

# **CONFLICT OF INTEREST POLICY FOR PROFESSIONAL STAFF CONGRESS OFFICIALS AND EMPLOYEES**

Professional Staff Congress (hereafter referred to as PSC) officials have a fiduciary obligation to act in the best interests of PSC. PSC employees have an obligation to carry out their PSC responsibilities in a manner that advances the interests of PSC and to take no action in the course of their employment or otherwise that could be detrimental to those interests. The purpose of this Conflict of Interest Policy for PSC Officials and Employees ("CI Policy") is to provide guidance to PSC officials and employees in complying with their fiduciary and employment obligations.

This CI Policy shall only apply PSC, as a labor organization. PSC/CUNY Welfare Fund and PSC PAC have been asked to adopt separate CI Policies.

## **I. DEFINITIONS**

As used in the CI Policy, the following terms have the meanings indicated:

- A. The term "PSC official" means a PSC Officer, a member of the PSC Executive Council, a member of the PSC Delegate Assembly; elected PSC chapter officials, and any other person designated by PSC governance to represent PSC. The term does not mean an employee of or a consultant retained by PSC.
- B. The term "PSC employee" means a regular, probationary, part-time, or temporary employee of PSC. The term does not mean a PSC official.
- C. The term "immediate family" of a PSC official or of a PSC employee means his or her parent, spouse or spousal equivalent, child, grandparent, grandchild, sibling, mother-or father-in-law, sister-or brother-in-law, or daughter-or son-in-law.
- D. The term "directly or indirectly" means an action taken by a PSC official or PSC employee in his or her own name (i.e. directly), or through a member of the immediate family or a business associate of a PSC official or PSC employee (i.e. indirectly).
- E. The term "participate in a PSC decision" means the authority to approve, disapprove, recommend, or otherwise influence the position taken by PSC.

- F. The term “Conflict of Interest Officer” (“CI Officer) means the person who is responsible for the implementation of the CI Policy.

## **II. STATEMENT OF PRINCIPLE**

No PSC official and no PSC employee shall, directly or indirectly, have any interest or relationship, take any action or engage in any transaction, or incur any obligation which is in conflict with, or gives the appearance of a conflict with, the proper and faithful performance of his or her PSC responsibilities.

## **III. PROHIBITED ACTIVITIES**

The activities that are prohibited by the Statement of Principle set forth in Section II include, but are not limited to, the following:

- A. No PSC official or PSC employee shall, without the advance written approval of the CI Officer, have a direct or indirect financial or personal interest in or relationship with any business, firm, person, or entity that does or seeks to do business with PSC. This prohibition shall not apply to investments in a business, firm, or other entity through the purchase of securities that are traded on a registered national securities exchange, or utilizing any services that the business, firm, person, or entity makes available to the general public in the normal course of business. Additionally, this prohibition shall not apply to a PSC official's or PSC employee's participation in any PSC member benefit program to which the PSC official or PSC employee is eligible to take part by virtue of their status as a PSC member or PSC employee.
- B. No PSC official or PSC employee shall receive any compensation, gift, gratuity, loan or other thing of value from any business, firm, person, or other entity which does or seeks to do business with PSC, or which has financial or other interests that may be affected by the performance or nonperformance of the PSC official's or PSC employee's PSC responsibilities. The term "business, firm, person or other entity" does not include PSC affiliates or subsidiary organizations (e.g., PSC/CUNY Welfare Fund), and the term "compensation, gift, gratuity, loan, or any other thing of value" does not include an item or items received during a PSC membership year with an aggregate value of \$250 or less, or a loan that is available to the general public on similar terms. The prohibition in this Section III (B) shall not apply if the PSC official or PSC employee receives the item in question in the performance his or her PSC responsibilities (e.g. business dinner or function).
- C. No PSC official or PSC employee shall (1) except in the performance of his or her PSC responsibilities or in response to a legal mandate, disclose any information obtained by reason of his or her PSC position that is not otherwise available to the general membership of PSC and that could be used to the detriment of PSC; or (2) use or permit others to use any information obtained

by reason of his or her PSC position that is not otherwise available to the general membership of PSC to directly or indirectly further the PSC official's or PSC employee's financial or personal interest.

