



CONFLICTS OF INTEREST ID

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THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

DIRECTIVE TO ALL HEADS OF AGENCIES AND DEPARTMENTS

No. 91-7

July 9, 1991

(Amending Mayoral Directive No. 91-4, June 21, 1991)

Required Leave of Absence for
City Employees Running for Public Office

Statement of Policy

Possible conflict of interest problems are created when city employees run for elective office. An employee may be involved either directly or indirectly in matters at issue in an election. For such an individual to be actively employed by the city while running for elective office creates the appearance of impropriety. Traditionally, to avoid these problems, city employees have taken a leave of absence during their candidacy.

Accordingly, I am directing all agency and department heads to require non-tenured city employees who are candidates for elective office to use all accrued annual leave, and, if no such leave is available, to take a leave of absence without pay, if available, during his or her candidacy. This will foreclose any appearance of impropriety.

Procedure

Section 1. Definition of "Candidate". A city employee becomes a candidate, within the meaning of this directive, when any of the following events occurs: (1) the employee publicly declares his or her intent to seek elective public office and authorizes a political committee to aid or take part in his or her campaign; (2) the employee is designated as a candidate for nomination or is nominated by primary election or certificate of nomination for public office by a party in which he or she is registered; (3) the employee is designated or nominated by primary election or certificate of nomination for a public office, other than a judicial office, by a party in which he or she is not registered or by an independent body, and has accepted such designation or nomination in accordance with the Election Law; (4) the candidate is designated or nominated as a candidate in a certificate to fill a vacancy in a designation or nomination; or (5) the employee is designated as a candidate for nomination for judicial office or is nominated for judicial office by any party or independent body.

Section 2. Employees Covered. The following will be subject to this Directive:

- A. Exempt Class - all employees holding positions in the exempt class pursuant to section 41 of the Civil Service Law;
- B. Provisional Appointees - all employees holding positions as provisional appointees pursuant to Section 65 of the Civil Service Law except provisional employees with at least two years of service in the same or similar title or related occupational group in the same agency who

as a result of being covered by the City-wide Agreement are entitled to contractual protections;

- C. Non-Competitive Class - all employees holding positions in the non-competitive class pursuant to Section 42 of the Civil Service Law except employees holding positions in the non-competitive class who may not be removed without a hearing pursuant to Section 75(c) of the Civil Service Law.

Section 3. Implementation. Any city employee subject to this directive and who is a candidate for elective office is required to take leave immediately and remain on leave status during the period he or she remains a candidate. Such employee may use accrued annual leave, and, if such leave has been exhausted, may take a leave of absence without pay, if available, provided, however, that no such employee shall be required to take a leave of absence if granted an exemption by the Mayor pursuant to section four of this Directive.

Section 4. Exemptions. A city employee covered by this Directive who becomes a candidate for elective office may be exempted from the requirement to take a leave of absence if: (a) the head of the agency in which such employee works determines that such employee's taking a leave during the period of his or her candidacy will not be in the best interest of the agency; and (b) the Mayor or the Mayor's designee, upon the recommendation of the Corporation Counsel and the City Personnel Director, determines that, in view of the nature of the elective office for which the employee is a candidate and the nature of the city position he or she holds, there is not a substantial likelihood of an appearance of impropriety arising from the employee's involvement in matters at issue in the election if such

employee continues on active duty during the period of his or her candidacy. Such exemption may be granted upon such conditions as are designed to further the purposes of this Directive.

Section 5. Effective Date. This Directive shall take effect immediately.



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