

MEH



May 5, 1989

[REDACTED]

City of Chicago  
Richard M. Daley, Mayor

Re: Case No. 89060.A

Board of Ethics  
Harriet McCullough  
Executive Director

Dear [REDACTED]

You submitted a request to the Board of Ethics for an advisory opinion on the following question:

Does the Governmental Ethics Ordinance prohibit a full time City police officer from receiving payment under a contract with a City department for professional services rendered during a student internship?

The Board of Ethics considered your question at its meeting on April 11, 1989, and issued the advisory opinion contained in this letter.

The advisory opinion is based on the facts which are outlined in this letter. If there are additional material facts or circumstances that were not available to the Board when it considered your case, you may request reconsideration of the opinion. A request for reconsideration must (1) be submitted in writing, (2) explain the material facts or circumstances which are the basis of the request, and (3) be received by the Board of Ethics within fifteen days of the date of this letter.

FACTS: [REDACTED] has been a full time City police officer for almost [REDACTED] years. Officer [REDACTED] attends the University [REDACTED] Evening Program. As part of the requirement for her degree, Ms. [REDACTED] must complete a student internship. In December 1988, Ms. [REDACTED] chose as her internship participation in a [REDACTED] Department project, [REDACTED]

Officer [REDACTED] pursues her student internship in her off-duty hours. She has not sought approval of the internship from the Police Department

Sol Brandzel  
Chair  
Mary Milano  
Vice Chair  
Margaret Carter  
Angeles Eames  
Russell Hardin  
Rev. A. Patterson Jackson  
Marlene O. Rankin  
Suite 530  
205 West Randolph Street  
Chicago, Illinois 60606  
(312) 744-9660



Page 2  
Case No. 89060.A  
May 5, 1989

because she does not consider it secondary employment. The internship, running from January 3, 1989, to late July 1989, is 512 hours.

When Officer [REDACTED] accepted the internship in December 1988, the question of compensation was open. [REDACTED] Deputy Commissioner of the Department [REDACTED] who is Officer [REDACTED]'s field instructor for the internship, sought to compensate Officer [REDACTED] by putting her on contract with the Department. He proposed paying her as a contractor either from the Department's account for professional services or from an [REDACTED] grant. Officer [REDACTED] was to receive the same rate as other interns working on the project, \$8.00 per hour. Thus, the total projected compensation for the internship was \$4,096. Commissioner [REDACTED] was told by his superior in [REDACTED] that this arrangement was not allowed because Ms. [REDACTED] would receive two City paychecks.

It was suggested or stated that the Governmental Ethics Ordinance prohibited Officer [REDACTED]'s being on two City payrolls. Therefore, Officer [REDACTED] requested an advisory opinion.

#### APPLICABLE PROVISIONS OF THE GOVERNMENTAL ETHICS ORDINANCE

Section 26.2-11 of the Governmental Ethics Ordinance provides:

"No elected official or employee shall have a financial interest in his own name or in the name of any other person in any contract, work, or business of the City or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the City, or is authorized by ordinance..."

The pertinent part of Section 26.2-1(k) of the Governmental Ethics Ordinance defines "financial interest" as any interest as a result of which the owner currently receives or is entitled to receive in the future more than \$2,500 per year.

#### DISCUSSION AND OPINION

Under the proposed arrangement, Officer [REDACTED] would be a contractor with the Department [REDACTED]. The source of her pay would be City funds appropriated for use by the Department [REDACTED] or grant funds administered by that Department. The proposed pay between January and August for her services would total \$4,096. It would exceed \$2,500 in a year and thus would constitute a financial interest in a contract or business of the City.

If Officer [REDACTED] received the proposed compensation from either

Page 3  
Case No. 89060.A  
May 5, 1989

of these sources, she would hold a financial interest in City business which is prohibited by Section 26.2-11 of the Governmental Ethics Ordinance. Although Section 26.2-11 of the Governmental Ethics Ordinance would not prohibit Officer [REDACTED] from receiving up to \$2,500 compensation for work on contract with the City, on the basis of this opinion, it cannot be concluded that such compensation would be permissible.

The Governmental Ethics Ordinance is supplemental to other laws and regulations, and any City agency may adopt rules that are more restrictive than the Governmental Ethics Ordinance. Moreover, the Board of Ethics has the authority to interpret and apply only the provisions of the Governmental Ethics Ordinance. The answer to questions of compensation of City employees may require the application of state and federal laws or union contract provisions. In such cases, the Labor Relations Division of the Department of Law should be consulted.

---

The Board of Ethics hopes that this opinion has been helpful to you. If you have any questions regarding this matter, please call us at 744-9660.

Sincerely,

*Sol Brandzel* <sup>pejd.</sup>

Sol Brandzel  
Chair

cc: [REDACTED]

JBD/3/a: [REDACTED]