



Temping: Some Questions and Answers

Q. I work full-time for the City, but I am thinking about “temping” to supplement my income. May I temp without violating the conflicts of interest law?

A. Yes. City employees are allowed to seek part-time employment through a temporary employment agency, but there are some rules to follow when doing so. In general, the conflicts of interest law does not prohibit second jobs unless the “moonlighting” job is with a company that has business with the City. In addition, you must work the temp job on your own time and you may not use your official City position, confidential information, personnel, letterhead, resources, supplies, or equipment for that job. You must keep your two jobs *strictly* separated. That’s the law.

Q. What if my temp agency has business dealings with the City?

A. Then you must first get permission from your agency and then a waiver letter from the Conflicts of Interest Board.

Q. How do I get a waiver letter? (See our leaflet, “[The Waiver](#)”)

A. The Board cannot grant a waiver letter unless the employee’s agency head first approves the request. Agency approval assures the Board that the agency believes there are no conflicts of interest between the employee’s City job and the temp job she seeks. So before writing the Board, you must first obtain approval from you agency head—and not just your supervisor. To find out how you might obtain that approval, contact your agency counsel or personnel office or the Board.

Q. What do I do after I obtain agency approval?

A. Write to the Board requesting a waiver letter. The request must include (1) your agency’s approval and (2) your letter of request. In your letter of request, you should include the following information:

- ✓ Your name and your agency’s name,
- ✓ Your City job title and duties,
- ✓ The company you will temp with and the nature of its business dealings with the City,
- ✓ The position and duties you will have at your temp job,
- ✓ How much you will be paid, when you will work, how long the temp job will last.

The more complete your information, the quicker we can send you an answer on the legality of your proposed temping position. Make sure to list a telephone or pager number where we can contact you.

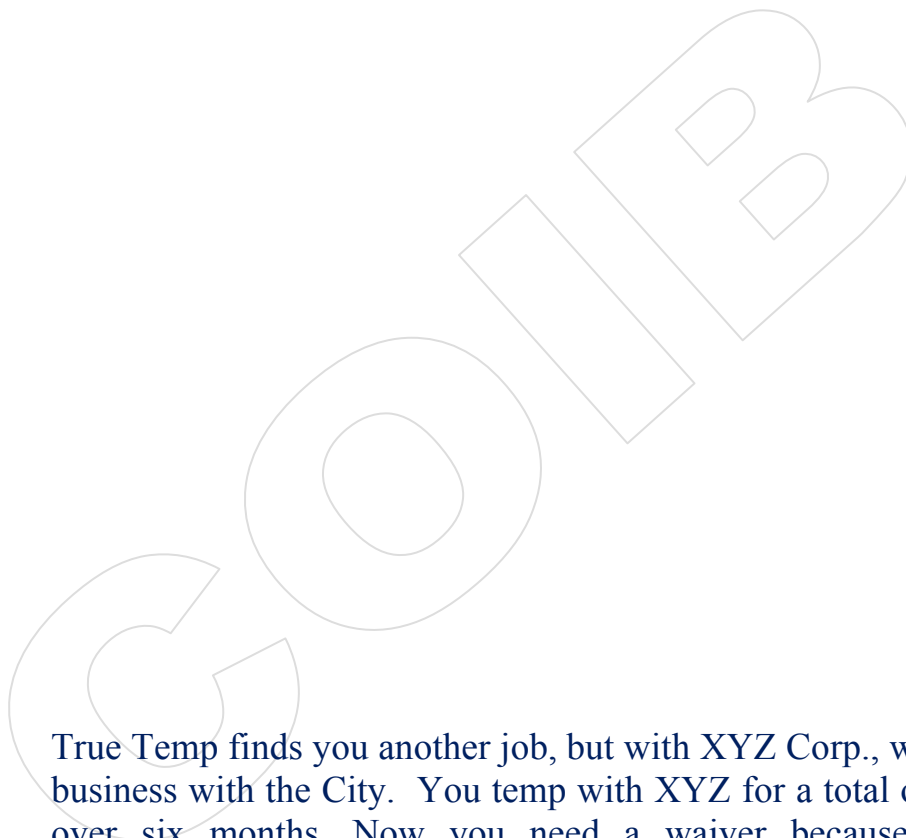
Q. What if my temp agency does not do business with the City but some of its clients do?

A. If you find yourself doing work at the same client company (your “temp” job) for more than 30 days in a twelve-month period, you *must* find out whether the company does business with the City. If it does, you must obtain a waiver to continue temping, because after 30 days you are deemed under the law to have a position both with the temping company and the company to which you have been assigned. The 30 days do not have to be consecutive. It’s any 30 days in a twelve-month period.

For Example:

You are employed by HRA. You go to True Temp and it assigns you

5 days temp work with ABC Corp. ABC does business with HRA (your agency) but True Temp does not. You do not need a waiver because True Temp is considered your primary employer.



True Temp finds you another job, but with XYZ Corp., which does business with the City. You temp with XYZ for a total of 30 days over six months. Now you need a waiver because XYZ is considered your primary employer and XYZ has business dealings with the city.

Remember!

- ◆ Wherever you temp, you must not be involved with any City business on that job. If you are a clerical temp, you cannot type bids for City jobs. If you are a lawyer for the City, you cannot work on cases against the City.
- ◆ Part-time non-City work cannot be performed when you are working on City time.
- ◆ City resources, letterhead, personnel, supplies, and equipment cannot be used in your non-City work.
- ◆ You may not reveal confidential City information to non-City employers.

Your agency may have rules that are stricter than those of the Board, and you are bound by those stricter rules. Always check with your agency counsel or personnel officer before you take any part-time job, temping or otherwise.

FOR ADDITIONAL INFORMATION, CONTACT

**NEW YORK CITY CONFLICTS OF INTEREST BOARD
2 LAFAYETTE STREET, SUITE 1010
NEW YORK, NY 10007
212-442-1400 (TDD 212-442-1443)**

OR VISIT THE BOARD'S WEB SITE AT
<http://nyc.gov/ethics>

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