

*Ethics lights the way
to good government*

The Ethical Times

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Political Activities

By
Clare Wiseman

We are only five months or, more precisely, 150 days away from the big day - Election Day. And, like many Americans, City employees are putting their blood, sweat and tears into campaigning for the political flavor of their choice. But, unlike most non-government workers, City employees have some restrictions on when and how they can engage in political activities.

City employees cannot use any City time or any City resources (this includes anything from office supplies to technology) to conduct any kind of political activity. Co-workers talking for five minutes in passing about their preferred presidential candidate probably doesn't rise to a Conflicts of Interest Law violation. However, a City employee who hands out political literature to co-workers on City time or prints out campaign literature using a City printer or City paper would violate the Conflicts of Interest Law prohibition on use of City resources for personal purposes. That prohibition includes political fundraising. While fundraising for a charitable organization (think Girl Scout cookies) is allowed at some agencies, political fundraising is strictly prohibited for City employees on City time.

For supervisors, the prohibitions get even stricter: bosses can never request a subordinate to be politically active in any way, off the clock or on the clock. So, the boss might want to be careful what she says about her favorite presidential candidate at the water cooler and she definitely should never ask her subordinate to donate to or volunteer for a presidential campaign, even if that ask is done, say, at happy hour.

What about other political activity restrictions?

Well, some high-level City employees are prohibited from serving on national or state political party committees. This includes deputy mayors, agency heads, and those with substantial policy discretion (so designated by their agency head). Additionally, City employees with substantial policy discretion can't fundraise for anyone running for City elected office or any current City elected official running for any office.

Working for a campaign:

There are some things to avoid when moonlighting for a political campaign. Unlike moonlighting for organizations that do business with the City, having a paid job with a political campaign will not normally require a waiver from COIB. From the Conflicts of Inter-

est Board's perspective, political campaigns do not do business with the City (unlike a City vendor that contracts with the City). Bear in mind, though, that some agencies require their employees to receive permission from the agency for all outside employment and/or volunteer activity.

Not only is having an outside job with a political campaign OK (as long as it's OK with one's own agency), City employees can work on their boss's political campaign and vice versa. But, as mentioned above, supervisors are never allowed to ask a subordinate to work on their political campaign (which is not true for the subordinate – they can ask the boss to work on their campaign). And regardless of whose campaign someone is working on, a City employee is not permitted to represent that campaign before any City agency, without first obtaining agency head permission and a waiver from COIB. Remember, as well, that City employees can never use City time or resources to work on that campaign. Even one email from one's City email account for any political activity is a violation of the Conflicts of Interest Law.

Finally, should a City employee decide to throw his own name in the ring this election (and there's still time to run for president as an independent if you can get over 880,000 signatures before June 27th) it is important to know that the federal Hatch Act prohibits any City employee whose job is funded entirely by the federal government from running in any partisan election (and the presidential election is definitely partisan), meaning that such an employee would have to resign from his City position if he wanted to run for president. Even if a City employee's job is not fully funded by the federal government, Mayoral Directive 91-7 requires that City employees who work in exempt, provisional, and non-competitive positions use annual leave or take a leave of absence in order to run for any elected office, including for president.

As always, City employees can seek additional advice on this topic from the Board's website at www.nyc.gov/ethics, through the Attorney of the Day at (212) 442-1400, or by scheduling a live training through Gavin Kendall at kendall@coib.nyc.gov.

*Clare Wiseman is a Trainer at the
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Congratulations! to the winner of the Conflict of Interest Board's April Public Service Puzzler contest:

Renée Richards, a Capital Budget Analyst at the Department of Information Technology and Telecommunications.

You can read Ms. Richards's bio and get the details for the May Public Service Puzzler by clicking [here](#).



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