

April 4, 2007

CONFIDENTIAL

Ms. Doe

Chicago, IL 606..

Re: Case No. 07015.Q (as amended); Outside Employment

Dear Ms. [Doe] :

You are an employee of the City's [Dept of G], and are currently on a three month personal leave of absence, which took effect on March 23. On April 2, you contacted our office and asked whether the City's Governmental Ethics Ordinance prohibits you from working for a City vendor, [O], during your three month leave of absence. Staff sent you a letter informing you of the restrictions; on April 4, you then requested clarification and provided one correction to the facts stated in the April 3 letter. This letter incorporates the later information.

As we advised you on April 2, on April 3 in writing and email, and again on April 4 (in conversation) the Ordinance does not prohibit you from working for [O] during your leave of absence. However, as our Board has recognized, City employees who work for or are employed by other businesses or entities during their leaves of absence (such as you) are still subject as City employees to the City's Governmental Ethics Ordinance; in effect, your work with [O] is "outside" or secondary employment. Case Nos. 91072.A; 88041.A. So, you are subject to a number of restrictions under the Ordinance during your leave of absence; this letter summarizes them for you.

First, § 2-156-060, "City-owned Property," prohibits you from using City property or resources in your outside or non-City employment.

Second, § 2-156-070, "Use or Disclosure of Confidential Information," prohibits you from using or disclosing any confidential information you have obtained through your City employment. Confidential information, for purposes of this section, means any information that may not be obtained pursuant to the Illinois Freedom of Information Act, as amended.

Third, § 2-156-020, "Fiduciary Duty," prohibits you, as a City employee, from, among other things, using City resources or your City title to obtain a personal benefit or promote a private interest (such as [O's] interests).

Fourth, § 2-156-090(a), "Representation of Other Persons," prohibits you from representing or acting as a spokesperson for any person other than the City (such as [O]) in any formal or informal proceeding or transaction before any City of Chicago agency, if the agency's action or non-action is non-ministerial in nature.

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Fifth, two related provisions, §§ 2-156-030(a), "Improper Influence," and 2-156-080(a), "Conflicts of Interest; Appearance of Impropriety," prohibit you from participating in or trying to use your City position to influence a governmental decision or action in which you have an economic interest. The Board has recognized that a City employee who has paid employment with another entity has an economic interest in that entity by virtue of that employment. (See, e.g., Cases Nos. 98062.A, 94009.A, and 92044.A). You are, therefore, prohibited from making, participating in, or attempting to influence any *City* decision affecting [O] or any City contracts it may have or be seeking (emphasis added).

Finally, § 2-156-050, "Solicitation or Receipt of Money for Advice or Assistance," prohibits you from accepting payment from [O] in return for rendering advice or assistance to it on the operation or business of the City, unless that advice or assistance is "wholly unrelated to your City duties and responsibilities."

These conclusions do not dispose of all issues relevant to your situation, but are based solely on the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If these facts are incorrect or incomplete, please notify the Board as soon as possible, as any change may alter these conclusions. As you were already advised, other City laws or rules apply to your situation, including the City's Personnel Rules, especially Rules XI and XX. These, respectively, provide the criteria for and restrictions on Personal Leaves of Absence and outside employment. As was explained to you, and as you probably know, our Board does not have the authority to interpret those rules or apply them in particular cases. Thus, you are advised to ensure and confirm that you comply with them and that you receive the required approvals from your Department Head not only for your leave of absence but also for your specific outside employment with [O].

We appreciate your inquiry and conscientiousness. If you have any further questions, please contact our office.

Very truly yours,

Steven I. Berlin
Acting Executive Director