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TO: Electronic Financial Disclosure Filers

FROM: Financial Disclosure Unit

DATE: June 23, 2008

RE: Use of City Personnel to Complete Financial Disclosure Reports

The purpose of this memorandum is to provide guidance concerning issues relating to the filling out of the annual Financial Disclosure Report ("FDR"), with regard to Chapter 68 of the City Charter. The memorandum hopes to anticipate most of the questions that you will have in that regard. To the extent there are issues that are not addressed, please feel free to contact a member of the Board's financial disclosure staff for assistance. Finally, it is worth noting at the outset that individual agencies are free to adopt and may have adopted policies that are more stringent than those set forth here. We will be addressing conduct only as it relates to chapter 68. The guidance provided in this memorandum applies to completion of both the portion of the FDR filed with the Board and, for filers required to file pursuant to EO 91, the portion of the FDR filed with the Department of Investigation.

Completion of the Annual FDR During Working Hours

If a City employee or officer has been designated as a person who is required to file a FDR (a "required filer"), he or she is under a legal obligation to do so pursuant to the New York City Administration Code. See NYC Admin. Code §12-110(b). Indeed, severe penalties are prescribed for required filers who fail to file on time, or who do not file at all. See NYC Admin. Code §12-110(g). The duty to complete and file a financial disclosure report is part of the official duties and responsibilities of that required filer. Accordingly, as with any other official duties and responsibilities, the report may be completed while the required filer is on duty, as part of the normal course of the official business of the required filer.

In other words, you may complete your FDR, including both the COIB and DOI portions, on City time.

Use of City Equipment, Resources or Supplies to Complete the FDR

Because the completion of the report is considered part of the official duties and responsibilities of City employees, City equipment, such as your office computer, printer, copier, and telephone may be used in furtherance of the completion of your FDR without violating Chapter 68. For example, you may use your City computer to fill out the FDR electronically. You may use the office printer to print out a hard copy of the report for yourself. You may use the office copier to make a copy of the hand-signed receipt that must be returned to your liaison. You may use the telephone to call your spouse or domestic partner and ask for information that you left at home. Of course, your agency may have its own policies limiting such use. For example, if you need to make long distance calls to get necessary information, your agency may prohibit you from doing so.

Use of City Personnel to Assist in the Completion of the FDR

If the required filer has available to him or her, personnel whose function is to provide clerical assistance to the required filer, use of such personnel to enter data into the FDR will not violate Chapter 68. For example, a Commissioner may ask his or her secretary to enter data into his or her FDR. A filer who shares a secretary with others, or whose job permits access to a clerical pool of employees, may ask a member of the pool or the shared secretary to enter data into his or her FDR. The bright line test is this: If you, in the ordinary course of your other City duties, would have the authority to assign or request a clerical worker to perform typing, data entry, or a similar task for you, then you may, without violating Chapter 68, request that such a clerical worker perform clerical tasks in connection with the completion of your FDR.

We caution, however, that, before making such request, the required filer consider whether the risk of inadvertent disclosure of his or her financial information once in the hands of another outweighs the amount of time that will be saved by having clerical assistance in completing the form. In addition, as mentioned at the outset, the filer's agency may have adopted its own policy that limits such use of personnel, if not prohibits it altogether, even though such use would not violate Chapter 68. Finally, required filers are reminded that the filer, and the filer alone, remains responsible for the completeness and accuracy of all of the information contained in his or her FDR, regardless of who enters the data.

If you are inclined to use City personnel or the assistance of any other person, there is the ability to create a delegate account by which you are able to provide access to your filing for an assistant or assistants, whom you will identify, and to whom you will be able to issue a password. This delegate is able to input data into your report but cannot sign and submit your report. Only the required filer can certify the accuracy of his or her report and electronically sign and submit the report. The filer should not share his or her own password, which will be used to sign and certify the FDR, with anyone.