- D. No PSC official or PSC employee shall, without the advance written approval of the CI Officer, directly or indirectly sell goods or services to PSC. This prohibition shall not apply to the payment of stipend, or travel expenses to a PSC official or PSC employee for carrying out his or her PSC responsibilities.
- E. No PSC official or PSC employee shall accept any other position or assignment which would conflict with his or her fiduciary obligation to act in a manner that advances the best interests of PSC, or interfere with the PSC official's or PSC employee's ability to properly carry out his or her PSC responsibilities.
- F. No PSC official or PSC employee shall use or permit others to use his or her position with PSC to create the impression that PSC endorses or has endorsed a product, service or program when that is not in fact the case, or to otherwise directly or indirectly further the PSC official's or PSC employee's financial or personal interest.

#### **IV. IMPLEMENTATION PROCEDURE**

- A. The PSC Executive Director shall serve as the CI Officer, and shall in that capacity be responsible for the implementation of the CI Policy. The CI Officer shall monitor the implementation of the CI Policy and recommend to the PSC Executive Council or PSC Principal Officers such modifications in the Policy as he or she may from time to time deem appropriate (see, Section VI.A).
- B. (1) If a PSC official or PSC employee believes that he or she may be engaged or about to become engaged in an activity that is prohibited by the CI Policy, he or she shall consult with the CI Officer. The PSC official or PSC employee and the CI Officer shall attempt to deal with the matter informally. If they are unable to do so, the CI Officer shall submit to the PSC official or PSC employee, as may be applicable, a written opinion indicating whether the activity in question is prohibited by the CI Policy, and, if so, what should be done to correct the situation.  
  
(2) Applicable only to PSC employees: If the PSC employee disagrees, in whole or in part, with the conclusions of the CI Officer, he or she may appeal to the PSC Principal Officers by filing a written notice of appeal with the PSC Principal Officers within ten (10) calendar days after receiving the opinion of the CI Officer. The PSC Principal Officers shall decide the appeal as expeditiously as possible, and the resulting decision of the PSC Principal Officers or subcommittee shall be final and binding, subject to whatever contractual rights the PSC employee may have to challenge the final decision,

including, without limitation, his or her right to challenge said decision through the grievance procedure in a collective bargaining agreement with PSC. If the PSC employee files a timely appeal, he or she need not comply with the opinion of the CI Officer pending the outcome of the appeal. If the PSC employee does not file a timely appeal, he or she shall comply with the opinion of the CI Officer.

- C. Applicable only to PSC officials: If the PSC official disagrees, in whole or in part, with the conclusions of the CI Officer, he or she may appeal to the PSC Principal Officers by filing a written notice of appeal with the PSC Principal Officers within ten (10) calendar days after receiving the opinion of the CI Officer. The PSC Principal Officers, or a subcommittee thereof, shall make a recommendation to the PSC Executive Council in connection with the appeal as expeditiously as possible. The PSC Executive Council shall thereafter act upon each recommendation. If the PSC official files a timely appeal to the PSC Principal Officers, he or she need not comply with the opinion of the CI Officer pending the outcome of the appeal. If the PSC official does not file a timely appeal to the PSC Principal Officers, he or she shall comply with the opinion of the CI Officer.
- D. (1) If a PSC member or employee believes that a PSC official or PSC employee is engaged or is about to become engaged in an activity that is prohibited by the CI Policy, the member or employee may file a written complaint with the CI Officer. The complainant shall identify himself or herself to the CI Officer, but the CI Officer shall, if requested to do so by the complainant, treat the complaint as anonymous and not reveal the complainant's name.
- (2) Upon receiving a complaint, the CI Officer shall consult with the complainant and, as may be applicable, the PSC official or PSC employee in question. Based upon the information received from the complainant and the PSC official or PSC employee and/or other relevant information, the CI Officer shall decide whether the PSC official or PSC employee is engaged or is about to become engaged in an activity that is prohibited by the CI Policy, and, if so, what should be done to correct the situation. The CI Officer shall submit to the PSC official or PSC employee, as may be applicable, and to the complainant a written opinion setting forth his or her conclusion.
- (3) Applicable only to PSC employees: If the PSC employee disagrees, in whole or in part, with the conclusions of the CI Officer, he or she may appeal to the PSC Principal Officers by filing a written notice of appeal with the PSC Principal Officers within ten (10) calendar days after receiving the opinion of the CI Officer. The PSC Principal Officers shall decide the appeal as expeditiously as possible, and the resulting decision of the PSC Principal Officers shall be final and binding, subject to whatever contractual rights the PSC employee may have to challenge the final decision, including, without

