



Ethics Issues in Doing Business With the City

—Gifts to Public Servants—

Q. My firm does a lot of business with a large City agency. One particular City employee I work with is very helpful to us in our dealings with the City. I would like to thank her by giving her a small gift as a token of our appreciation. Is this permissible?

A. No. City employees are prohibited from accepting any compensation or gratuity for performing any official duty from any person or firm other than the City. If you want to show your appreciation, you may write to that employee's agency head commending that person for the work he or she has done. That letter will be placed in the employee's personnel file and may be considered during evaluations and promotions.

—Hiring Public Servants—

Q. The current City manager on my firm's project would be an ideal candidate for a position now open in my company. Can he apply?

A. No, unless the City employee removes himself or herself from direct dealings with your firm, or waits until after the project is completed. However, the entire job search, including personal interviews, must be held on the employee's own time.

Q. If I hire this person, would he or she be able to represent me before the City?

A. After leaving City service, former City employees are prohibited from

appearing before their former agencies for a period of one year. “Appearance” means representing their company before their former agencies on non-routine matters, that is, matters that require personal judgment on the part of a City employee. This prohibition applies to phone calls, letters, emails, or any personal appearance by a former City employee before his or her former City agency on behalf of his or her new firm. Also, the employee may not share confidential City information with you, the new employer, and may not work on any particular matter he or she was involved with while working for the City.

Q. My firm is considering hiring a full-time City employee for a part-time position. The firm has business dealings with the City, but not with the agency this prospective employee currently works for. Is this a problem?

A. Even though this person works for a different City agency from the one(s) your firm does business with, he or she must receive written approval from his or her agency head, detailing why the second job wouldn’t conflict with his or her official duties. That document must then be submitted to the Board in a request for a waiver. If the Board sees no conflict, a waiver will be granted, and you will be able to hire this person.

—Lobbying—

Q. What if I am a registered lobbyist?

A. As of January 2007, anyone required to register with the City of New York as a lobbyist is directly prohibited from giving *anything* to any public servant. There are some minor exceptions, like *de minimis* items such as pencils, coffee mugs or calendars, but you are advised to call the Conflicts of Interest Board to see if a specific case would qualify for an exception. Unlike the ‘Valuable Gifts’ rule, which prohibits public servants from accepting gifts, the ‘Lobbyist Gifts’ rule is a restriction on your giving, and you can incur serious penalties for violating it.

—Meals—

Q. I manage a firm that does business with a City agency. Many of my firm's business deals are made during lunch meetings. Is it permissible to invite the City project manager I deal with to a lunch meeting?

A. It is a general rule that City employees may not accept gifts, including meals, worth \$50 or more per year, from a company or individual doing business with the City. So, a couple of meetings within a 12-month period where \$7 sandwiches and chips are brought in probably do not constitute a violation of law. However, it is better to schedule these meetings between mealtimes, and not during them. And, many City agencies have stricter internal rules that prohibit their employees from accepting a cup of coffee, much less a \$7 sandwich.

—Travel—

Q. My company has a lucrative City contract for our product, which is manufactured at our plant in Puerto Rico. The City project manager needs to inspect our firm's progress at the Puerto Rico location. Can my firm pay for his expenses?

A. When a City employee has to make such a trip as part of his or her official duties, the employee may accept, "as a gift to the City," payment for such expenses as are necessary, as long as certain conditions are met:

- ✓ The trip must have a City purpose.
- ✓ The travel arrangements, including airfare and accommodations, should be comfortable, not luxurious.
- ✓ The trip may last only as long as it will take the employee to complete his or her City business.
- ✓ All travel arrangements should be cleared by the City

employee's agency head.

**For Information on selling goods and/or services
to the City, contact:**

**Mayor's Office of Contracts Services
253 Broadway, 9th Floor
New York, New York 10007
Tel. (212) 788-0010
Fax (212) 788-0049**

**Department of Small Business Services
110 William Street, 2nd Floor
New York, New York 10038
Tel. (212) 513-6472
Fax (212) 618-8899**

*These materials are intended as a general guide. For more information on the Board or
on the conflicts of interest law, call or write the Board.*

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>**