

Conflict of Interest Board is an independent body whose five members are appointed by the Mayor with consent from the City Council. The Board was established in 1990 to make sure NYC public servants protect the integrity and public trust in their decisions by adhering to the Conflicts of Interest Law.

FREQUENTLY ASKED QUESTIONS ON CONFLICT OF INTEREST BOARD

What is the purpose of the Conflict of Interest Board?

To make sure the City and its employees ensure the public is well served by guaranteeing not only that its employees act fairly and impartially, but also that their actions appear fair and impartial. City workers must perform their jobs with integrity, following the basic ethics codes for all public servants.

What is their jurisdiction?

Their jurisdiction covers all paid City officers, employees, and officials, regardless of salary or rank, whether full time, part time, or per diem. Covers all City agencies, Mayor's Office, City Council, Comptroller, Borough Presidents, DA offices, H+H, Economic Development Corp., Housing Development Corp., Police Pension Fund, boards, commissions and the Department of Education, including the Community School Boards, as well as each of the 59 Community Boards throughout the five boroughs.

Is there a conflict with serving on a Community Board?

Depending on the type of public servant (part time/full time/per Diem/paid/unpaid), there could be. You should check with COIB and with your agency's legal division before pursuing.

What are the different types of violations of the COIB?

The most common are:

1. Accepting gifts, entertainment, meals, tips, and travel
2. Misusing City position for a private advantage
3. Using confidential information for private purpose
4. Receiving income from second jobs, your own business, and investments
5. Volunteering for not-for-profit organizations

6. Engaging in political activities
7. Personal use of City property
8. Leaving City service (Post employment restriction)

What are the penalties for violations?

Violators can receive various penalties from the Board and their own agencies. The Board can impose a fine of up to \$25,000 for each violation and recommend to the violator's agency that the violator be disciplined or fired. A violator, in addition, could be required to repay all profits gained from the violation. Note: a violation of the Conflict of Interest Law is a misdemeanor that the District Attorney's office may prosecute. If convicted, violators could face a fine, lose their City jobs, and/or be sent to prison.

How do you report a COIB violation?

Call the Department of Investigation, 24 hours a day at **212.825.5959**, the Inspector General of your agency, or call or write the Conflict of Interest Board, 2 Lafayette St., Suite 1010, New York, NY 10007, **212.442.1400**. All complaints are confidential and can be reported anonymously.

What are the repercussions of reporting a violation?

Employees who file reports of possible violations are protected by NYC Administrative Code 12-113, commonly called the Whistleblower Statue. This is designed to prevent retaliation in the form of any adverse personnel action by one City employee against another who reports corruption, criminal activity, a conflict of interest, gross mismanagement, or abuse of authority by another City employee or person dealing with the City.

How do you respond to and report a bribe?

Say "NO" and document the date, time, location, and name of the person offering the bribe. Report it to the COIB or the Inspector General of your agency immediately.

Do you get a report after you report an incident? What is the turnaround on the timeframe once it is reported?

You will receive an acknowledgement of receipt for your complaint but there is no timeframe. It will depend on the length of the investigation.

Is there a statute of limitation to make a report?

COIB has no statute; however, you should check with your agency's policies and procedures concerning making a report.

Am I allowed to accept gifts from anyone doing business with the City?

No, you cannot accept gifts whether you are on duty or off duty.

How are fines determined?

Fines are based on the infraction of the violation.

Is there an acceptable monetary gift from the public?

\$50 is the current definition of "valuable" from any person or firms doing business with or intending to do business with the City. This rule is aggregate and cumulative, meaning that two or more gifts that individually are worth less than \$50 (such as a \$15 and a \$36 gift) would be counted together as a gift valued at \$51 if you receive said gifts within any 12-month period from the same person, relatives of the same person, or "affiliated" persons (like two employees). A gift could be in the form of money, liquor, dinner, tickets to a sporting event, a trip, or

renovations on your home. **If any of these are valued at \$50 or more, it would constitute a violation.**

Note: When it comes to tips, there is no dollar amount that is permissible — not \$50, not \$5, and not even 50 cents.

What are the differences between Conflict of Interest Board (COIB) and the Department of Investigation (DOI)?

The Conflict of Interest Board investigates and assesses fines and can refer for disciplinary action by the violator's agency.

The Department of Investigation investigates and refers for prosecution City employees or contractors engaged in corrupt or fraudulent activities, or unethical conduct. Investigations may involve any agency, officer, or employee of the City, as well as those who do business with, or receive benefits from, the City.

Do agencies have different COIB rules?

No.

Can supervisors borrow money from their subordinates?

No, as it may skew the supervisor's ability to be fair and impartial in evaluations and job assignments, and may be perceived as favoritism.

Can co-workers borrow money from other co-workers?

Yes, as long as they do not have a supervisor/subordinate relationship and neither is in the position to affect the terms and conditions of the other's employment. One should also check with your Agency's policies and procedures.

Is there a formal way of requesting permission to participate in an outside activity?

Yes, you should obtain written approval for the activity from your agency head and a waiver from the Conflict of Interest Board.

Is it a conflict of interest to work for the Board of Elections (BOE)?

No. However, you must take the day off and cannot use sick leave.

Can I have dual employment with the City and state or federal governments?

Yes, but you must seek approval from each entity before accepting the position.

Is selling Avon, Girl Scout Cookies, purchasing raffle tickets, participating in the Lotto or a Su-Su pool a COIB issue?

Su-Su is permissible as long as the parties involved do not have a superior/subordinate relationship. But check with your agency as some prohibit any financial activity between co-workers at the workplace.

Girl Scout Cookies, Avon, and fundraisers are permissible but only when a subordinate sells and a superior buys, not the other way around. The superior is limited to a \$25 purchase. Check with your agency as some prohibit any financial activity at the workplace.

If I am the purchaser and not the seller, is it a conflict of interest?

Yes: if you are the superior and your purchase is valued at more than \$25.

Whose responsibility is it to know the COIB rules and regulations?

All City employees and those doing business with the City.