

*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 Clare Wiseman

Like all New York City public servants, I have a life outside of my City job. I have friends, family, hobbies, and interests that fill my time when I am not at work. And also, like many New York City public servants, those interests include volunteering my time for a not-for-profit organization. Volunteering is encouraged by the City, and in some ways is treated with less restrictions than outside interests where money is involved, like a second job. Nevertheless, there are a few things that City employees need to be aware of when volunteering.

First off, you should review your own agency's policy regarding outside activities. Some agencies require you to disclose any sort of outside activity, whether it is paid or not. If your agency has such a policy, you must disclose this activity through the proper channels, usually through your agency counsel.

Second, you need to determine if the organization you are volunteering with has business dealings with or is regulated by your own City agency. You must get prior approval from your agency head if the volunteer organization does have dealings with your City agency. However, you don't need your agency's head approval if you only walk dogs for your local Humane Society, deliver food to the elderly, or are a Big Brother or Big Sister – meaning you do not have any policy-making responsibilities at the not-for-profit. Agency head approval (in writing) is required, however, if the not-for-profit has dealings with your agency and if you serve on the board of the not-for-profit, act as its attorney, or serve in some other policymaking role

Third, you cannot participate in ANY dealings that your volunteer organization has with ANY City agency, not just your own City agency. In other words, you must recuse (remove) yourself from all matters between the volunteer organization and the City in both your City capacity and volunteer capacity, unless you received a waiver from the Conflicts of Interest Board. While this rule applies to all City employees who volunteer their time, it is especially important for public servants who serve on the board of not-for-profits that receive City funding. Discussions about City related matters will inevitably arise at a not-for-profit that receives City funding and you

must recuse yourself from all such discussions (you should leave the room when they come up, just to be on the safe side). You can't even receive documents related to the not-for-profit's City business. And you most definitely can't represent the not-for-profit in any City related matter – meaning that, among other things, you can't attend meetings that the not-for-profit has with City officials. If you want to participate in your not-for-profit's dealings with the City, you must get permission from your agency head and a waiver from COIB.

Fourth, City employees cannot use City time or resources for their volunteer work. This means that all volunteer work must be done on your own time (that is, when you're not required to work for the City) and you can't use City letterhead, supplies, equipment, or personnel in furtherance of your volunteer work. However, your agency can apply in writing to the Conflicts of Interest Board for permission to use a limited amount of City time or resources for certain not-for-profit activities. Also, City employees can never use or disclose confidential information or use their City position to benefit their not-for-profit.

Fifth, City employees cannot be compensated for their volunteer work. If you are compensated you are no longer "volunteering" your time, obviously, and, more importantly to COIB, you have entered into the realm of moonlighting (outside employment). There are different parts of the Conflicts of Interest Law that apply to moonlighting, and you might need a waiver to have such a position. Go to <http://on.nyc.gov/1mNt7zM> for more information about outside employment and waivers.

And in all of this, it's important to remember that we're talking about volunteering for charity here. Volunteering for political campaigns is different. Public servants are NEVER allowed to use ANY City time or resources for any political activity; this includes volunteering for a political campaign.

If you have questions about fundraising for a charitable organization or any other question, contact the Conflicts of Interest Board for free legal advice. Someone is available to speak with you Monday through Friday 9am-5pm. The number is 212-442-1400. All calls are confidential, and you can even call anonymously.

Clare Wiseman is a Trainer at the New York City Conflicts of Interest Board

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## Recent Enforcement Cases

► An Assistant Commissioner at City's Department of Probation (DOP) was fined \$1,900 for misusing her DOP identification and badge to attempt to expedite the City's renewal of a permit for a friend's not-for-profit. The Assistant Commissioner identified herself as a DOP Assistant Commissioner and showed her badge to Citywide Licensing Services Center personnel, in order to bypass the long lines for application processing. She left without the permit application being processed. By displaying her DOP identification and badge in an attempt to avoid waiting in line, the Assistant Commissioner violated the City's Conflicts of Interest Law rule against using City resources for a non-City purpose.

► An Engineer at the New York City School Construction Authority (SCA) was suspended for ten days without pay, valued at \$3,575, for using a City computer, during his City work hours, to work on 30 documents related to his private engineering firm. The City's Conflicts of Interest Law prohibits City employees from using the City's office and technology resources to pursue non-City purposes. This matter was a joint settlement with the SCA.

**Congratulations** to the winner of the August Public Service Puzzler, Lindsay Degueldre!! Lindsay correctly identified 7 violations in our **Count the Violations** challenge.

You can read more about Ms. Degueldre, check out the answer key for the contest, and get the details for September's Public Service Puzzler by clicking [here](#).



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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](mailto:kipp@coib.nyc.gov)

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