

# **ASK THE CITY ETHICIST**

## ***Volunteering Pt. 3***

By  
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**Question:** *I am a City employee hoping to become more involved in my community by volunteering for a local not-for-profit. If things go well, I may even try to join the not-for-profit's board. What are the conflicts of interest restrictions to watch out for?*

**Answer:** Kudos to you for seeking to help your community through volunteering! Because the City encourages volunteering, the Conflicts of Interest Law for City employees provides relatively few (but important) restrictions on volunteering activities.



Before getting into what the rules say, we should note that, for the purposes of the Conflicts Law, an outside activity is only ‘volunteering’ if you receive no compensation. As soon as you receive compensation a different set of Conflicts Law restrictions, which address outside compensated work, would apply.

The **first** set of restrictions on volunteer work should be obvious. As one would expect, you can never disclose the City’s confidential information, so be careful not to share any confidential info in the course of your volunteering duties. In addition, you can’t use the City’s resources on behalf of the organization you volunteer for. This means, for instance, no fliers printed on City copiers, no fundraising e-mails on City computers, no volunteering while you’re supposed to be doing City work, and no ordering your subordinates to get involved.

A **second** set of restrictions provides a few less obvious rules. *These rules apply only if you want to be an officer or board member for your not-for-profit:*

- 1) If the organization receives funding from the City agency you work for, you will need permission from the head of your agency before you can serve on the board. So, for example, if you work for the Department of Youth and Community Development (DYCD), you could not be a board member or officer for a not-for-profit that receives money from DYCD unless you received written permission from your agency head. However, you *would not need permission* to be a board member for a not-for-profit that receives funding from City agencies *other than your own*, for instance, ACS or the Parks Department.

2) In addition, as a board member or officer you must recuse yourself from your not-for-profit's business dealings with 'the City,' meaning *all* New York City agencies. So, for instance, if your not-for-profit is seeking a City grant, you can't help write the grant or call any City agency to gather information on the application, and you can't take any actions in your own City job relating to that grant application either, should the opportunity arise.

Consequences for violating these rules are unpleasant: a City employee was recently fined \$7,500 for serving on the board of a not-for-profit that did business with her agency, for taking part in the not-for-profit's City business dealings, and for using City resources for the not-for-profit. However, as noted above, you can seek written permission from your agency head to hold an otherwise impermissible position on the board of a not-for-profit. Going beyond that, the Conflicts of Interest Board, in consultation with your agency head, may determine to grant a waiver allowing you to participate in your not-for-profit's business dealings with the City, provided that business is sufficiently removed from your City duties. So there may be more leeway for your volunteering activities than you think – the important point is to ask *before* you engage in activities that might not otherwise be OK.

Finally, you might even get permission to use City resources, if your volunteer work is encouraged by your agency. With written approval from your agency head and from the Conflicts of Interest Board, you *could* use limited amounts of City resources (but never letterhead) for your volunteer activity. For instance, some City agencies have *pro bono* programs that encourage City attorneys to do free volunteer legal work on City time. But, again, permission only works if you ask *before* you take action, so be sure to check first before you engage in such activities.

Looking for more information on whether your volunteer work creates a conflict of interest? Contact your Agency Counsel, or 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.

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