

*Ethics lights the
way to good
government*

The Ethical Times

A Publication of the New York City Conflicts of Interest Board

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Getting Political

Question: *I am a full-time City employee who is also interested in politics. The presidential election is coming up and I am hoping to volunteer for one of the campaigns. My volunteer work would involve door-to-door canvassing in my neighborhood and soliciting donations over the phone. Am I allowed to participate in these volunteer activities?*

Answer: Public servants are generally permitted to volunteer and work for political campaigns. However, Chapter 68 of the City Charter, the City's Conflicts of Interest Law, does impose some limited restrictions on a public servant's political activities. These restrictions exist to preserve the public's trust in City government and to protect public employees from political pressure.

So, while you are permitted to volunteer for the campaign, you should keep the following limitations in mind to ensure that you don't get yourself into trouble.

First and foremost, Chapter 68 prohibits City employees from using City time and resources for any political purpose. Accordingly, all of your political activities *must* be performed on your own time outside of your City work hours. Additionally, no City resources, including City computers, e-mail, letterhead, telephones, equipment, and personnel, may be used in connection with your political activities. While your agency's internal policy may allow for some limited personal use of City resources and time, that policy does not apply to political activities, which means that absolutely no City resources, not even a single photocopy or e-mail from your City account, can be used for your political activities.

The conflicts of interest law also places limitations on the extent to which a public servant may solicit other public servants to engage in political activities. Most notably, a public servant may not even *ask* another public servant who is their subordinate to participate in or contribute to a political campaign. This prohibition applies not only to solicitations in the workplace, but also to solicitations made outside of work, meaning that you cannot solicit political donations or participation from any City subordinates who you might come across in your neighborhood or over the phone.

Finally, you are not permitted to use your City position to obtain or attempt to obtain any advantage for a political campaign. In the context of soliciting donations or canvassing on behalf of

a political campaign, you are prohibited from identifying yourself by your City title and thus implying that you can obtain some benefit for a potential contributor by way of your City position. As a related matter, you are also prohibited from using or disclosing any confidential City information to assist the campaign. If, for example, you have access to private financial information of City residents through your City position, you could not use or disclose that information to help target solicitations for the campaign.

As always, you should keep in mind that your own City agency may have additional rules regarding political activities, so be sure to check with your agency before signing up to volunteer. If you have any questions about whether your political activities 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 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.

This article originally appeared in The Chief Leader.

Recent Enforcement Cases

► A former Assistant to the Chief Engineer in the Bureau of Engineering at DSNY admitted to the Board that he received a referral fee for referring a subordinate's personal injury lawsuit to a private attorney, used City time and resources to work on that same lawsuit, and improperly disclosed confidential DSNY personnel information to a private law firm. For these violations, the former Assistant paid a \$7,500 fine. Also, in the first case of its kind since City voters approved, in November 2010, an amendment to the conflicts of interest law giving the Board the power to order the disgorgement of any gain or benefit obtained as a result a violation of the conflicts of interest law, the former Assistant paid the Board, in addition to the fine, the \$1,696.82 value of the referral fee he received as a result of his violations.

► The Board concluded enforcement actions involving an informal savings and loan club, commonly known as a "sou sou," among superior and subordinate workers at a Parks Department facility. The City's conflicts of interest law prohibits City employees from having such a financial relationship with a superior or a subordinate. In settlements with the Board, a Manager paid \$1,250, a Deputy Manager paid \$750, three subordinate employees paid \$250 each, and a last subordinate paid \$500. The amounts of the fines in part depended on when or whether each Respondent settled his or her case, reflecting the Board's policy of encouraging Respondents to settle rather than force costly hearings at OATH.

► The Board issued a public warning letter to a former DOE teacher

for directing students in her class to make holiday greeting cards for her friend, who was a prison inmate, and disclosing her students' names and home addresses, which DOE has designated as confidential information, on the cards by mailing them to the prison. The teacher had already resigned from DOE in connection with the same conduct.

► The Board issued a public warning letter to a DOE Guidance Counselor for filling out and signing part of her outside private company's application for a DOE contract, thereby violating City rules against appearing before the City on behalf of private interests.

