

ASK THE CITY ETHICIST

When 'Do You Know Who I Am' Can't Be Asked

By
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A fundamental principle of New York City's Conflicts of Interest Law is that public servants may not use or appear to use their City positions to obtain benefits for themselves, family members, or financial associates. In general, the rule is simple: no nepotism, self-dealing or other related inappropriate behavior. However, this simple rule impacts less obvious areas, including the topic of today's column: situations where public servants need or want to mention their official job titles for personal purposes. Our job title is a part of our personal biographies, a part of our professional lives that we shouldn't have to avoid mentioning. But sometimes the simple choice to mention our official City title may appear to be an attempt to misuse our City positions for personal gain. The following questions and answers will provide some basic guidelines on different situations where you might need or want to mention your City title, and maybe a few times where you'd probably want to refrain from doing so.

Question: *If I'm chatting with a new acquaintance who mentions that he is interested in my profession, could I bring up my City job title?*

Answer:

Yes, of course! Telling a friend where you work and what you do is certainly OK.

Question: *What if, on my own time, I am conducting personal business at a government agency, bank, or other entity that requires me to state my employment?*

Answer:

In general, mentioning your job title when requested to do so in the routine course of personal business is OK, such as when applying for a loan or government assistance, or completing a rental application, for example. However, you should avoid creating the impression that you expect special treatment as a result of your City position. For this reason, when seeking a private benefit (such as knocking a little off the rent or expediting an application), you should be very careful about volunteering information about your City job, as the next question illustrates.

Question: *I am having trouble retrieving my security deposit from my former landlord. Can I mention that I work at the Department of Housing Preservation and Development to help convince him to return my deposit?*

Answer:

No. When you volunteer your title in this situation, it will appear as if you are threatening to involve your agency in your personal dispute with the landlord. In fact, an HPD employee was recently fined in a similar case. In another case, a City worker received a warning letter after mentioning his title while attempting to intervene at a state agency on behalf of a relative.

Question: *I am an expert in contract law and City procurement rules, and I handle contracts as an attorney for a City agency. I also have a waiver from COIB to teach a class for New York University Law School as an adjunct professor. Can my biography on the NYU Law School website mention my 'day job'?*

Answer:

Yes. COIB has ruled that City officials can mention their City job titles in their official biographies for outside work. Simply explaining where you work does not create an appearance that you are using your City job for personal benefit. However, be careful to avoid giving the impression that your agency endorses your private employer in any way. And overt attempts to capitalize on your City employment to promote your outside job will create a problem. For this reason, the school cannot use your City job title in marketing the course. For instance, an ad stating, "Get the Inside Perspective on City Contracting Law from a Prestigious City Official!" would not be OK. Of course, regular readers of this column will know that the Conflicts Law impacts more than the use of our City titles. And this column does not cover every question you may have about the use of your City title. For personal advice on any Conflicts topic, feel free to call the Conflicts of Interest Board directly 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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