

Ethics lights the way to good government

THE ETHICAL TIMES

A publication of the New York City Conflicts of Interest Board

Alex Kipp, Editor



Volunteering

Question: *I would like to volunteer with a local Girl's Club, which receives funding from the City, although not from my agency. Can I do so?*

Answer: The City strongly encourages public servants to participate in volunteer activities. You just have to make sure that you don't violate certain simple ethics rules.

You really have to be a volunteer.

If you get any payment at all, even a small stipend or free goods or services, then you're not a volunteer. In that case, the rules on moonlighting apply. Reimbursement for subway fare is not payment. But we're assuming here that you are not getting paid for your work with the Girl's Club.

You must do the volunteer work on your own time.

During times when you are supposed to be working for the City, you must do only City work.

You may not use City equipment, City supplies, City resources, City letterhead, or City employees for the volunteer work.

For example, you cannot photocopy fliers for a fundraiser for the Girl's Club on a City copier or ask a co-worker to make the copies. The Board fined a Dept of Ed employee for using City workers, copiers, and computers on projects for her church and a private children's organization.

You can't be involved in the organization's business dealings with any City agency.

"Doing business" includes not only contracts but also permits, licenses, and funding. For example, if the Girl's Club is having trouble getting its grant from DYCD, you can't contact DYCD to see what the problem is. In fact, you can't even advise the organization about getting the grant. You can't have *anything* to do with the organization's City business.

The organization can't be doing any business with your City agency and can't be regulated or supervised by your agency.

If the Girl's Club does business with your agency, for example, if it gets funding from your agency, or if it is regulated or supervised by your agency, then you must get the permission of your agency head (not just your supervisor) in order to volunteer. (You don't need the permission of the Conflicts of Interest Board, just that of your agency head.) But this rule applies only if you have a policymaking position or administrative authority with the organization, for example, if you're on the board of directors. The rule does not apply if, for example, you only tutor students in reading at the Girl's Club. In that case, you don't need permission.

Never, ever use your City position to help the organization.

There are many, many non-profit organizations in the City, and often they compete with one another for City funding, goods, and services. So using your City position to benefit your organization may hurt other organizations. For example, the Conflicts of Interest Board fined a Parks Department employee \$1,500 for using his Parks Department position in part to obtain permits for basketball courts for his non-profit organization. The Board also fined a DOT employee \$1,000 for asking DOT contractors to buy ads in a fundraising journal for his sons' hockey club. Just remember never to mix your City job and your volunteer activities.

Make sure your agency doesn't have stricter rules.

Some agencies have rules that are stricter than the City's ethics law. If you think your agency might have such rules, check with your agency's personnel office or counsel's office.

Most important of all: if you have any questions, ask before you act.

If you are unsure whether your volunteer work creates 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. □

Mark Davies is the Executive Director of the Conflicts of Interest Board.

(This article originally appeared in The Chief Leader)

VOLUNTEERING CHECKLIST:

- ▶ Volunteer work cannot be paid.
- ▶ Volunteer work must be done on your own time, not on City time.
- ▶ Volunteer work cannot be done with City resources.
- ▶ You cannot be involved with your volunteer organization's business dealings with the City.
- ▶ Your organization can't be doing business with your City agency and can't be supervised or regulated by it, either.
- ▶ You cannot in any way use your City position to benefit your organization.
- ▶ Check to see if your agency has stricter rules on volunteer activities.
- ▶ Call the Board if you have any questions.

Recent Enforcement Cases

- 1) The COIB issued a public warning letter to a former DOE employee for contacting the DOE within one year of leaving DOE service. The employee contacted DOE on the status of a bid objection with a DOE vendor.
- 2) The COIB fined a former DYCD contract specialist \$500 for accepting a position with a vendor whose contract he monitored at DYCD, and for ap-

pearing before DYCD within one year of his resignation from DYCD.

3) The COIB issued a public warning letter to a former Deputy Chief of Staff for the City Council for using his City business card in assisting a landlord with whom he had a prior financial relationship in discussing a dispute with a tenant.

4) The COIB fined a DOE secretary \$500 for forging her principal's signature and using DOE letterhead and equipment to facilitate her son's application for employment with DOE.

5) The COIB fined a former DOT Bronx Director of Operations/Borough Planner \$2000 for appearing before DOT on behalf of a private employer within one year of his resignation from DOT.

6) The COIB issued a public warning letter to a Bronx Community Board member for serving as Acting Chair of a committee of her community board that regularly considered matters concerning a private firm for which she worked as a consultant. During the committee session that she chaired, no action affecting the private firm was taken by the committee.

7) The COIB fined a DOE Supervisor of Roofers \$1500 for recommending subordinates for private roofing jobs and accepting commissions from the subordinates for those referrals. □

*Interested in more information?
Contact COIB's Training & Education
Unit to arrange a class in Chapter 68
for you and your staff.
Contact Alex Kipp, Director of Training
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<http://www.citylaw.org/cityadmin.php>