► A former DOE Principal violated the City's conflicts of interest law by using a DOE-issued credit card—known as a Procurement Card or P-Card—to make approximately \$9,000 of personal purchases. As the former Principal had already settled with DOE to pay \$9,000 to DOE, to irrevocably resign his position, and to never seek future employment with DOE, the Board imposed no additional penalty.

► The Board issued a public warning letter to the former Chief of Staff to Council Member James Sanders, who, without the necessary waiver, was involved in an unpaid, volunteer capacity in the day-to-day running of a not-for-profit that received discretionary funds allocated by Council Member Sanders.

► In a joint disposition with the Board and DOHMH, a DOHMH scientist paid a \$6,000 fine for using DOHMH staff and resources to help write and research a scholarly article, and for claiming a fictitious hospital affiliation in order to publish the article without submitting it for the required DOHMH vetting process. The scientist had already been fined once before for similar behavior.

► A former DOE Principal paid a \$3,500 fine for recommending her sister for a position at a firm coordinating that firm's new program at the Principal's own school and for paying a subordinate DOE employee \$60 to prepare food on the subordinate's own time for a school Christmas party that the Principal hosted in her home.

► The Board and the Comptroller's Office concluded settlements fining two Comptroller's Office employees \$3,008.88 and \$1,316.45, respectively, for using City time and resources to perform work for their private jobs as real estate agents.

► The Board issued public warning letters to three HHC employees and one DEP employee for holding outside positions with

firms engaged in business dealings with the City without receiving the required waiver. After each ignored an initial private warning from the Board, the City employees sought and obtained the required waivers upon notice that the Board was pursuing enforcement actions against them.

► The Board and the Parks Department concluded a joint settlement suspending a Parks Construction Project Manager for sixty days, valued at approximately \$11,478, for disclosing confidential pricing estimates to a private vendor who was in the process of preparing a bid for a Parks construction project. At the same time, the vendor was completing construction on a residence owned by the Construction Project Manager's sister.

► In a joint disposition with the Board and DOE, a former Network Leader for the Children First Network #208 was fined \$4,000 for causing his wife to be hired for an open teaching position in his Network and for subsequently attempting to order a Principal in his Network to prevent his wife's position from being excessed.

► The Board and NYCHA concluded settlements suspending two NYCHA employees for five days each for using City personnel to perform repairs on their personal vehicles.

► The Board and HRA concluded a joint settlement with a Job Opportunity Specialist who agreed to resign his position with HRA for, among other conduct, asking an HRA client during a home visit to care for his pet ferret in exchange for a sum of money.

► In a joint settlement with the Board and DFTA, a DFTA Secretary was suspended for forty-five days for, among other conduct, creating four DFTA identification cards in addition to her official ID card and for stamping plain white envelopes with DFTA pre-paid metered postage, all for her personal use.

► The Board and HRA concluded joint settlements fining four HRA employees \$3,008.88, \$1,244.72, \$1,085.97 and \$758, respectively, for accessing a confidential database to view the public assistance records of their relatives, to whom they rented living spaces, for their personal use.

► A DEP Mechanic was suspended and docked vacation time, for a total penalty valued at \$1,967, for directing a Machinist whom he supervised to use a DEP lathe to determine whether a car part the Supervisor owned was salvageable.

► The Board issued a public warning letter to DFTA's Human Resources Director who asked his subordinate, a Secretary, to conduct a purely personal task on his behalf: prepare a letter from him to the New Jersey Motor Vehicle Commissioner concerning a complaint of insurance fraud the Director was handling for his elderly father arising from a car accident in which his father was involved.

► In a joint disposition with the Board and ACS, the Program Manager of Family Permanency Operations agreed to serve a twelve work-day suspension, valued at \$3,861, for accessing a confidential database to view information about her adult daughter. The Program Manager then used that information to contact the ACS attorney assigned to handle her adult daughter's case in Family Court, and, after identifying herself as an ACS employee, attempt to discuss her daughter's case with the attorney.

*Interested in more information?
Get in touch with COIB's Training &
Education Unit to arrange a class in
Chapter 68 for you and your staff.
Contact Alex Kipp, Director of Training, at
kipp@coib.nyc.gov*

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