limitation, his or her right to challenge said decision through the grievance procedure in a collective bargaining agreement with PSC. If the PSC employee files a timely appeal, he or she need not comply with the opinion of the CI Officer pending the outcome of the appeal. If the PSC employee does not file a timely appeal, he or she shall comply with the opinion of the CI Officer.

(4) Applicable only to PSC officials: If the PSC official disagrees, in whole or in part, with the conclusions of the CI Officer, he or she may appeal to the PSC Principal Officers by filing a written notice of appeal with the PSC Principal Officers within ten (10) calendar days after receiving the opinion of the CI Officer. The PSC Principal Officers, shall make a recommendation to the PSC Executive Council in connection with the appeal as expeditiously as possible. The PSC Executive Council shall thereafter act upon each recommendation. If the PSC official files a timely appeal to the PSC Principle Officers, he or she need not comply with the opinion of the CI Officer pending the outcome of the appeal. If the PSC official does not file a timely appeal to the PSC Principle Officers, he or she shall comply with the opinion of the CI Officer.

- E. In implementing the CI Policy, the CI Officer and the PSC Principal Officers shall consider all relevant factors, including the specific PSC responsibilities of the PSC official or PSC employee and the nature of the allegedly prohibited activity, and shall interpret and apply the CI Policy in a manner that furthers its intended purpose.

## V. MISCELLANEOUS

- A. Nothing in the CI Policy shall be interpreted or applied to deprive a PSC official or PSC employee of any rights that he or she may have under the PSC governing documents, PSC policy, a contract with PSC or statute. To the extent that the CI Policy is inconsistent with any such right, the PSC governing documents, PSC policy, the contract with PSC or statutory right shall take precedence.
- B. If a question arises as to whether the CI officer has engaged, may be engaged, or is about to become engaged in an activity that is prohibited by the CI Policy, the matter shall be dealt with by the PSC Principal Officers.
- C. All information and documents involved in the implementation of the CI Policy shall be treated as confidential, and the CI Officer shall make such information and documents available to others only on an "as needed" basis. To the extent relevant, all privileges, including the attorney/client and attorney work product privileges, shall apply to information and documents involved in the implementation of the CI Policy, including any and all CI complaints and investigations thereof.

**VI. EFFECTIVE DATE AND AMENDMENT; DISTRIBUTION**

- A. The CI Policy shall be made effective as of August 31, 2009 and shall supersede all prior PSC conflict of interest policies dealing with the same subject or PSC policy dealing with any provision expressly covered by this policy. The PSC Executive Council, may amend, from time to time as it deems appropriate, those provisions of the CI Policy as pertain to PSC officials. The PSC Principal Officers may amend, from time to time as they deem appropriate, those provisions of the CI Policy as pertain to PSC employees.
  
- B. The CI Policy shall be posted on the PSC Website, and a copy of the Policy shall be distributed to all PSC officials and PSC employees.

Effective: August 31, 2009