

# ASK THE CITY ETHICIST

## *Double-Dipping*

by  
Alex Kipp

**Question:** *I work at the Office of Management and Budget as an analyst. Recently, as part of my OMB job, I hosted a group from the UN, explaining OMB'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. You accepting outside compensation to do this kind of job would be like you 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 OMB has assigned you to host this group and speak about OMB. 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 similar lectures to the one you already gave at OMB.

Now a crucial question: is there any way you could deliver these lectures? The key is approval by your agency. If OMB 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 OMB 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 as compensation 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. [www.nyc.gov/ethics](http://www.nyc.gov/ethics)

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