

Conflicts of Interest



In order to protect the integrity of your job with City, and to keep you on the right side of this law, you have to follow certain requirements regarding your private financial activities and you have to avoid misusing your position as an FDNY employee to gain special benefits for yourself or anybody else. Violations of Chapter 68 hurt the reputation of the Department, and they hurt your reputation as well. They also can carry fines of up to \$25,000 per violation and can result in suspension, demotion, termination, and even jail time.



Some of these restrictions in Chapter 68 are pretty straightforward. Some of them are more complicated. If you want more information, call FDNY Legal at: 718-999-2040. Or call the Conflicts of Interest Board (COIB) at 212.442.1400 and speak to the COIB's attorney of the day. All calls to the COIB about advice on future activities are confidential.

Basic restrictions are listed below, but this list doesn't cover everything. Ultimately, if you have any concerns about conflicts of interest, whether they're listed below or not, you should call the attorney of the day to get more information.



1) TIME AND RESOURCES: FDNY time and equipment are for FDNY purposes. You can't use them to run an outside business or a political campaign, for example. Occasional incidental *personal* use of time or equipment for things other than an outside financial interest or political campaign might be allowed, but check with your superior for guidance on this. People have been fined tens of thousands of dollars for running private businesses on City time.



3) REPRESENTING PARTIES BEFORE THE CITY: While the COIB & FDNY might give you permission for all sorts of outside jobs, you are probably not going to get permission to represent your outside employer before the City. This means that, if you did get permission to work for a private company, like a parts vendor, you would still not be allowed to sell parts to the Department or to any other City agency. If the company needs to talk to the City for any reason, the company can't use you to do it. A firefighter was fined over \$7000 in such a case.



2) OUTSIDE JOBS: If you want any sort of outside job, you should first refer to the applicable Departmental guidelines for your field of service. You can get those guidelines from FDNY Legal at 718-999-2040. Further, you cannot work for any private entity that has matters before ANY City agency, unless you get permission from the Department and the Conflicts of Interest Board. This means that if you want to work as a fire safety director for any private entity in the five boroughs, you will need to clear it with FDNY Legal *and* talk to COIB. If you don't get permission for such a job, you are in violation. An FDNY employee was disciplined and fined \$7500 for working an outside job for a company that dealt directly with FDNY.

● ● ●

4) POLITICAL ACTIVITY:

You can't even *ask* anyone below you in the chain of command to do ANYTHING involving a political campaign. An Assistant Deputy Warden at the Department of Corrections spent a year in jail and paid over \$70,000 in fines for this and related offenses.

● ● ●

● ● ●

5) POST-EMPLOYMENT:

If you leave FDNY and move to the private sector, you can't "appear" before FDNY for year. This means you could retire from FDNY and work for a company that sells equipment to FDNY, but you can't make sales calls to FDNY, go to meetings at FDNY, send letters to FDNY on behalf of your new employer, etc., for one year. After one year you can. Just recently, a former FDNY project manager was fined \$500 for violating these post-employment restrictions.

● ● ●

● ● ●

6) MISUSE OF POSITION:

You can't misuse your position to get benefits for yourself or anyone else. This means you can't use FDNY letterhead or the uniform for non-department purposes, you can't flaunt your ID to try to cut in line at a club, you can't recommend your relative for employment at FDNY. (Of course your relative can apply, but he or she has to apply like everybody else.)

● ● ●

● ● ●

7) GIFTS:

All New York City public servants are forbidden from taking any *valuable gift* from anybody doing business with the City. This includes meals, money, and anything else. *Valuable* is defined in the law as something worth \$50 or more. A former Assistant Commissioner was recently fined \$6,500 for accepting a number of illegal gifts from an FDNY vendor, including a trip to Hawaii and several dinners.

This rule can provoke a lot of unthoughtful questions: "can I accept a \$49 gift? Can I pay \$26 for a \$75 gift and let the vendor pick up the other \$49?" The answer to these kinds of questions is, "imagine explaining your conduct to a judge." In other words, no.

This gifts rule includes stuff people may drop-off at the Fire Houses: pies, baked goods, etc. Those should be treated as "gifts to the Fire House," not to any firefighter personally, and left in the House for all to enjoy.

● ● ●

● ● ●

8) SUPERIOR/SUBORDINATE:

Superiors and subordinates are forbidden from getting into ANY financial relationship. They can't go into business together, can't rent property to each other, can't loan money to each other. This also means that no services can be exchanged. You can't work on your boss's house (even for free), or fix his car. He can't work on your house or fix your car, either. Recently an FDNY Assistant Commissioner was fined \$2000 for having one of his subordinates fix his motorcycle.

● ● ●

Any questions? Call the COIB and ask for the attorney of the day for fast, free, confidential legal advice on Chapter 68.

212-442-1400

www.nyc.gov/ethics