

Ethics lights the way
to good government

The Ethical Times

A Publication of the New York City Conflicts of Interest Board

Clare Wiseman, Editor



Volunteering

By
Mark Davies

Question: *Can I volunteer for an organization that runs a food pantry? The organization gets funding from the City.*

Answer: The City not only allows but also strongly encourages public servants to participate in volunteer activities that help others, particularly people who are less fortunate than us. But it is possible for even volunteer activities to create a conflict of interest with your City job, so you need to follow certain rules when volunteering.

Rule 1. You can't get paid for the work.

Getting reimbursed for actual and reasonable expenses (e.g., subway fare) is not payment. Anything else, such as a small stipend or free goods or services, means you are getting paid. In that case, the rules on moonlighting apply. But we're assuming here that you are not getting paid for your work for the food pantry.

Rule 2. 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.

Rule 3. 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 food pantry 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.

Rule 4. 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 organiza-

tion needs a building permit from the DOB, you can't contact the DOB about the permit. Or if the food pantry 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 permit or the grant. Don't have anything to do with the organization's City business.

Rule 5. The organization can't be doing any business with your City agency and can't be regulated or supervised by your agency.

If the organization does business with your agency or if it is regulated or supervised by your agency, then you must get the permission of your agency head in order to volunteer for the food pantry. (You don't need the permission of the Conflicts of Interest Board, just that of your agency head.) But this rule only applies if you have a policymaking position or administrative authority with the organization. The rule does not apply if you are just volunteering your time, for example, if you unload food donations and pass out bags of food to clients of the food pantry. In that case, you don't need permission.

Rule 6. 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.

Rule 7. Most important of all: ask before your 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 former Executive Director of the New York City Conflicts of Interest Board

Recent Enforcement Cases

▶ A CCRB Investigator received a thirty-day suspension and re-assignment to a lower level position for misusing the confidential CCRB Case Tracking System to obtain information about an NYPD officer who was investigating him for potential hiring by NYPD. During a pre-hire interview, Investigator also revealed, to the officer, some of the confidential information he had learned about the officer.

▶ Two supervisor-level nurses at NYC Health + Hospitals were issued Public Warnings for being in a sou-sou with their subordinates.

▶ Former NYC Health + Hospitals Executive Director Fined \$6,000 for Multiple Conflicts Of Interest Law Violations. The Executive Director misused his position by indirectly supervising his brother's employment for nine years and by authorizing a 10% raise for his brother. The Executive Director used his HHC email account to send emails with his resume attached to two executives at NYU Medical School, while he was managing the contract between Gouverneur and NYU Medical School. Under the conflicts of interest law, City employees are barred from seeking employment from a firm with matters before them in their City position. The Board also held that the Executive Director's use of his HHC email account for such job-hunting purposes was impermissible under the conflicts of interest rules.

▶ Five Board of Elections employees fined for using unauthorized BOE Parking Permits. The employees displayed a

placard that purported to be a parking permit fully authorized by the BOE in their windshields, which allowed them to park in otherwise prohibited areas behind their office. By using a parking permit in a manner that purported to be related to their BOE position but, in fact, was unauthorized by the BOE, the employees misused their City positions for personal gain. Four of the BOE employees were fined \$500, and one employee, whose violation spanned a shorter time period, was fined \$250.

▶ A Supervisor for the NYC School Construction Authority (SCA) received a three-month suspension, valued at \$31,547, for using an SCA computer and printer, during his City work hours, to perform work related to two businesses that his wife owned and operated. This matter was a joint resolution with SCA, which had brought related disciplinary charges.

▶ A Caseworker for the NYC Human Resources Administration received a 45 day suspension, valued at \$5,538, for misusing his HRA computer, email account, and internet access to perform work for his outside real estate business, sometimes on City time. The suspension was imposed by HRA as penalty for this conduct and other misconduct that did not implicate Chapter 68.

▶ A Nursing Supervisor at the NYC Department of Health and Mental Hygiene (DOHMH) was fined \$2,000 fine for misusing her position for personal gain by accepting \$75 worth of items from a subordinate employee. The Nursing Supervisor was also fined for renting an apartment from a subordinate for over a year. The City's Conflicts of Interest Law bars financial relationships between superior and subordinate City employees. This matter was a joint settlement with DOHMH.

▶ An Assistant Superintendent of Welfare Shelters at the NYC Department of Homeless Services (DHS) was suspended for seven workdays—worth approximately \$1,715—for living with her subordinate, a Community Assistant, and for supervising a person in her household. The subordinate was suspended for three days for having a financial re-

lationship with a superior. These were joint settlements with DHS.

▶ A CPS Supervisor at the NYC Administration for Children's Services (ACS) was suspended for seven workdays—worth approximately \$1,600—for selling a 2004 Chevrolet Blazer to a subordinate for \$5,000. This matter was a joint settlement with ACS.

Congratulations! to the winner of the Conflict of Interest Board's December Public Service Puzzler contest:

Ershaad Ally, of the Department of Environmental Protection.

*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*



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**The New York City
Conflicts of Interest Board
2 Lafayette Street, Suite 1010
NYC 10007**

**Phone: 212-442-1400
Fax: 212-442-1407
TDD: 212-442-1443
www.nyc.gov/ethics**

A searchable index of all the COIB Enforcement Dispositions and Advisory Opinions is available courtesy of New York Law School here:

<http://www.nyls.edu/cityadmin/>

