

LEAVING CITY SERVICE

If you have questions, contact the Conflicts of Interest Board's Attorney of the Day
by phone at (212) 437-0707
or by email at aod@coib.nyc.gov.
All communications are confidential. www.nyc.gov/ethics

These restrictions are found in [Chapter 68 of the New York City Charter](#), New York City's conflicts of interest law.

Note: Except for the prohibition on use and disclosure of confidential information, none of the below restrictions apply if you are seeking employment or working for another governmental entity (city, state, or federal).

Seeking a Job

The Rule: You cannot seek a job with a prospective employer while you are dealing with matters involving that employer.

- “**Job-seeking**” includes all aspects of the job-seeking process: discussing job opportunities, submitting a resume or application, interviewing, and negotiating terms of employment.

If you wish to seek a job with an employer with which you deal or have dealt in your City capacity, you must ensure that you will not be involved with that prospective employer throughout the duration of the job-seeking process. This is called **recusal**.

- Recusal must be total: you cannot communicate with the prospective employer about any City matters or otherwise be involved in the prospective employer's matters with the City, including by receiving or reviewing documents, attending meetings, conducting inspections, or supervising the work of other City employees on matters involving the prospective employer.
- Your supervisor must approve the recusal in writing and must identify who will handle the prospective employer's matters instead of you.
- If you obtain a job, you must continue to recuse from matters involving your future employer until you leave City service.

After Leaving City Service

Confidential Information:

The Rule: You may not disclose for any reason or use for personal advantage any confidential information obtained in the course of your City service.

- This does not prohibit the disclosure of information concerning waste, inefficiency, corruption, criminal conduct, or conflict of interest to an appropriate entity

Lifetime Particular Matter Ban:

The Rule (in two parts): **First**, you cannot communicate (whether paid or not) with any City agency about any particular matter you worked on while in City service.

Second, you cannot receive any compensation from work on a particular matter, regardless of whether you are doing the work or someone else is.

- A **particular matter** is a specific City project that involves parties; examples include contracts, grants, license or permit applications, lawsuits, and investigations.
- The prohibition is on matters on which you participated personally and substantially. Examples of such participation include the approval, denial, recommendation, or supervision of a matter.
- This ban lasts for the lifetime of the particular matter. For example, a contract's lifetime ends when it expires without being extended or when its terms are renegotiated.
- Particular matter issues can be complicated. Contact aod@coib.nyc.gov if you have questions about whether your work on a particular matter is permissible.

Post-Employment Communication Ban:

The One-Year Rule: Most public servants cannot communicate with their former City agency (or City agencies) for compensation, whether on behalf of a private employer or for their own firm seeking City business, for one year after they leave City service.

- For Mayor's Office employees, the former City agency includes all entities within the Mayor's Office. For a Deputy Chief of Staff to the Mayor and a Chief of Staff to a Deputy Mayor, the one-year prohibition applies to communications with all City agencies other than the City Council.

The Two-Year Rule: Elected officials and certain high-level City employees have additional restrictions:

- A paid member of a board or commission, the head of an agency that is not a board or commission (including District Attorneys), or the executive director or highest-ranking employee of a board or commission cannot communicate with their former agency for two years after leaving City service.
- The Mayor, Comptroller, Public Advocate, Borough Presidents, Deputy Mayors, OMB Director, Corporation Counsel, DCAS Commissioner, DOF Commissioner, DOI Commissioner, DOB Commissioner, DDC Commissioner, HPD Commissioner, DOT Commissioner, DOE Chancellor, Chair of the City Planning Commission, and high-level staff in the Mayor's Executive Office¹ cannot communicate with any City agency, other than the City Council, for two years after leaving City service.
- City Council Members cannot communicate with the City Council or its staff for two years after leaving City service.

¹ The following high-level staff in the Mayor's Executive Office are subject to this two-year, branch-wide ban: Chief of Staff to the Mayor, Chief Counsel to the Mayor, Chief Advisor to the Mayor, Senior Advisor to the Mayor, Director of Intergovernmental Affairs, Communications Director, Press Secretary, and any public servant who directly reports to the Mayor.

The Litigation Exception: A narrow exception allows communications **incidental** to litigation, if the litigation is in an **adjudicative proceeding** before another agency or body and that proceeding **was not pending** during your City employment.

- For the exception to apply, there must first be an **adjudicative proceeding** before an agency or tribunal other than your former City agency.
 - A lawsuit filed in State or Federal court is a typical example.
 - OATH matters frequently return to the referring agency for a final determination, so many proceedings before OATH do not meet the requirements of the litigation exception.
- Even if a qualifying adjudicative proceeding exists, the exception applies only if that proceeding **was not pending** while you worked for the City. This means that the proceeding must not have been on the docket of your agency in any form during your tenure, including the commencement of an investigation into the underlying allegations, the service of a complaint, or the initiation of enforcement proceedings.
- If the conditions are met, you may communicate with your former City agency, or prohibited branch of government, related to your involvement in that proceeding.