

MEH

October 28, 1991

CONFIDENTIAL

[REDACTED]

*out camp
(teaching)*

RE: Case No. 91099.Q
Outside Employment

Dear [REDACTED]:

On October 4, 1991, you telephoned this office to inquire about the propriety of a City employee also working outside the City under the provisions of the Governmental Ethics Ordinance. You stated that an employee in your department, Mr. N [REDACTED], has been offered a job as a tutor with [REDACTED] E [REDACTED], a not-for-profit corporation.

With the City, Mr. N [REDACTED] holds the position of [REDACTED]

[REDACTED] He works from 8:00 a.m. to 4:00 p.m. The position he was offered with [REDACTED] E [REDACTED] is as a tutor for reading and for the General Education Degree ("GED"), working from 5:00 p.m. to 9:00 p.m.

[REDACTED] E [REDACTED] receives its funding from the Mayor's Office of Employment and Training ("MET"). According to [REDACTED]

[REDACTED] of MET, no employees in the Revenue Department have any influence, decision-making authority, or funding authority over MET or over any of the "delegate agencies," including [REDACTED] E [REDACTED]. A delegate agency is a not-for-profit corporation in the neighborhood that provides the services of employment and training for MET. In addition to providing employment and training services, the delegate agencies provide student interns to, among other entities, City departments. However, your Department has not used these student interns in the past.

Although the City's Governmental Ethics Ordinance does not preclude a City employee from working outside his or her City job per se, it does restrict what the City employee can do in that job. We set forth the relevant provisions of the Ordinance below.



City of Chicago
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Board of Ethics

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Section 2-156-020 of the Ordinance states: "Officials and employees shall at all times in the performance of their public duties owe a fiduciary duty to the City." This section establishes an obligation for City employees to use their City positions responsibly and in the best interest of the public. Mr. N [REDACTED] must exercise his City duties in the best interest of the City. For example, he must not use City time to perform his tasks for E [REDACTED] but must use his City time to perform his job with your department.

Sections 2-156-030 and -080 of the Ordinance prohibit a City employee from participating in or using his or her position to influence a governmental decision or action in which he or she has an economic interest arising from that outside employment. If Mr. N [REDACTED] is faced with such a conflict, he must recuse himself from making the governmental decision.

Section 2-156-090 of the Ordinance states in relevant part:

(a) No elected official or employee may represent, or have an economic interest in the representation of, any person other than the City in any formal or informal proceeding or transaction before any City agency in which the agency's action or non-action is of a non-ministerial nature;

As the Board has interpreted it, the term "representation" applies to a broad range of activities in which a person acts as a spokesperson for some party or seeks to communicate and promote the interests of one party to another. Under this definition, representation includes actions such as making personal appearances before City agencies on behalf of others, making telephone contact with City employees and officials on behalf of others, and submitting written requests and proposals to City agencies, employees, or officials on behalf of others.

There are two additional sections of which Mr. N [REDACTED] should be aware in regard to his outside employment. Section 2-156-060, entitled "City-owned Property," prohibits Mr. N [REDACTED] from using any City property or resources in his non-city employment or for any private benefit. Section 2-156-070, entitled "Confidential Information," prohibits him from using or revealing confidential information he acquired during the course of his City job.

Finally, if Mr. N [REDACTED] seeks to obtain or is offered an ownership interest in E [REDACTED], he should first consult