

EMVJ



July 19, 1995

CONFIDENTIAL

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City of Chicago
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Board of Ethics

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Re: Case No. 95020.Q
Outside Employment

Dear :

On July 3, 1995, you telephoned the Board of Ethics to ask if you, as a City employee, are prohibited by the Governmental Ethics Ordinance from working part-time as a merchandising representative for M, a private company.

You are an employee of the Department assigned to the Project as an Administrator. In your position, you said, you audit invoices to ensure compliance with contract terms, and you monitor programs for the Project. Your City position does not involve M. You indicated, and available City records confirm, that M is not a City contractor.

As a merchandising representative with M, you stated, you will build merchandise displays in stores and distribute samples. Your outside employment will not involve any of the City contractors you monitor in your City position. You anticipate starting your job with M in August 1995.

It is the staff's conclusion, based on the facts you presented, that nothing in the Ordinance prevents you as a City employee from working in the position you described.

However, there are provisions in the Ordinance to which we call your attention, as they may become relevant to your circumstances. The following is a summary of those provisions:



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- (1) The fiduciary duty provision, Ordinance § 2-156-020, obliges you to use your City position in the best interests of the public. It obliges you to exercise professional judgments free from outside influences or conflicting duties to outside entities, and while acting as a City employee, to place the interests of the City before other interests or loyalties. Under this provision, you may not use your City position to assist you in your outside employment.
- (2) Sections 2-156-030 and 2-156-080(a) prohibit you from participating in or trying to use your position to influence any governmental decision or action in which you have an "economic interest" distinguishable from that of the general public. An "economic interest" is "any interest valued or capable of valuation in monetary terms..." (§ 2-156-010(i)). Under past Board opinions, you have an economic interest in a company that employs you. However, you have already indicated that you do not expect that any decisions you make in your City position would affect M ..
- (3) Section 2-156-090(a) prohibits you from representing or having an economic interest in the representation of any person other than the City in a transaction before a City agency. Therefore under this provision, should the occasion arise, you cannot represent the interests of your outside employer before any City agency.
- (4) Two other provisions of which you should be aware are § 2-156-060, "City-Owned Property," which prohibits you from using City property or resources for private gain, and § 2-156-070, "Use or Disclosure of Confidential Information," which prohibits you from using or revealing confidential information acquired through your City position. Confidential information, for purposes of the Ordinance, is information that may not be obtained under the Illinois Freedom of Information Act.

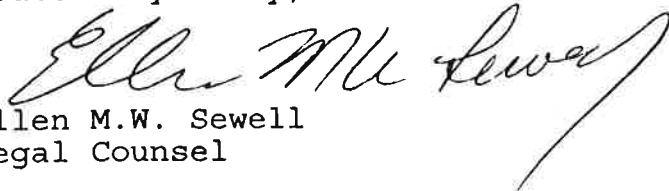
Our conclusion is based on the application of the Governmental Ethics Ordinance to the facts you provided and that are described here. If the facts are incorrect or incomplete or new facts arise, please notify us, because a change in the facts could alter our conclusion. As staff has discussed with you, other rules or laws may apply to your situation, and a City department may impose rules stricter than those contained in the Ethics Ordinance.

E.M.S.

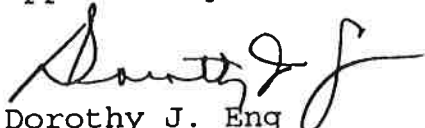
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We appreciate your calling us, and your ~~willingness~~ to seek guidance on this matter. If, after reviewing staff's opinion, you have further questions or need further guidance, please don't hesitate to call.

Yours very truly,


Ellen M.W. Sewell
Legal Counsel

Approved by:


Dorothy J. Eng
Executive Director

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