

Community Education Council Members

—Introduction—

Q. What is the Conflicts of Interest Board?

A. The Conflicts of Interest Board (COIB or Conflicts Board) 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 or official, including Community Education Council (“Council”) members, 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
- ▶ Volunteer Activities

Since Council members are considered part-time officials, the rules are less strict than for full-time employees. The law was written “to preserve the trust placed in the public servants of the City,” and to “protect the integrity of government decision-making.” As a Council member, you are prohibited and protected from potential conflicts that may compromise your abilities to perform your public duties in the best interests of the City.

—Financial Disclosure Reports—

Q. As a Council member, must I file a financial disclosure report with the Conflicts of Interest Board?

A. No, however you must file a statement with the Department Education. Please call the Department of Education Ethics Officer at (212-374-3438) for more information.

—*Gifts*—

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

A. DOE employees and officials are restricted by the Conflicts of Interest Law from accepting gifts with a value of \$50 or more from any person or firm doing business with the City, including the DOE. This includes cash, tickets to concerts, plays or sports events, as well as travel expenses and meals. In addition, the DOE strongly discourages its employees and officials from accepting ANY gift from any vendor to the DOE.

Q. A neighborhood organization in the district served by my Council would like to give me a plaque to honor my service as a Council member. This is okay, isn't it?

A. Generally, this would be okay, provided the plaque is of no substantial resale value.

—*Job Seeking*—

Q. Are there restrictions on my seeking a new job while I am a Council member?

A. Yes. You may not use DOE letterhead or your position as a Council member to promote your job search. You may not use DOE resources or personnel in your job search. You may not divulge confidential DOE or City information to benefit yourself or your new employer. You may not seek or accept employment with an employer that you are currently working with in your job as a Council member.

—*Misuse of Confidential Information*—

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

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

—*Misuse of Position*—

Q. I'd like to get my son a teaching job in a school in a bordering district. He's certainly qualified for the position. Is that a conflict?

- A. Yes. You may not use your official DOE position directly or indirectly to benefit a family member or someone with whom you have a financial relationship. You also may not divulge confidential information. If the job information is not available to the public, you couldn't tell your son about the job in the first place. It is okay, however, to tell your son about a new job that is known to the general public, as long as you don't use your position or influence to get him that job.

—*Outside Employment*—

Q. In addition to my position as a Council member, I have a paid job. Are there restrictions?

- A. Generally, the City's Conflicts of Interest Law does not prohibit Council members from having paid job(s), unless the job is with a company that has business with the DOE, such as DOE contracts, grants or licenses. You also may not have a paid job that puts you in personal, written, or telephone contact with the DOE or any DOE employees or officials. In addition, your job must be done on your own time, and you may not use your official DOE position, letterhead, confidential information, or DOE personnel or equipment to perform the job or to benefit your non-DOE employer. In seeking your non-DOE job, you must adhere to the above rules as well.

Q. Define "Doing business with the DOE."

- A. This refers to any transaction between a person and the DOE, or ANY of its divisions/regions/districts/schools, involving the exchange of goods, services or property, or discretionary licenses and permits. In other words, if a firm buys from or sells to the DOE, or has a license or permit that requires judgment by the DOE before issuance, that firm is doing business with the DOE.

Q. Are waivers available permitting me to hold a job with a firm that does business with the DOE?

A. Waivers are granted by the Conflicts Board in many circumstances. Please contact the DOE's Ethics Officer about the possibility of obtaining a waiver if you have a job with a firm that does business with the DOE. Under the Conflicts Law, it is a Council member's responsibility to determine if his or her employer does business with the DOE. A Council member may contact the DOE's Ethics Officer, who can help determine whether a firm does business with the DOE.

In order to receive a waiver from the Conflicts Board, you must receive written support for your waiver request from the Chancellor stating that your job would not conflict with your official DOE duties. The support, if granted, will be forwarded by the Ethics Officer to the Conflicts Board along with your request for a waiver. The Conflicts Board will base its decision on how your job could possibly conflict with your position as a Council Member. If the Conflicts Board sees no conflict, you will be granted a waiver and you will be permitted to retain or take the job.

Q. May I lobby the DOE on issues on behalf of my employer?

A. As a part time DOE official, a Council member is prohibited from lobbying the DOE, including any Council or District, on behalf of his or her employer. You are also prohibited from lobbying on behalf of an organization for which you work on a volunteer basis. This includes writing letters, making phone calls, and in-person visits. So the answer is "no," unless you first obtain a waiver from the Conflicts Board.

