

ASK THE CITY ETHICIST

The City's Resources

by

Karrie Ann Sheridan

Question: *My cousin recently moved to a new apartment, and the post office has not forwarded her benefit checks to her new address. I am a City employee working at a social service agency. May I update my agency's database to correct my cousin's address?*

Answer: No. You may not access your agency's database to help your cousin, unless updating benefit recipients' addresses is part of your City job and your cousin's request has reached you through the proper channels that all benefit recipients follow to change their address. You may not access or utilize a confidential City database for **any** non-City purpose, not even browsing out of curiosity. You should only access a City database if your official job duties require you to do so and you have agency authorization. Also, remember that as a City employee, you may not use or disclose any confidential information. Confidential information is any information that is not available to the public. Just because your computer network allows you access to certain databases and information does not mean that you are permitted to do so.



Question: *I am the Director of Human Resources at a City agency. May I write a letter of recommendation on City letterhead for one of my subordinates who has applied for a job at another City agency? A friend working in the private sector has also asked me to write a reference letter attesting to her good character for her application to purchase a cooperative apartment. May I write this letter on City letterhead?*

Answer: As the Director of Human Resources it is appropriate and most likely part of your official duties to provide outside parties with details and an evaluation of the work performance of employees of your agency. Thus you may write such recommendation letters on City letterhead.

Concerning other types of letters, such as a reference letter for a neighbor or for a City employee who is not your subordinate, City letterhead may **not** be used. These types of recommendation letters are for non-City purposes and may not be written on City letterhead.

Question: *I was planning to go on a family vacation next week but must change my travel plans due to an important meeting that my City agency just scheduled. May I have my assistant go to the travel agent's office to pick up my new plane tickets?*

Answer: City personnel may not be utilized for non-City purposes. Requiring your City subordinate to perform errands to further your private interests is a misuse of City time and City resources.

Question: *On the weekends I volunteer as a member of the Board of Directors of my neighborhood civic association in Nassau County. The civic association is organizing a holiday party and plans to distribute a flyer announcing the party which will list the party planning committee including names and professional titles. May I include my name, profession, and City title on the party announcement flyer?*

Answer: You may include your name and profession on the party announcement flyer but not your City title. The conflict of interest law prohibits using your City title for a non-City purpose. Instead of including your City title, you could include your name and an appropriate generic career title or description, for example, Public-Sector Accountant, Municipal Analyst, Government Employee, or Attorney in New York City.

Question: *A co-worker told me that our City agency adopted a policy called the AUP which allows City employees to use office technology, such as the photocopying machine and fax machine for personal matters. Does the City permit this type of use for private purposes?*

Answer: The AUP, or Authorized Use Policy, is a policy that has been approved by the Department of Information Technology & Telecommunications, the Department of Investigation, the Conflict's of Interest Board, and the Law Department. The AUP permits City employees to use City technology for personal use in *certain limited circumstances*. For example, you may photocopy a doctor's bill, call home from your City telephone to speak with your kids, and check the Metro-North train schedule on the internet at your City computer. Of course, the type of personal use of the City's office and technology resources may occur only after all your City work has been completed, take a minimal amount of your time, and involve a minimal additional expense to the City. You may never use City resources for a private business or for political purposes. And remember that you do not have a right of privacy when you are using the City's office and technology resources. Many City agencies have adopted the AUP as part of their agency rules and regulations. You may want to ask your agency ethics officer or general counsel if your agency has adopted the AUP. To read the AUP please visit the COIB website at <http://www.nyc.gov/ethics>.

Question: *I recently started working as a sales agent on weekends for a real estate broker that does not engage in business with the City. My agency's rules permit me to work in this type of moonlighting position. May I check my real estate firm's e-mail account on my office computer and return telephone calls to real estate clients from my City office telephone?*

Answer: No. You may not use City technology, resources, or time to further a private compensated interest, such as your moonlighting job as a real estate broker. The AUP

does not allow **any** use of City technology for any paid position or any type of political activities. If you checked your real estate e-mail and placed telephone calls from your office for your outside position, your actions violate the conflicts of interest law and constitute a misuse of City resources for a non-City purpose and improper use of City time. You may work on your real estate pursuits during your lunch hour, authorized breaks, and when you are not on City time, using your personal cell phone.

Question: *Occasionally I buy retail products wholesale to resell on eBay. Because I buy the products wholesale they are distributed in bulk quantities, usually arriving in huge boxes. May I temporarily store a couple dozen boxes in the rarely used office conference room? Would I violate any laws if I met with prospective suppliers in my office during my lunch hour?*

Answer: It seems like you are asking if you may operate a business out of your City agency's office, which is not a permitted use of a City facility. You may not use your agency's conference room, which is a City resource, as the storage warehouse for your private business. Remember, the AUP does not allow the use of a City office for **any** compensated activity. Additionally, meeting with suppliers in your office during your lunch hour would violate the conflicts of interest law and constitute a misuse of City resources for a non-City purpose. You are wise to schedule your outside business meetings during your lunch hour, but you must meet outside of the office.

Karrie Ann Sheridan is Associate Counsel at the Conflicts of Interest Board.

"Ask the City Ethicist" is written monthly by the staff of the New York City Conflicts of Interest Board and appears originally in The Chief Leader. "Ask the City Ethicist" is provided as general information, and should not replace the text of Charter Chapter 68. For legal advice on City ethics matters, please call the Board at 212-442-1400. All calls are confidential. You may call anonymously if you wish. <http://nyc.gov/ethics>.