



Frequently Asked Questions for ACS Employees

—Introduction—

Q. What is the Conflicts of Interest Board?

A. The Conflicts of Interest Board (COIB) was established in 1989 with the revision of the City Charter. It is the agency charged with the administration and enforcement of the City's ethics law. The Conflicts of Interest Law, contained in Chapter 68 of the City Charter, deals with the conflicts that might arise for any City employee between his or her public duties and private interests. Most conflicts are financial in nature, falling into the following categories: Gifts and Honoraria, Moonlighting, Post-City Employment, Ownership Interests, Financial Relationships, Political Activities, and Volunteer Activities.

Q. I've heard about the "valuable gifts" rule. Could you explain it?

A. ACS employees, like all other City employees, are restricted from accepting gifts with a value of \$50 or more from any person or firm doing business with the City, not just ACS. This includes cash, tickets to concerts, plays, or sports events, as well as travel expenses and meals.

Q. I have been working with a particular family who appreciates the help I have provided. For the holidays, they have offered me a small box of chocolates. Can I accept this item?

A: No. A stricter rule, rather than the \$50 "Gift" rule would apply in this case. Gifts, even small ones, that come from an ACS Client or

Participant you serve would be considered ‘gratuities’, or tips. The law strictly forbids public servants from accepting any gratuities.

Q. A not-for-profit I work with at my ACS job asked me if I might be interested in leaving ACS and working for them. May I interview for a position with that firm?

A. You could pursue the opportunity, but first you’d have to be removed from your dealings with that firm.. (“Being removed” means that you have requested to be removed from any dealings with the not-for-profit and your boss has agreed.) Also, the interviews have to be on your own time; you may not use ACS supplies or personnel, and you couldn’t use ACS letterhead for any correspondence regarding the position.

Q. The job would involve my returning to ACS, on behalf of the not-for-profit, to discuss business. Does that pose a problem?

A. Yes. Former ACS employees are prohibited from appearing before ACS on business for a period of one year. This means you may not appear in person, write letters, or make phone calls to ACS on behalf of your new employer for one full year after leaving City employment. You are not restricted from returning to your old office to have lunch with friends, as long as your purpose is social, not business.

Q. Suppose I retired from ACS where I oversaw a grant program, and then six months later I wanted to establish a consulting firm representing not-for-profits that are seeking contracts with ACS. Would this be a problem?

A. You cannot, as a former employee, communicate with your old agency for one year. So you can’t make phone calls, attend meetings, or write letters on behalf of your clients to ACS. Since this is what is usually involved in consulting, you might, with these restrictions in mind, have a hard time finding clients.

Q. I just accepted a position with the State Office of Children and Family Services doing the same thing I am doing for the ACS. Is this a conflict?

A. No. The State Office of Children and Family Services is a government entity. Positions with government entities are exempt from the Post-Employment Rules under the “government-to-government exception.”

Q. I just learned through my ACS job that ACS is considering purchasing a new state of the art e-mail system that uses brand new technology. I have a friend who’s in that field and I’d like to discuss it with him. I can do this, can’t I?

A. No. A public servant may not disclose confidential information concerning the property, affairs, or government of the City, including ACS, that is obtained as a result of his or her official duties and that is not otherwise available to the public.

Q. I am a landlord seeking to fill a vacant apartment, and I have lost the contact information for a prospective tenant. When we met previously, I mentioned that I am employed by ACS, and this prospective tenant volunteered that his family has an open ACS case. Can I check the tenant’s record in the CONNECTIONS database order to find his contact information and offer him the apartment? I know there are rules on accessing the database for personal purposes, but in this case the tenant would appreciate my doing so.

A. First, you should note that the ACS Code of Conduct requires you to disclose your relationship with this prospective tenant to your supervisor. The code requires you to notify your supervisor anytime you have any involvement with an ACS Client or Participant which could create the appearance of a conflict of interest, whether through family connections, socially, or professionally. Note that you must disclose the relationship even if your ACS job includes no dealings with this person.

In answer to your specific question, you may absolutely not access

CONNECTIONS for this purpose. As noted in the previous question, the Conflicts Law strictly prohibits public employees from disclosing confidential information, for any reason, or for using their official positions for personal gain. These rules are clear and cannot be bent. Using the CONNECTIONS database for personal purposes, even an innocuous or well-meaning purpose, will violate this law and will trigger an enforcement action. ACS employees have been terminated solely for accessing the CONNECTIONS database for personal purposes.

Q. My sister is looking for a job as a caseworker. May I give her resume to ACS employees, or email ACS colleagues recommending her for a position?

A. No. Both the ACS Code of Conduct and the Conflicts of Interest Law strictly prohibit ACS employees from taking any action to help a close relative, or the spouse or registered domestic partner of a relative, or someone with whom ACS employees have a financial relation , to get a job at ACS or any other City agency or vendor to ACS.

Q: Let's see if I understand this. My brother's wife is looking for a job in a different division from mine. Does this mean that I can't make a call to encourage them to hire her?

A: That's right. If you work for ACS, you may not make that call!

Q. I am interested in seeking a part-time second job as a bartender. This job would have no relation at all to my ACS job. Are there any rules I should be aware of?

A: Yes. The ACS Code of Conduct includes a provision, Section III.B.12, requiring that ACS employees “shall notify the ACS Office of Personnel of any outside employment.” Even if you do not see any potential conflict, you should notify the Office of Personnel.

