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May 16, 1996

C O N F I D E N T I A L

[REDACTED]

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City of Chicago
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Board of Ethics

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Executive Director

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(312) 744-9660
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Re: Case No. 96025.Q

Dear Mr. [REDACTED]

On May 13, you contacted the Board of Ethics to ask whether the Governmental Ethics Ordinance prohibits you from working part-time outside your City job.

In your City position, you are a computer graphics technician for the [REDACTED]. As you described it, your job involves drafting information on computer in regard to the placement of City water pipe facilities, and performing general computer work.

You are interested in working on an occasional basis, during your non-City time, as a concrete technician for [REDACTED] the company for whom you worked before entering City service. The company performs material testing on concrete and asphalt intended for use in road construction, and you would be involved in performing those tests. The company is a subcontractor on some City projects, as well as on county, state, and private projects, but has no contracts directly with the City. You said you are not in a position in your City job to make or influence decisions affecting the company or the City projects on which the company subcontracts.

From the facts presented, it is the Board staff's opinion that nothing in the Ethics Ordinance prohibits your proposed dual employment. However, you should remain aware of the Ordinance provisions that may restrict your conduct during your dual employment status. For your convenience, we present the following summaries of those provisions:

Sections 2-156-030 and 2-156-080 of the Ordinance, entitled "Improper Influence" and "Conflicts of



Case No. 96025.Q
May 16, 1996
Page 2

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. (For purposes of the Ethics Ordinance, a City employee who is also employed by another entity has an economic interest in that entity by virtue of that employment.)

Section 2-156-050, "Solicitation or Receipt of Money for Advice or Assistance," prohibits you from soliciting or accepting money or anything of value in return for advice or assistance on matters concerning the operation or business of the City.

Section 2-156-090, "Representation of Other Persons," prohibits you from representing or acting as a spokesperson for any person or entity 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 discretionary in nature.

Section 2-156-110, "Interest in City Business," prohibits you from having a "financial interest" in any contract, work, or business of the City when the cost of that contract, work, or business is paid for with funds belonging to or administered by the City, or approved by ordinance. A "financial interest" is defined, in part, as an interest of more than \$2,500 per year, or a present interest of \$5,000 or more (§ 2-156-010(1)).

Three other provisions are relevant to outside employment. These are: Section 2-156-020, which obligates you to use your City position responsibly and prohibits you from using your City time, resources, position, or title to obtain a personal benefit or to promote a private interest; Section 2-156-060, which prohibits you from using any City property or resources for any private benefit; and Section 2-156-070, which prohibits you from disclosing or using confidential information gained in the course of, or by reason of, your City employment.

Be advised that our conclusion is based solely on our application of the Governmental Ethics Ordinance to the facts stated in this letter. Other rules or laws may apply to your situation. Also, a City department may adopt and impose rules stricter than those contained in the Ethics Ordinance. If any of the facts presented here are incorrect or incomplete, please notify us immediately, as a change in the facts may alter our opinion.


We appreciate your bringing this matter to our attention, and your concern to abide by the standards of the Ethics Ordinance. We enclose a copy of the Ordinance for your reference. If you

EMWS

Case No. 96025.Q
May 16, 1996
Page 3

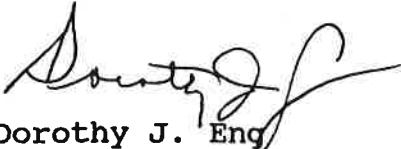
have any further questions, please do not hesitate to contact us.

Sincerely,



Ellen M.W. Sewell
Legal Counsel

Approved:



Dorothy J. Eng
Executive Director

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