Questions Frequently Asked by Department of Education 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.

—Gifts and Honoraria—

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

A. DOE 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 the DOE. This includes cash, tickets to concerts, plays, or sports events, as well as travel expenses and meals.

Q. Are my students interpreted as "firms doing business with the City?" And if so, does that mean the $50 rule applies to accepting gifts from them?

A. Your students are not interpreted as "doing business with the City". They are more like clients served by your agency. The $50 rule does not apply. Rather,

Chancellor's Regulations Section C-110 set forth a MORE RESTRICTIVE rule on accepting gifts from individual students. A gift can only be accepted from an individual if the gift is of primarily sentimental value. This means that it should not be very expensive. Cheap scarves, homemade crafts, cards, baked goods, and the like are probably OK.

Q. My students have collectively contributed to a $100 fruit basket for me for the end-of-the-year holidays. Can I accept this gift?

A. Chancellor's Regulations also cover this "collective gift" situation. Even though gift here is of substantial value, it is permissible to accept such a gift as long as it is identified as coming from the entire class and not just the students who contributed.

Q. My school PTA has selected a teacher of the year, and would like to give her a plaque. This is okay, isn't it?

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

—Interviewing for a Position and Post-Employment Restrictions—

Q. A vendor I work with at the DOE asked me if I might be interested in leaving the DOE 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. Once the negotiations are over, if you don't take a position with the firm, you may return to the project you were working on with that firm. Also, the interviews have to be on your own time; you may not use DOE supplies or personnel, and you couldn't use DOE letterhead for any correspondence regarding the position.

Q. The job would involve my returning to the DOE, on behalf of the new firm, to discuss business. Does that pose a problem?

A. Yes. Former DOE employees 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 City employment. You are not restricted from returning to your old office or school to have lunch with friends, as long as your purpose is social, not business.

Q. Suppose I retired from the DOE where I did purchasing, and then six months later I wanted to establish a consulting firm representing businesses that want to sell to the DOE. 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 the DOE. Since this is what is usually involved in consulting, you might, with these restrictions in mind, have a hard time finding clients.

Q. I just accepted a position with the State Board of Regents doing the same thing I am doing for the DOE. Is this a conflict?

A. No. The Board of Regents is a government entity. Positions with government entities are exempt from the Post-Employment Rules under the "government-to-government exception."

—Misuse of Confidential Information—

Q. I just learned through my DOE job 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'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 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. My sister is looking for a job as a teacher. May I give her resume to DOE employees, or email DOE colleagues recommending her for a teaching position?

A. No. Both Chancellor's Regulation C-110 and the Conflicts of Interest Law strictly prohibit DOE employees from taking any action to help a relative, or the spouse or registered domestic partner of a relative, to get a job at the DOE or any other City agency or vendor to the DOE. Also, DOE employees may not supervise, directly or indirectly, a relative or the spouse or registered domestic partner of a relative. These prohibitions also apply to the relatives of a DOE employee's spouse or registered domestic partner. In addition, the prohibitions apply to anyone with whom the DOE employee or the employee's spouse or registered domestic partner has a financial relationship, such as a co-investor, tenant or landlord. The definition of "relatives" whom DOE employees may not help to get a job or supervise is very broad. DOE employees should contact the DOE's Ethics Officer or the Conflicts of Interest Board if they are unsure of whether an individual is a relative or not, or whether or not you have a financial relationship with them, pursuant to Chancellor's Regulation C-110 and/or the Conflicts of Interest Law.

Q: That's a lot! Let's see if I understand this. My brother's wife is looking for a job at the regional office. Does this mean that I can't make a call to encourage them to hire her?

A: That's right. If you work for the DOE, you may not make that call! And you could not make the call if it was your spouse's sister or your registered domestic partner's sister who was looking for the job. Remember, you should contact the DOE's Ethics Officer or the Conflicts of Interest Board if you have any questions about whether an individual is a relative or not.

