



Questions Frequently Asked by Human Resources Administration Employees

Q. What is the Conflicts of Interest Board?

A. The Conflicts of Interest Board (COIB) was established in 1989 with the revision of the City Charter. It is the agency charged with the administration and enforcement of the City's ethics law. The Conflicts of Interest Law, contained in Chapter 68 of the City Charter, deals with the conflicts that might arise for any City employee between his or her public duties and private interests. Most conflicts are financial in nature, falling into the following categories: Gifts and Honoraria, Moonlighting, Post-City Employment, Ownership Interests, Financial Relationships, Political Activities, and Volunteer Activities.

Q. Can I use the city telephone for personal phone calls?

A. Check with your supervisor as each agency has individual policies on use of office equipment. However, you should know that using city resources for any political or business purpose is strictly prohibited citywide.

Q. I've heard about the "valuable gifts" rule. Could you explain it?

A. HRA employees, like all other City employees, are restricted from accepting gifts with a value of \$50 or more from any person or firm doing business with the City, not just HRA. This includes cash, tickets to concerts, plays, or sports events, as well as travel expenses and meals.

Q. I have been working with a particular client who appreciates the service I have provided. For the holidays, he has offered me a small box of chocolates. Can I accept this item?

A. No. A stricter “no tips” rule, rather than the \$50 “Gift” rule would apply in this case. Gifts, even small ones, that come from an HRA client you serve would be considered ‘gratuities’, or tips. The law strictly forbids public servants from accepting any gratuities.

Q. As an HRA employee, can I offer additional outside services for pay to clients with whom I deal in my HRA job? For instance, counseling? What about outside businesses that do not relate to my HRA work, such as plumbing, tax preparation, or real estate – may I offer these to my HRA clients?

A. No. Such behavior would violate the Conflicts Law’s restrictions on using your official position for personal gain, as your clients may not feel free to say no. (And even if the client does not feel pressured in a particular case, the financial arrangement between you would still present a violation.) Similarly, you should not refer your HRA clients to businesses run by your family, friends, or financial associates.

Q. A not-for-profit I work with at my HRA job asked me if I might be interested in leaving HRA and working for them. May I interview for a position with that firm?

A. You could pursue the opportunity, but first you’d have to be removed from your dealings with that firm. (“Being removed” means that you have requested to be removed from any dealings with the not-for-profit and your boss has agreed.) Also, the interviews have to be on your own time; you may not use HRA supplies or personnel, and you couldn’t use HRA letterhead for any correspondence regarding the position.

Q. The job would involve my returning to HRA, on behalf of the not-for-profit, to discuss business. Does that pose a problem?

A. Yes. Former HRA employees are prohibited from appearing before HRA on business for a period of one year. This means you may not appear in person, write letters, or make phone calls to HRA on behalf of your new employer for

one full year after leaving City employment. You are not restricted from returning to your old office to have lunch with friends, as long as your purpose is social, not business.

Q. Suppose I retired from HRA where I oversaw a grant program, and then six months later I wanted to establish a consulting firm representing not-for-profits that are seeking contracts with HRA. Would this be a problem?

A. You cannot, as a former employee, communicate with your old agency for one year. So you can't make phone calls, attend meetings, or write letters on behalf of your clients to HRA. Since this is what is usually involved in consulting, you might, with these restrictions in mind, have a hard time finding clients during your first year of post-HRA consulting.

Q. I just accepted a position with the State Office of Temporary and Disability Assistance doing the same thing I am doing for the HRA. Is this a conflict?

A. No. The State Office of Temporary and Disability Assistance is a government entity. Positions with government entities are exempt from the Conflicts Law's Post-Employment Rules under the "government-to-government exception." However, due to the large number of regulations in government, you may want to consult HRA's Employment Law Division, or another advisor, to ensure that your position does not violate rules aside from the Conflicts Law.

Q. I just learned through my HRA job that HRA is considering purchasing a state of the art e-mail system that uses brand new technology. I have a friend who's in that field and I'd like to discuss it with him. I can do this, can't I?

