



DEPARTMENT OF BUILDINGS

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Issuance # 606

**ADMINISTRATIVE POLICY
AND PROCEDURE NOTICE # 1/02**

TO: All Staff
FROM: Patricia A. Ketterer
DATE: January 15, 2002
SUBJECT: Conflicts of Interest – Various Issues

Effective: Immediately

Purpose: To remind Department of Buildings' employees of their responsibilities regarding dual employment, outside work, teaching appointments, recommending services to members of the public and performing inspections, plan examination, legal review or other review of work performed or submitted by individuals who are family members or other close associates, or by businesses owned or operated by them.

Supersedes: Administrative Policy and Procedure Notice #4/98

Reference: New York City Charter Sections 2600-2606 and APPN #14/89

Specifics: Any Department employee who plans on pursuing outside employment or a teaching appointment, or engaging in the performance of services, must first notify the Department's Office of the General Counsel and Office of Human Resources. Notification must be submitted to the Office of the General Counsel (with a copy to the Director of Human Resources) in writing and must provide the following information, as applicable: the name, address and telephone number of the employer, the job title the employee will hold, a description of the work or services, and the hours during which the outside work is to be performed.

Department employees are required to provide notification even if the outside services to be performed are as a consultant, through self-employment, or in any other capacity, whether or not in the traditional employer-employee model.

In addition, personnel employed by the Department to render legal services who wish to provide any outside formal legal representation, whether on a compensated or pro bono basis, must request and receive the General Counsel's approval of the proposed representation prior to its commencement. Requests for approval must be in writing and must contain the applicable information required for notifications as outlined above. Such approval requests should be submitted to the Office of the General Counsel, with a copy to the Director of Human Resources. Department personnel employed as attorneys are advised that this requirement is in addition to the various restrictions set forth in Conflicts of Interest Board Advisory Opinion No. 2001-3 regarding the provision of outside legal services by City attorneys, and the requirements of the Code of Professional Responsibility, the Judiciary Law, or any other applicable ethics, conflicts or disciplinary rule. Department attorneys should conform their conduct accordingly.

Subsequent to submission of the notification or approval request, the Office of the General Counsel will advise Department employees if there is an apparent or possible conflict of interest and may refer the notification or approval request to the Conflicts of Interest Board (the "Board") for appropriate action consistent with the Charter and/or Board procedure.

Please be advised that notifying the Department of such dual employment, teaching appointment, or outside work does not constitute Department approval. Nor does notification absolve employees of their responsibility to disclose to the Board any interest that may be in conflict with official duties, or to comply with any other requirement stated in the Charter. Department employees have this responsibility regardless of whether the Office of the General Counsel has referred a notification or approval request to the Board.

Employees are reminded that the Charter prohibits receipt of compensation, except from the City, for the performance of any official duty. Accordingly, employees may not perform tasks for compensation (including, but not limited to, teaching courses or seminars) where the employee could reasonably expect that performance of such task could be assigned as part of his or her official duties.

Employees are further reminded that while on the job they are prohibited from recommending the services of private individuals and companies (e.g. contractors, architects, lawyers, etc.) to members of the public. Employees may inform people of professional organizations and licensing entities, if they require assistance.

Employees shall not knowingly perform inspections, plan examinations, legal review, or other review of work performed or submitted to the Department by individuals who are family members or other close associates, or by businesses owned or operated by them. In the event such an inspection, examination, legal review, or other review is scheduled or assigned, the employee must immediately notify his or her supervisor in order that the matter can be reassigned to another employee. Employees should not involve themselves in circumstances that could give the appearance of impropriety or beneficial treatment.

"Ensuring a Safe Foundation"