

Part-Time Teaching
Waiver

Charter Sections: 2604(a)(1)(b)
2604(b)(2), (3) and (4)
2604(e)

Advisory Opinion No. 95-3

The Conflicts of Interest Board (the "Board") has received a request for an opinion from a public servant as to whether, consistent with the conflicts of interest provisions of Chapter 68 of the City Charter, she may teach on a part-time basis at a local university which has business dealings with the City. For the reasons discussed below, the Board has determined that the public servant may pursue her part-time teaching activities, provided that she acts in accordance with the conditions contained in this opinion.

Background

The public servant is a supervising financial analyst and is a regular, full-time employee of the City. She has asked the Board whether she may teach one or two general accounting courses per semester in the continuing studies department of a local university which has business dealings with the City. The public servant has obtained and submitted to the Board the written approval of the head of her City agency.

Previously, in 1993, the public servant had requested an opinion from the Board as to whether she could teach part-time in circumstances that were similar to her present request. At that time, the Board advised the public servant that she could pursue her teaching activities. The public servant now seeks to teach the same courses at the same institution. The only differences from her prior request are that this is, of course, a new academic year and, secondly, she will receive additional compensation of \$23 per course.

Discussion

Pursuant to Charter Section 2604(a)(1)(b), except as otherwise provided in Charter Section 2604(e), a public servant whose primary employment is with the City may not hold a position with a "firm" which, as defined in Charter Section 2601(11), includes an institution such as the university, which is engaged in business dealings with the City. Charter Section 2604(e) provides that a public servant may hold such a position if the Board determines, after receiving the written approval of the public servant's agency head, that such position does not involve a conflict with the purposes and interests of the City.

The Board has determined that the public servant's part-time teaching position with the university would not conflict with the purposes and interests of the City. This determination is based on the written approval of the public servant's agency head and on the Board's consideration of these factors, among others: the scope of the public servant's proposed teaching duties is limited; the general nature of the courses' subject matter is unrelated to the public servant's official duties; and the amount of compensation is comparable to that paid to other adjunct professors.

Furthermore, the public servant may pursue the above-described teaching activities, provided that her teaching duties are performed at times when she is not required to perform her official duties for the City; the public servant does not use her official City position to obtain a private advantage for herself or the university; the public servant does not use City equipment or other City resources in connection with her teaching activities; and the public servant does not disclose or use for private advantage any confidential information concerning the City. See Charter Sections 2604(b)(2), (3) and (4), respectively.

The Board notes that, particularly with respect to public servants' part-time teaching positions, certain outside activities are pursued on a regular ongoing basis. Public servants in these situations are not required to seek opinions and, where appropriate, waivers from the Board, each time they renew their pursuit of an activity, if the factual circumstances surrounding the pursuit of this activity remain the same. For example, if the details of a public servant's teaching assignment do not change from semester to semester or from year to year, and the public servant already has obtained an opinion or waiver from the Board, then it is not necessary to consult the Board again; however, if the factual circumstances of an outside activity do change, then the public servant should contact the Board again for further guidance and, if appropriate, for another waiver.

Conclusion

For the reasons stated above, it is the opinion of the Board that the public servant may pursue her part-time teaching activities this year and in future years, if there are no changes in the factual circumstances

COIB Advisory Opinion No. 95-3
February 13, 1995
Page 5

surrounding these activities, provided that she does so
in accordance with the conditions discussed in this
opinion.

Sheldon Oliensis
Chair

Beryl R. Jones

Jane W. Parver

Benito Romano

Shirley Adelson Siegel

Dated: February 13, 1995