

*Ethics lights the  
way to good gov-  
ernment*

# The Ethical Times

A Publication of the New York City Conflicts of Interest Board

Quinn Haisley, Editor



## *Double-Dipping*

by  
Alex Kipp

**Question:** *I work for the City as an analyst. Recently, as part of my job, I hosted a group from the UN, explaining my agency's basic operations to its members. They were very interested and have since invited me to give a series of workshops at the UN. They have offered to pay me for each session. I'd like to take them up on it. May I?*

**Answer:** I can think of one or two ways in which this might be OK, according to Chapter 68 of the City Charter, the City's conflicts of interest law. Unfortunately, neither of them involves being paid by the UN to give these workshops. In fact, accepting compensation from some outside entity for doing this kind of work would probably get you into some trouble.

First of all, it's pretty clearly stated in the law that we, as public servants, can't accept compensation from entities other than the City for doing our City jobs. This is what is referred to as "double-dipping." Normally, we think of this as the "no tips" rule. Teachers can't accept tips for giving good grades; cops can't accept tips for walking their beat and keeping the peace; Sanitation workers can't accept tips for picking up the garbage. I can't accept tips for teaching classes in the subject we're discussing right now. (Alas, I have yet to face that particular temptation.)

But there's another way to think about this rule. We, as public servants, can't use our positions to set up a private consulting practice that, essentially, competes with the City services we're employed to provide. Let's say your agency designates you to do a certain job, like teaching members of the public about agency-related stuff. That's the service you're providing as a government worker. When groups come to you for this information, you can't tell them, "hey, I'm busy right now, but call me after five and I can do that job for you as a private gig." The taxpayer is already paying you to deliver this service. Accepting outside compensation to do this kind of job would be like taking your kid to a public school for enrollment, only to have the principal tell you, "sorry, I can't enroll your kid in this school, but if you pay me directly, I can enroll him in the private school I run on the side."

We've already established that your agency has assigned you to host this group and speak about the agency. The City **paid** you to do this. You are not allowed, under Chapter 68, to accept compensation from any private entity to do that which the agency could expect you to do. Therefore, you may not accept compensation from the UN to lead lectures similar to the one you already gave at your agency.

Now a crucial question: is there any way you could deliver these lectures? The key is approval by your agency. If your agency decides this is a good use of your City time, it will give you permission to use City time go to the UN and deliver those lectures. You still wouldn't be able to accept compensation from your host, but you could go. Alternatively, if your agency did not think this was a good use of your City time, you might be able to take approved annual leave to deliver these lectures, or deliver them after hours. Again, you still wouldn't be able to accept compensation, but you could go. Also, though YOU can't be paid for these lectures, the UN could make a contribution to the City treasury in recognition for your work.

These kinds of questions can be a little difficult to parse, particularly in a case where you want to privately teach a subject that is very close to what you do for the City. Similar questions can come up in providing other sorts of services to the public. (For example, if you manage a public meeting facility for the City, you can't accept outside compensation from the various entities that use it and/or rent it. As a manager of that facility, you're already getting paid by the City to run that space.)

Because these questions can sometimes be difficult, and because every set of facts is unique, if you have any questions, please call the Conflicts of Interest Board for free, confidential legal advice. The number is 212-442-1400. An attorney is available to speak with you 9-5, Monday through Friday. You can also visit the COIB website by going to [www.nyc.gov/ethics](http://www.nyc.gov/ethics).

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New York City Conflicts of Interest Board*

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## Recent Enforcement Cases

▶ The Board fined an HRA Principal Administrative Associate \$1,400 for participating in a sou-sou savings club among the staff in the HRA Office of Child Support Enforcement. The participants in the sou-sou included a number of the PAA's subordinates. The PAA also admitted that she solicited orders from and sold Avon products to a number of HRA subordinates.

▶ The Board and DHS reached a settlement with a LAN Administrator who misused his position to access his agency's confidential case management database to locate an associate in the DHS shelter system and to obtain contact information for his associate's case manager. The LAN Administrator served a 30-day suspension, which has a value of approximately \$6,622, and agreed to irrevocably resign from DHS and to never seek employment with DHS or any other City agency in the future.

▶ The Board reached a settlement with a former Elevator Mechanic Helper for NYCHA who paid a \$1,000 fine for working full time as an Elevator Mechanic Helper for a firm with NYCHA business dealings while he was on a leave of absence from his City position.

▶ The Board issued a public warning letter to a former DOE Assistant Principle for appearing before DOE on behalf of her new private employer, iMentor NYC, within one year of leaving City service.

▶ The Board issued a public warning letter to a DOE teacher at PS 80 in Queens for working as a Custodial Helper in the evenings during the

school year at the same school, thus failing to comply with a 2008 mass waiver.

▶ The Board and DOE reached a joint settlement with a Payroll Secretary at PS 42 in Staten Island who falsified payroll records to receive compensation for working at times when she did not. She also participated in the hiring of her sister for substitute teaching assignments on at least nine separate dates between December 2011 and March 2012. The Payroll Secretary agreed to a total financial penalty of \$6,500, which reflects a \$2,300 fine to the Board and a \$4,200 fine to the DOE.

▶ The Board and ACS reached a joint settlement with a Child Protective Manager who disclosed information from a confidential database used by ACS. The Child Protective Manager agreed to pay a fine of \$1,500 to the Board.

▶ The Board reached a settlement with a former Senior Director of the Corporate Support Services Division of HHC, who paid a \$9,500 fine to the Board for writing a letter to Leasing Associates, Inc., requesting that LAI add a vehicle repair shop owned by the former Senior Director's son to LAI's list of HHC-approved repair shops. He also wrote two additional letters to LAI, asking LAI to promptly pay his son's shop for repairs to three CSS vehicles.

▶ The Board issued a public warning letter to a former DOB Construction Inspector for appearing before DOB during his first post-employment year and for appearing before the ECB to represent a client disputing a Stop Work Order that the former Construction Inspector had

reviewed, approved, and signed when he was a DOB employee.

*Interested in more information?  
Get in touch with COIB's Training & Education Unit to arrange a class in Chapter 68 for you and your staff.  
Contact Alex Kipp, Director of Training, at [kipp@coib.nyc.gov](mailto:kipp@coib.nyc.gov)*

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*New York Law School here:*

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