—Ownership Interests—

Q. Is there a prohibition on having an ownership interest in a business that deals with the DOE?

A. You cannot have an ownership interest in a firm that does business with the DOE. In order to have an ownership interest in a firm that does business with the DOE, you must obtain an "order" from the Conflicts Board. Contact the DOE's Ethics Officer about the possibility of obtaining an order. You must receive written support from the Chancellor stating that your ownership interest would not conflict with your official DOE duties. The support, if granted, will be forwarded by the Ethics Officer to the Conflicts Board along with your request for an order. If the Conflicts Board sees no conflict, you will be granted an order and you will be permitted to retain or take the

ownership interest. This rule also applies to businesses owned by your spouse or registered domestic partner, and children under 18.

Q. Is there a prohibition on having an ownership interest in a business which does not deal with the DOE, but does deal with other City agencies?

A. For part-time officials, like community education council members, there is no prohibition on having an ownership interest in a business that does not deal with the DOE but does deal with other City agencies.

—Political Activities—

Q. What are the restrictions on political activities?

A. Being a public servant does not diminish your right to engage in political activity. However, there are a few rules:

- ▶ You must perform all your political activities on your own time.
- ▶ You may not use DOE letterhead, supplies, equipment or personnel.
- ▶ You may not coerce or induce fellow officials or employees to participate in or contribute to a campaign by threatening their jobs or by promising them a raise or promotion.
- ▶ You may not ask subordinates to contribute to, or participate in, a campaign – yours or anyone else’s.
- ▶ You may not send requests for contributions for a political campaign if the requests are directed to employees in the district served by your Council.
- ▶ Your contribution may not be in return for your appointment or promotion as a public servant.

For further information and guidelines, contact the DOE’s Ethics Officer.

—Post-Employment Restrictions—

Q. After my term of service as a Council member has finished, I plan to take a job that would involve my returning to the DOE on behalf of the new firm to discuss business. Does that pose a problem? Are there other restrictions on what I can do after my term of service?

A. Yes. Former DOE employees and officials are prohibited from appearing before the DOE on business for a period of one year. This means you may not

appear in person, write letters, or make phone calls to the DOE on behalf of your new employer for one full year after leaving DOE service. However, it is likely that the Conflicts of Interest Board would grant you a waiver permitting you to appear before the DOE within one year of the date you leave the Council, provided that you have no contact with any employees of the district served by your former Council.

Also, you may never work on a particular matter that you were personally and substantially involved with while a Council member.

Even without a waiver, you are not restricted from returning to the district served by your former Council to have lunch, attend parties and go to similar events with friends, as long as your purpose is social, not business.

In addition, NYS Education law 2590(f) contains restrictions on what jobs former Council members may take after their term of service as a Council member is over. The law states that no former Council member may be employed by the Council on which the member served, or by the district served by that Council, within a period of three years after the Council member's term has ended, unless the member qualifies for the position pursuant to a competitive examination and applicable provisions of the civil service law.

—*Supervisor/Subordinate Relationships*—

Q. The secretary to my Council 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 lending money (other than a nominal amount), going into business together, employing one another, or paying for goods and/or services. This prohibition serves as protection to all City employees and officials from abuses by coworkers who might expect a payback some time in the future.

—*Volunteering for Not-for-Profits*—

Q. I would like to volunteer to be on the Board of Directors of a not-for-profit that has dealings with the DOE. Is that a conflict of interest?

A. It could be. In such a case, you must first obtain written approval from the Chancellor or the Chancellor's designee stating that your volunteer work would be in the best interests of the City. Contact the DOE's Ethics Officer 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 DOE letterhead, supplies, equipment, or personnel for the work.
- ▶ You may not take part in any business the not-for-profit has with the DOE.
- ▶ You may not be compensated (if you are, you would be covered by the paid job restrictions, discussed in the questions above).
- ▶ You may not use confidential DOE or City information, nor may you use your DOE 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 a New York City agency but has no dealings with the DOE. Is this okay?

A. Yes, provided that none of the work is done on DOE time or using DOE resources or personnel.

Q. I am thinking of volunteering as a basketball coach in a program sponsored by a not-for-profit that gets funding from the DOE. I would have no administrative or decision making authority. I can do this, right?

A. Yes. If you have no decision-making authority at the organization, no involvement in its business with the DOE, and are not doing the work of a paid employee, you can volunteer there without receiving DOE approval.

Note: These materials are intended as a general guide. For more detailed information on the Conflicts of Interest Law call or write the NYC Department of Education's Ethics Office at (212) 374-3438 or the Conflicts of Interest Board at (212)442-1400.

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