—Moonlighting—

Q. I'm considering seeking a part-time job. Are there restrictions?

A. Generally, the City's Conflicts of Interest Law does not prohibit second jobs,

unless the second job is with a company that has business with the City, including the DOE, such as City contracts or a license with a City agency. To learn whether the company has business with the City, ask the company in writing or call COIB for additional guidance. You also may not have a second job that puts you in personal, written, or telephone contact with the DOE or any City employees. In addition, your second job must be done on your own time, and you may not use your official DOE position, confidential information, or DOE personnel or equipment to perform the job or to benefit your non-DOE employer. In *seeking* your outside job, you must adhere to the above rules as well.

Q. What if the job is with a firm that has business dealings with the City or the DOE?

A. Waivers are available, depending on circumstances. You must receive written approval from the Chancellor, stating that your second job would not conflict with your official DOE duties. Contact the DOE's Ethics Officer to see if the Chancellor will approve your request. The approval, if granted, will be forwarded by the Ethics Officer to the COIB along with a request for a waiver. If the COIB sees no conflict, you will be granted a waiver and you will be permitted to take the second job. If the firm has dealings with the DOE, obtaining a waiver is more difficult, but each waiver request is handled on a case-by-case basis.

Q. I work as a secretary for the DOE, and I want to take a job working nights and weekends for a firm that does business with the Department of Consumer Affairs. May I do this?

A. No. A City employee is not permitted to accept a second job with – or have an ownership interest in – any firm, including a private university, that does business with the City. However, the COIB will grant waivers in situations where they feel that no true conflict of interest would exist. A waiver in the above situation is likely to be granted.

Q. I am a school psychologist. *Excellent Evaluators*, a psychological testing firm, wishes to hire me to perform evaluations of children who attend DOE schools. *Excellent Evaluators* does not do business with the DOE, but my

evaluations would be submitted and reviewed at Impartial Hearings concerning the children I have evaluated. DOE employees participate in the Impartial Hearings. I might even have to appear at Impartial Hearings. May I perform this work for *Excellent Evaluators*?

A. No, you may not. The Conflicts Law prohibits City employees from appearing, directly or indirectly, before any City agency, including the DOE. Your personal appearances at Impartial Hearings, and the submission and review of your evaluations, would be appearances before the DOE, which are prohibited by the Conflicts Law.

—Ownership Interests—

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 Chancellor 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.

—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 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;

- ✓Your contribution may not be in return for your appointment or promotion as a public servant;

- ✓ If you are a high-ranking DOE 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 DOE's Ethics Officer.

—Supervisor/Subordinate Relationships—

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. This prohibition serves as protection to all City employees from abuses by coworkers who might expect a payback sometime in the future.

—Tutoring—

Q. As a teacher, can I tutor the siblings of three of my students as a side job?

A. No. While teachers may have an excellent built-in client base, they are prohibited from tutoring students in their own school and the siblings of those students. In addition, they may not advertise their services anywhere on DOE property or in any DOE publication. However, teachers may advertise in publications of the PTA or other parent's organizations of *other* schools.

—Volunteer Work and Not-for-Profits—

Q. I would like to volunteer to be on the Board of Directors or take an administrative position for 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's Office 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 City; you may not be compensated (if you are, you would be covered by second job restrictions); and 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 the Parks Department but has no dealings with the DOE. 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.

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

—Writing Textbooks—

Q. I am a high school math teacher and I have written a math book on my own time. My publisher wants to sell the book to DOE schools, including my own school. Is this allowed?

A. You will first need an approval letter from the Chancellor's Office and a waiver from the COIB. However, you may not accept any royalties from the sale of the book to your own high school. In the case of an elementary or middle school teacher writing a book, he or she would not be able to accept royalties from the sale of the book to the entire district where his or her school

is located. In addition, no DOE employee who wants to sell a book to the DOE can be involved in any sales of the book to the DOE, or in the selection of books to be purchased by the DOE.

FOR ADDITIONAL INFORMATION, CONTACT

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