A. No. A public servant may not disclose confidential information concerning the property, affairs, or government of the City, including HRA, that is obtained as a result of his or her official duties and that is not otherwise available to the public.

Q. My daughter lives with me at home and is late in paying me her share of the rent. She receives public assistance. Can I check WMS to find out when she will be able to pay?

A. Absolutely not. The Conflicts Law strictly prohibits public employees from disclosing confidential information, for any reason, or for using their official positions for personal gain. HRA employees have been terminated solely for accessing the WMS database for personal purposes.

Q. I have lost the contact information for an old personal friend who receives public assistance. Can I check my friend's record in WMS to find his current contact information? I know there are rules on accessing the database for personal purposes, but in this case my friend would appreciate my doing so.

A. Again, you may absolutely not access WMS for this purpose. These rules are clear and cannot be bent, even for an innocuous or well-meaning purpose. Using the WMS database for *any* personal purpose will violate the law and will trigger an enforcement action. If, by coincidence, you find that a friend or acquaintance has appeared before you as an HRA client, you should notify a supervisor before taking any official action, in order to avoid even the appearance of using your position for personal purposes.

Q. What if a client with whom I have no connection approaches me in the HRA building lobby asking for information? Can I look up this client's case to be helpful, even though it is not strictly part of my job to do so?

A. No. In fact, HRA policy prohibits you from looking up *any* case in WMS, even for HRA-related reasons, unless looking up that case is part of your job description. If you aren't looking up your own client's case, or aren't assigned to a telephone help-line or similar unit, you should avoid looking up cases of HRA clients, or at least ask a supervisor before proceeding, even if you're only trying to be helpful.

Q. My sister is looking for a job as a caseworker. May I give her resume to HRA employees, or email HRA colleagues recommending her for a position?

A. No. Both the HRA Code of Conduct and the Conflicts of Interest Law strictly

prohibit HRA employees from taking any action to help a close relative, or the spouse or registered domestic partner of a relative, or someone with whom HRA employees have a financial relation, to get a job at HRA or any other City agency.

Q. Let's see if I understand this. My brother's wife is looking for a job in a different division from mine. Does this mean that I can't make a call to encourage them to hire her?

A. That's right. If you work for HRA, you may not make that call! You may not handle anything, in your official HRA capacity that has to do with a potential financial benefit to you, a financial associate, or a relative. You must disclose this kind of conflict to your supervisor and recuse yourself from such a matter.

Q. What if I know of a job opening with an HRA vendor? Can I call my contacts at the vendor to try to put in the good word for my sister?

A. No. Making such a call creates at least the appearance that you attempting to obtain a benefit for your sister (the job) through your City contacts. You may tell your sister of the job opportunity, provided that the vacancy is posted, but she must apply for the job without your help or recommendation.

Q. Can I take a second job with a firm that has business dealings with the City or HRA?

A. The Conflicts Law places restrictions on outside work for companies that have city business. In this case, the job would normally be prohibited by a provision that forbids city employees from accepting a position with *any* firm that has business dealings with the City.

However, waivers of this rule are available, depending on circumstances. You must first receive written approval from the Commissioner, stating that your second job would not conflict with your official HRA duties. Contact the HRA Employment Law Division to see if the Commissioner will approve your request. The approval, if granted, will be forwarded by HRA to the COIB along with a request for a waiver. If the COIB sees no conflict, you will be granted a written waiver and you will be permitted to take the second job. If the firm has dealings with HRA, obtaining a waiver is more difficult, but each waiver request is handled on a case-by-case basis. And, if you receive a waiver, there will be some conditions contained within it that you must follow. Such conditions might include: not performing your outside work

with City resources or on City time, not representing your outside employer before City agencies, and the like.

Q. Can I appear before HRA independently to represent clients? What about to help family members or friends apply for benefits?

