

## **Waiver for most DOE employees to work as Custodial Helpers**

As required by the Conflicts of Interest Law, the Chancellor requested a waiver from the Conflicts of Interest Board permitting DOE employees to be employed part time by Custodian Engineers as Custodial Helpers. The Conflicts of Interest Board granted the waiver, with the following restrictions. All quotes below come from the Conflicts of Interest Board's decision:

- 1) Principals, Assistant Principals and Deans may not work as Custodial Helpers.
- 2) Teachers, Guidance Counselors and School Food Service Managers ("Summer Custodial Helpers") may work as Custodial Helpers "only during the summer months [not during the regular school year] and ... [are] permitted to work only in school(s) to which they are not assigned during the regular school year." In addition, "Summer Custodial Helpers may work only for Custodian Engineers who do not work in school(s) to which the Summer Custodial Helpers are assigned during the regular school year." In other words, Summer Custodial Helpers can't work for Custodian Engineer(s) who work in the same school(s) in which the Summer Custodial Helpers work during the regular school year. (**Please Note** - Other DOE employees, such as Paraprofessionals and School Lunch Helpers, may work all year round as Custodial Helpers, provided that the rules in paragraphs 1 and 3-5 of this notice are followed.)
- 3) Custodian Engineers are prohibited from "hiring or employing as Custodial Helpers their spouse, sibling, parent, child or any person with whom the Custodial Engineer has a business or financial relationship." This restriction supersedes Plant Operation Circular No. 18- 1977/78 of July 10, 1978 and Personnel Memorandum No. 218 of December 12<sup>th</sup>, 1977. In addition, Chancellor's Regulation C-110 also prohibits Custodian Engineers from hiring or supervising "a parent, spouse, registered domestic partner, child, brother, sister, aunt, uncle, niece, nephew, grandparent, grandchild, or the spouse or child of any of them or a person bearing the same relationship to the employee's spouse or registered domestic partner."
- 4) In hiring Custodial Helpers, Custodian Engineers must "comply with all of the provisions contained in the collective bargaining agreement between Custodian Engineers and the DOE, most notably the Anti-Nepotism, Fingerprinting, and Outside Employment provisions."
- 5) DOE employees may work as Custodial Helpers only "during times when they are not otherwise required to perform services for the DOE; they [may] not use their DOE position or title to obtain any private or personal advantage for themselves, and they [may] not disclose confidential information gained as a result of their regular DOE employment."

If you have any questions about this waiver, you may contact the DOE's Ethics Officer, David B. Schacher at [dschach@schools.nyc.gov](mailto:dschach@schools.nyc.gov) or (212) 374 3438.