Department of Education
Dennis M. Walcott, Chancellor

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FROM: Samantha M. Biletsky SMB

TO: DOE Employees

RE: **PSO Post-Employment Mass Waiver Summary and Update**

DATE: June 25, 2013

The New York City Conflicts of Interest Board granted a mass post-employment waiver which permits Department of Education ("DOE") employees who left the DOE or who will leave DOE between now and June 30, 2017, to appear before the DOE on behalf of the **new** Partnership Support Organizations ("PSO") during their first year after leaving DOE. The post-employment waiver therefore permits eligible employees to work for Teaching Matters and Urban Assembly. Please be advised, however, the waiver only applies to work on PSO matters and not any other non-PSO business these organizations have or may have in the future with DOE.

Restrictions on Former DOE Employees Covered Under the Mass Waiver

- Cannot visit or contact the DOE school(s) at which you previously worked to solicit on behalf of the PSO at which you work during the first year after you leave DOE.
  - This restriction also applies to **all** DOE personnel who work with particular schools. This includes, but is not limited to: superintendents, network and cluster leaders and their staff, coaches, mentors, and central and other office personnel.
- Cannot ever disclose or use for private advantage, including the advantage of the PSO, any confidential information learned while employed at the DOE that is not available to the public.
- Cannot ever work on any particular matter you were personally and substantially involved in while at DOE.

Former DOE Employees and Other DOE Employees Not Covered Under the Mass Waiver

- DOE employees who were involved in the PSO Request for Proposals, including the design of the RFP, the evaluation of responses, and/or or the selection of awardees, are not covered under the mass waiver, and cannot work on particular matters for PSOs at any time after they leave DOE.

- Employees who work for the DOE as f-status, per session, or per-diem (retirees included), are NOT covered by this mass waiver. Such employees would need to submit a "second job" waiver application to the DOE Ethics Officer for review for a possible waiver request to the New York City Conflicts of Interest Board.

Job-Hunting Rules

DOE employees may not seek or discuss employment with an organization they deal with as part of their DOE job, unless: (1) the employee asks for **and** receives permission from their DOE supervisor to be removed from dealing with that organization at the DOE; or (2) the employee waits until he/she completes the work with the organization. If your supervisor is not able to grant permission for you to be recused, you cannot discuss employment with the organization. For more information on job-hunting rules, please visit the New York City Conflicts of Interest Board website at www.nyc.gov/ethics

Interpretation of Expiring Current PSO Mass Post Employment Waiver for: New Visions, CEI-PEA, Fordham University, CUNY, and FHI 360

All eligible former DOE employees who are already working under the mass post-employment waiver for: New Visions, CEI-PEA, Fordham University, CUNY, and FHI 360 (the "existing PSOs") may continue to appear before the DOE on behalf of their PSO employers during their first post employment year. Eligible Former DOE employees who left the DOE on or before **March 31, 2013** are permitted to work for the aforementioned existing PSOs during their first post-employment year. Any employee working for the existing PSOs may only appear before the DOE during their first post-employment year on PSO matters, and not other non-PSO business these organizations have or may have with DOE in the future. Please note all the rules above pertaining to the new PSO post-employment waiver, including, but not limited to, who is not covered, are applicable to employees working and who will be working for the existing PSOs. [1]

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Please contact DOE Ethics Officer Samantha M. Biletsky at (212) 374-3438 or sbiletsky@schools.nyc.gov if you have any questions about the PSO Post-Employment Mass Waiver Summary and Update.

[1] In addition to the permissible employment for DOE employees who left the DOE by March 31, 2013 described above, DOE employees who leave DOE at any time thereafter and work for CUNY are exempt from the one-year post employment ban, as long as they are paid by CUNY directly, and therefore fall under the government-to - government exception to the one-year ban. Thus, if the employees are paid directly by CUNY, they can work for the PSO and appear before the DOE during their first post-employment year and also work on particular matters. If, however, the CUNY employees are paid by the CUNY Research Foundation or other third-party organization, the one-year ban and the particular matter ban apply.