

met



July 14, 1988

City of Chicago
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Board of Ethics
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[REDACTED]

Case Number 88087.A

CONFIDENTIAL

Dear [REDACTED]

On July 12, 1988 the Board of Ethics issued an advisory opinion concerning your part-time employment selling insurance for an insurance company.

[REDACTED]

That company has an agreement with the City to offer some insurance policies to City employees as part of the City benefits program. The company's insurance representatives are hired to give some insurance presentations to City departments. The representatives also advise and enroll City employees interested in these policies. As a representative your salary would consist of \$100 per day plus a commission of up to \$10 per enrollment.

As a City employee your are concerned in what way, if any, the Ethics Ordinance restricts you from selling some insurance part-time for an insurance company who has an agreement to sell policies to City employees.

The Board maintains that under the provisions of the Ethics Ordinance you should be allowed to sell policies for the insurance company provided that you:

- (1) Do not attempt to solicit business from persons working within your own City department; [REDACTED]
- (2) Do not perform services for the insurance company during hours you are scheduled to work as a City Employee.
- (3) Do not in any way attempt to use your



status or title as a City employee to obtain a private benefit for yourself or your outside employer.

These conclusions are based on Section 26.2-5 and 26.2-2 of the Ethics Ordinance. Section 26.2-5 states:

No official or employee... shall solicit or accept money or any other thing of value... in return for advice or assistance on matters concerning the operation or business of the City; provided, however, that nothing in this section shall prevent an official or employee... from accepting compensation for services wholly unrelated to the official's or employee's City duties and responsibilities and rendered as part of his or her non-City employment, occupation or profession.

Under this section, a City employee is prohibited from accepting money for services rendered to a private employer only if both the following two conditions exist: 1) the services rendered involve giving assistance or advice concerning City business; and 2) these services are in some way related to the employee's City responsibilities. Your proposed outside employment with *this insurance company* would meet the first of these conditions because it involves receiving compensation for advising City employees on insurance policies which the City has incorporated as a part of its employment benefits program.


The second question is whether your outside employment is wholly unrelated to your City duties and responsibilities. Apparently, your responsibilities as a City building supervisor are unrelated to the subject matter of employee benefits. However, if you promote these benefits to people in your own department a relationship would exist between your outside employment and your City department. Because your outside employment meets only one of the stated provisions Section 26.2-5 of the Ethics Ordinance would not prohibit you from enrolling City employees in insurance policies provided *you do* not perform these services for employees in your own City department.

Section 26.2-2 of the Ethics Ordinance contains a general provision stating that "employees shall at all times in the performance of their public duties owe a fiduciary duty to the City." This provision establishes that in the execution of your City responsibilities you have a primary responsibility to uphold and further the interests of the City. Any attempt to use time designated for public service to obtain a personal or private advantage is a violation of this Section.

In addition, do not use your title as a City employee in connection with the services you perform for *this insurance company*. The use of your title or mention of your position as a means of promoting benefits to City employees could constitute the use of your public position as a means of obtaining a private benefit.

Thank you for your attention to the Ethics Ordinance. If you have further questions on this or any other case please contact our office.

Sincerely yours,


S. Brandzel
Chair

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