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June 28, 1999

CONFIDENTIAL

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**Re: Case No. 99024.Q
Outside Employment**

Dear [John],

In a letter of May 12, 1999, Board of Ethics staff advised you that the City's Ethics Ordinance does not prohibit a City employee from engaging in outside employment, and that you are not prohibited under the Ordinance from starting a consulting engineering business while employed by the City. However, staff also advised you that the Ordinance does impose certain restrictions on outside employment. These restrictions were outlined in the letter.

Following discussion of your situation at the June 16, 1999 Board meeting, several Board members, while agreeing with staff's advice, pointed to the general nature of your question, noting that the interpretation of the Ordinance depends on the specific facts of each outside employment situation. Absent any in your case, I have been directed to once again contact you regarding these restrictions, and advise you that without more specific facts, staff's advice is limited only to the general question of whether you may start a consulting engineering business while employed by the City. Since there is no *per se* prohibition against dual employment, you must pay particular attention to the Ordinance provisions concerning improper influence, conflict of interest, confidential information, and financial interest in City business, while in that role. To ensure compliance we recommend that you contact this agency when you have more detailed information on specific projects.

Sections 2-156-030 and 2-156-080 of the Ordinance, entitled "Improper Influence" and "Conflicts of Interest," respectively, prohibit you, as a City employee, from participating in, or trying to use your position to influence, a governmental decision or action in which you have an economic interest.

Section 2-156-070, "Use or Disclosure Of Confidential Information," prohibits you from using or disclosing, other than in the performance of your City duties and responsibilities, or as may be required by law, confidential information gained in the course of or by reason of your City position or employment.



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Section 2-156-110, "Interest in City Business," prohibits you from having a financial interest in your own name or in the name of any other person in any contract, work, or business of the City, whenever the expense, price, or consideration of the contract is paid for with funds belonging to or administered by the City.

Please also be reminded that other rules may also apply to this situation, and that a City department may adopt restrictions that are more strict than those imposed by the Ethics Ordinance. For example, Personnel Rule XX, Section 3, requires City employees to file a written request with their department head for permission to engage in outside employment. **We advise you to discuss your outside employment plans with your supervisor to determine if any departmental rules would prohibit or restrict such outside employment.**

We appreciate your contacting us about this matter, and your willingness to abide by the standards of the Governmental Ethics Ordinance. If, after reading the Ordinance, you have any questions about the law or its application, please do not hesitate to contact us for further guidance.

Very truly yours,

John H. Mathews
Attorney/Investigator

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