring process. Moreover, should he get the job, you may not supervise him because it would place you in the position of being able to use your City position to further benefit him. It would also place you in violation of *another* provision of the conflicts of interest law—the one prohibiting public servants from having a business or financial relationship with any superior or subordinate.

**Question:** *I’ve been dating one of my subordinates for a while. On Valentine’s Day we got into an argument about the City’s conflicts of interest law. I said it prohibits us from entering into a financial relationship, so it would have been illegal for me to get her a gift. She said I was wrong. Can you settle this for us?*

**Answer:** You both are. You’re right that the City’s conflicts of interest law prohibits public servants from entering into a financial or business relationship with a superior or subordinate public servant. But, she’s right that the acceptance of a Valentine’s Day gift would not necessarily create a financial relationship between the gift giver and the recipient.

**Question:** *I work for a large City agency and have lots of talented subordinates. I want to do something special for my anniversary with my wife Roxanne, so I was thinking that*

*I would take my wife to the Brooklyn Bridge and then have my subordinates “spontaneously” serenade us with her namesake-song. Of course, I want it to be impressive, so I’m going to have them rehearse a lot at work. Good idea, right?*

**Answer:** We don’t have pass judgment on whether your idea is good to know that it would break the conflicts of interest law, which prohibits public servants from using City resources for any non-City purpose. City resources include personnel, and serenading your wife wouldn’t serve any City purpose. If you had planned this little surprise to take place on City time, know that your “good idea” would further violate the conflicts of interest law, which also prohibits public servants from pursuing personal or private activities during their City work hours. Also, remember that you would violate the law even if you offered to pay your subordinates to perform, as no public servant may enter into a financial relationship with his or her superior or subordinate.

If you have any doubt at all about whether your action would create 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 e-mail us through our website (<http://www.nyc.gov/ethics>) by clicking on “Contact COIB.” All calls and e-mails are confidential, and you may contact us anonymously.

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