

APPROVAL LETTERS AND WAIVERS

Sometimes you may need a letter of approval for an activity in which you wish to engage. Working a second job for an organization that has business dealings with the City would be an example. If you do need this approval, you'll need to write a letter to the Conflicts of Interest Board. That letter should contain the following information:

- who you are and where you work,
- your official City job title,
- your responsibilities,
- your question,
- your address where you want the Board's answer sent and a daytime telephone. (If you do not want to be called at work, say so in your letter and give another telephone number or an e-mail address where Board staff can contact you.)

Example: If you are seeking advice about taking a second job, first tell the Conflicts of Interest Board who you are, including your City job title and duties, and then describe the job you want to take. The description should include the name of the company, the position and the duties you will have, the person for whom you will work, whether or not you will be paid and, if so, how much, the days and hours you will work, how long the job will last, if it is temporary, and whether or not the company does business with the City.

That last piece of information in the preceding paragraph is crucial. If the company does ANY kind of business with the City, you're going to need a waiver from the Conflicts of Interest Board in order to take that particular job. (A full-time City employee who works for a company that does business with the City without a waiver is in violation of Chapter 68.) The waiver, if granted, will basically allow you to have that job, even though technically it would be a violation. Waivers are given on a case-by-case basis.

Example: If you are a full-time City employee who wishes to work part-time as an electrician with a company that does business with the City, you would need a waiver from the Board.

Is it likely that you'd get a waiver from the Board? A lot depends on your duties in your City job, but if the Board feels there is no real conflict between your City job and your private job, then, yes, it is likely. However, under the law, the

Board cannot grant a waiver unless the City employee's own agency head **first** approves the request. Therefore, before coming to the Board for the waiver, you will need to obtain approval from your agency head (in other words, the Commissioner, and not just your direct supervisor).

For information on how to obtain that approval, speak with your agency's general counsel, or call the Conflicts of Interest Board at (212) 442-1400.

The more complete the information in your written request, the quicker the Board can return a written opinion or waiver. Turnaround time is generally fast.

CONFIDENTIALITY

Conflicts of interest issues can get pretty contentious. For this and other reasons, the Board is subject to a very strict confidentiality law. Board staff will not ordinarily tell anyone – not even your agency - about your oral request for advice. In fact, you can call the Board anonymously. Your written request and the Board's response are also confidential, with the exception of waivers and orders. As discussed above, the Board **cannot** grant a waiver without written approval from your agency, so your agency will have to be involved with your waiver request, should you end up needing one. The Board also requires agency approval for an order. By law, all waivers and some orders are available to the public, but your *request* for the order or waiver remains confidential, unless you waive your right to confidentiality. If you have any concern about confidentiality, call the Board.

Example: Suppose you call the Board to ask whether you can moonlight for a certain firm and a Board attorney tells you that you will need a waiver.

You may decide you'd prefer not to take the job so that you do not have to seek approval from your agency. You can do that and ordinarily no one will ever know that you called for advice, except you and the Board.

There is, however, one big warning about confidentiality and legal advice: advice can only be given about **proposed future activities**. In other words, if you call for advice and mention that you already have violated the law, the Board may share your information with the appropriate law enforcement authorities.