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July 28, 1998

CONFIDENTIAL

RE: Case No. 98034.Q
Exchange program with *the City of Ford* (Travel)

Dear

In a letter dated July 10, 1998, you asked for an opinion on whether the participation of *Jane Doe* a *City* employee, in an exchange program between the *City* and the *foreign City of Ford* is prohibited by the City's Governmental Ethics Ordinance. Based on the facts that you, and *others* presented, it is staff's opinion that the Governmental Ethics Ordinance does not prohibit *Ms. Doe's* participation in this exchange, although it imposes certain continuing obligations on her, as explained below.

Ms. Doe is an employee of the *City*. As part of her *City* duties, *she* was part of a team which installed a *information management* system produced by *MAC Corporation*. *MAC Corporation* recently contracted with *Ford* to install and implemen a similar system.

Recognizing potential language and cultural barriers, *Ford* asked *MAC* to identify a *person* with experience installing a *system* in a large western urban setting to assist personnel in this project. The written information *City* provided indicates that *MAC* identified *Ms. Doe* based on her knowledge of *the* system and the "many similarities" between *the City's* and *Ford's* projects in "scope and complexity." *MAC* then approached



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Ms. Doe and Ms. EIK her supervisor. Ms. EIK told staff that The City agreed to allow Ms. Doe to work on this project pursuant to an exchange program with Ford. Under the proposed exchange, in return for Ms. Doe's participation, The City would receive the services of a Ford staff member in the future to assist in a number of possible projects, including management growth, multilingual users needs, Internet and outsourcing and service to densely populated neighborhoods. Ms. Doe would travel to Ford on or around August 1, and stay there for three to five months to help Ford install and implement the system. Ms. EIK told staff that Ms. Doe would not be acting as MAC's agent during her work in Ford but would, rather, help Ford to ensure that the installation runs smoothly and act as Ford's on-site liaison with MAC. Ms. EIK also confirmed that Ms. Doe will continue to receive her City salary and benefits during her stay, and that, in effect, Ms. Doe will be performing her duties as an employee of the City of Chicago while in Ford pursuant to this exchange program. Her airfare, food and lodging expenses will be forwarded to her by MAC which, pursuant to the terms of its contract with Ford, will be reimbursed for all of these expenses by FORD. Ms. EIK said that Ms. Doe will receive no additional compensation from the City, MAC or Ford for her services in Ford, and that this is a "break-even" deal for her monetarily.

In your July 10 letter to staff, you explained that The City "supports this exchange and feels it will enhance our employee's knowledge as well as benefitting the Library by a similar exchange of personnel in the future." Additionally, Ms. EIK confirmed that Commissioner has indicated her full support of this exchange to senior City staff.

After reviewing the facts presented above, staff concludes that the Governmental Ethics Ordinance does not prohibit Ms. Doe's participation in this exchange as it is described in this letter. However, we remind you that, although Ms. Doe will be assisting Ford, she will also be performing her official City duties while in Ford and thus, she has a continuing obligation to act in the City's best interests. Section 2-156-020 of the Governmental Ethics Ordinance provides that officials and employees "shall at all times in the performance of their public duties owe a fiduciary duty to the City." Additionally, we remind you that, pursuant to section 2-156-070 of the Ordinance, Ms. Doe is also prohibited from disclosing or using confidential information gained in the course of, or by reason of, her City position, except as may be required by law or as needed in the performance of her official duties.

Staff's conclusion is based on the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If the facts presented in this letter are incorrect or incomplete, please notify us immediately, as any change in the facts may alter our conclusion.

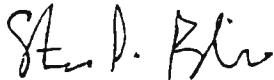
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While other laws or rules also may apply to this situation, staff's opinion is based solely on the application of the City's Ethics Ordinance.

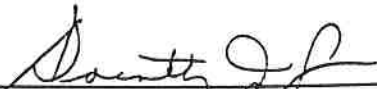
Finally, we appreciate your bringing this matter to our attention and your willingness to comply with the ethical standards embodied in the Governmental Ethics Ordinance.

Yours very truly,



Steven I. Berlin, Deputy Director

Approved by:



Dorothy J. Eng, Executive Director