A. No. The Conflicts of Interest Law prohibits City employees from appearing before HRA or any other city agency on behalf of any private interest, a category which includes family members or clients of your private consulting business. To ‘appear’ means to show up at HRA, to call HRA, sign your name to a business document that is submitted to HRA, or otherwise present yourself before HRA on a business matter.

This rule prevents you from appearing before any other city agency as well as HRA. If you run any outside business or not-for-profit, you cannot be the organization’s representative before the city, for instance by meeting with city inspectors or submitting plans or proposals to city agencies. A waiver allowing you to make certain kinds of appearances before other City agencies (but not your own) might be possible, depending on your situation.

While you cannot appear before HRA for any outside business purpose, you *can* still provide publicly available information to anyone who asks you. For instance, it would be OK to give a family member general public information about applying for benefits. But the Conflicts Law does prohibit public servants from accepting outside compensation for performing work that HRA could assign them to do, so you could not accept payment or favors in exchange for the advice you provide. And, to avoid confusion about your role, it’s advisable to tell them not to mention your name when they do apply for benefits.

Q. What is the prohibition on having an ownership interest in a business?

A. The restriction is on having an interest in a firm that does business with the City. Like the restriction on second jobs with firms doing business with the City, you would need permission of the Commissioner and an order from the COIB to get an exception to this restriction. This also applies to ownership interests of your spouse, domestic partner, and children under 18.

Q. Do the rules on outside employment and ownership interests change if I take a leave of absence from my HRA job?

A. No. As long as you are still considered an HRA employee, you must still abide by the Conflict of Interest rules on outside employment and ownership interests, even if you are on unpaid leave from your HRA job.

Q. What are the restrictions on political activities?

A. Being a public servant does not prevent you from engaging in political activity. However there are a few rules:

- ▶ You must perform all your political activities on your own time;
- ▶ You may not use HRA e-mail, letterhead, supplies, equipment, workspace or personnel;
- ▶ You may not coerce or induce fellow employees to participate in or contribute to a campaign by threatening their job or by promising them a raise or promotion;
- ▶ You may not even *ask* subordinates to contribute to or participate in a campaign; similarly, you may not ask your HRA clients or other professional contacts with whom you work to contribute to or participate in a campaign.
- ▶ If you are a high-ranking HRA official you may not engage in fund-raising for certain political campaigns or hold certain political party offices. For further information and guidelines, contact the HRA Ethics Counsel.

Q. My assistant is a skilled tradesperson who does great work. Can I hire her to do work for me at home?

A. No. Superiors and subordinates are prohibited from having any kind of financial relationship. This includes loaning money, other than a nominal amount, going into business together, employing one another, or paying for goods and/or services. It also includes being in a sou-sou, or informal savings club, together. This also includes getting into a financial relationship with the spouse of a subordinate.

Q. You mean if my subordinate is in financial trouble, I cannot even loan her five hundred dollars interest-free until she gets her next paycheck?

A. Correct, you cannot make the loan. Even though you mean well, *any* financial relationship with your superior or subordinate is off limits.

Q. I would like to volunteer to be on the Board of Directors or volunteer in an administrative capacity for a not-for-profit that has dealings with HRA. Is that a conflict of interest?

A. It could be. In such a case, you must first obtain written permission from the HRA Commissioner. Contact the HRA Employment Law Division to obtain this permission. If you receive approval, you will have to abide by the following restrictions: All of your volunteer work must be done on your own time; you may not use HRA letterhead, supplies, equipment, or personnel for the work; you may not take part in any business the not-for-profit has with the City; you may not be compensated (if you are, you would be covered by second-job restrictions); and you may not use confidential HRA or City information, nor may you use your HRA position to benefit your not-for-profit.

Q. I serve without pay on the Board of Directors of a not-for-profit organization that receives a grant from the Parks Department but has no dealings with HRA. Is this okay?

A. Yes, provided that you have nothing to do with the organization's business dealings with the City and that none of the work is done on City time or using City resources or personnel.

These materials are intended as a general guide. For more information on the Board or on the conflicts of interest or financial disclosure laws, call or write the Board at

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>