Q. What if the job is with a firm that has business dealings with the City or ACS?

A. Aside from ACS’ requirement that you notify Personnel about any

outside employment, the Conflicts Law places restrictions on outside work for companies that have city business. In this case, the job would normally be prohibited by a provision that forbids city employees from accepting a position with *any* firm that has business dealings with the City.

However, waivers of this rule are available, depending on circumstances. You must receive written approval from the Commissioner, stating that your second job would not conflict with your official ACS duties. Contact the ACS Ethics Counsel to see if the Commissioner will approve your request. The approval, if granted, will be forwarded by the Ethics Counsel to the COIB along with a request for a waiver. If the COIB sees no conflict, you will be granted a written waiver and you will be permitted to take the second job. If the firm has dealings with ACS, obtaining a waiver is more difficult, but each waiver request is handled on a case-by-case basis.

Q. Are there any special rules for attorneys in the Division of Legal Services?

Yes. Due to the demands of their work, DLS attorneys are generally prohibited from engaging in any private practice. Waivers may be available in limited circumstances, such as one-time short-term work for a family member, work as a hearing officer or ALJ, authoring a law article or teaching a class, and limited *pro bono* work. For more information, contact the ACS Ethics Counsel or review ACS' Memorandum on this topic.

Q. I am a social worker who would like to start a NYC-based private practice in addition to my work for ACS. I would not seek business or referrals directly through ACS, but, if ACS opens a case regarding one of my clients, my evaluations could be submitted to and reviewed by ACS in proceedings concerning the children I have evaluated. I might have to appear at ACS or at Family Court to explain my evaluations . May I perform this work?

A. We strongly recommend that you seek advice from the Conflicts Board or the ACS Ethics Counsel before starting a private social work practice. In the practice you describe, your personal appearances at ACS meetings, and the submission and review of your

evaluations, would be appearances before City agencies, which are prohibited by the Conflicts Law. In addition, appearances on behalf of clients before other City agencies, such as HRA or HPD, would also violate the Conflicts Law. While it may be possible to maintain a private social work practice without violating the Conflicts Law or ACS regulations doing so will require detailed advice and careful thought.

Q. Do the rules on outside employment and ownership interests change if I take a leave of absence from my ACS job?

A. No. As long as you are still considered an ACS employee, you must still abide by the Conflict of Interest rules on outside employment and ownership interests, even if you are on unpaid leave from your ACS job.

Q. What is the prohibition on having an ownership interest in a business?

A. The restriction is on having an interest in a firm that does business with the City. Like the restriction on second jobs with firms doing business with the City, you would need the permission of the Commissioner and an order from the COIB to get an exception to this restriction. This also applies to the ownership interests of your spouse, domestic partner, and children under 18.

Q. As an ACS employee, can I offer additional outside services for pay to Clients or Participants with whom I deal in my ACS job? For instance, tutoring or extra psychological counseling? What about outside businesses that do not relate to my ACS work, such as plumbing, tax preparation, or real estate?

A: No. Such behavior would violate the Conflicts Law's restrictions on using your official position for personal gain, as your clients may not feel free to say no. Similarly, you should not refer your ACS clients to businesses run by your family, friends, or financial associates.

Q. What are the restrictions on political activities?

A. Being a public servant does not prevent you from engaging in political activity. However there are a few rules:

- ▶ You must perform all your political activities on your own time;
- ▶ You may not use ACS e-mail, letterhead, supplies, equipment, workspace or personnel;
- ▶ You may not coerce or induce fellow employees to participate in or contribute to a campaign by threatening their job or by promising them a raise or promotion;
- ▶ You may not even *ask* subordinates to contribute to or participate in a campaign; similarly, you may not ask your ACS clients or other professional contacts with whom you to contribute to or participate in a campaign.
- ▶ Your contribution may not be in return for your appointment or promotion as a public servant;
- ▶ If you are a high-ranking ACS official you may not engage in fund-raising for certain political campaigns or hold certain political party offices. For further information and guidelines, contact the ACS Ethics Counsel.

Q. My assistant is a skilled tradesperson who does great work. Can I hire her to do work for me at home?

A. No. Superiors and subordinates are prohibited from having any kind of financial relationship. This includes loaning money, other than a nominal amount, going into business together, employing one another, or paying for goods and/or services. It also includes being in a sous-sous, or informal savings club, together.

Q. I would like to volunteer to be on the Board of Directors or volunteer in an administrative capacity for a not-for-profit that has dealings with ACS. Is that a conflict of interest?

A. It could be. In such a case, you must first obtain written permission from the ACS Commissioner. Contact the ACS Ethics Counsel to obtain this permission. If you receive approval, you will have to abide by the following restrictions: All of your volunteer work must be done on your own time; you may not use ACS letterhead, supplies, equipment, or personnel for the work; you may not take part in any business the not-for-profit has with the City; you may not be compensated (if you are, you would be covered by second-job restrictions); and you may not use confidential ACS or City information, nor may you use your ACS position to benefit your not-for-profit.

Q. I serve without pay on the Board of Directors of a not-for-profit organization that receives a grant from the Parks Department but has no dealings with ACS. Is this okay?

A. Yes, provided that you have nothing to do with the organization's business dealings with the City and that none of the work is done on City time or using City resources or personnel.

These materials are intended as a general guide. For more information on the Board or on the conflicts of interest or financial disclosure laws, call or write the Board at

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212-442-1400 (TDD 212-442-1443)
OR VISIT THE BOARD'S WEB SITE AT
<http://nyc.gov/ethics>

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