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

July 28, 1994

Re: Outside Employment
Case No. 94023.Q

*out emp
teaching*

Dear :

You are

On
you asked whether the City's Ethics
Ordinance would prohibit you from accepting an offer
of outside employment from the Chicago City Colleges
to teach one complete section of the curriculum of
Subject "A".

, which is offered through the Chicago City
Colleges. Based on our application of the facts
described in this letter to the Ethics Ordinance,
staff believes that nothing in the Ordinance
prohibits you from accepting this offer, although,
as explained, there are certain provisions of which
you should be aware.

FACTS: You are

In that
capacity, you are responsible for handling walk-in
complaints, making surveys of buildings to determine
their accessibility to people with disabilities,
serving as the

, and giving presentations to
various community groups on sensitivity to people
with disabilities. You also stated that, in your
City job you are not
involved with any complaints about subject A,
including complaints concerning or filed by people
with disabilities. All complaints involving
subject "A" are handled through the City's Department
of Consumer Services ("DCS").

Since May, 1993, you have, as one of your City
duties, also taught a part of the curriculum:
, which
deals with sensitivity to people with disabilities.
You have taught two 90-minute sessions each
week, at Washington and Dawson Colleges. You are
not specifically compensated for this work. Other
employees have also taught this class.



E-11004

Case No. 94023.Q
July 28, 1994
Page 2

The entire curriculum, _____, is offered through the City Colleges in conjunction with DCS, specifically for people wishing to sit for the _____ Subject A examination. To be eligible to take this examination, a person must, in addition to meeting other requirements, complete the entire _____ curriculum of study _____): this lasts three full days.

As you explained, City Colleges has decided to offer the curriculum during the evenings, in addition to its daytime program. Instead of completing the curriculum over a three day period, enrollees could choose to complete it over five successive weeknights. City Colleges has asked you to increase your load and teach one complete weekly offering of the entire _____ curriculum. It would compensate you directly for this work. If you accept this offer, you would, in addition to your current teaching load, teach five evenings per week, approximately once every eight weeks, as the curriculum would be repeated each week. You are unsure what additional topics you would be expected to cover, or who the other instructors would be.

You stated that you would not be assigning grades to your students, but would only be teaching, taking attendance, and handing out an informational, non-graded quiz at the beginning so students could discover the areas in which they need work. Students who attend all of your sessions would receive a certificate of completion from DCS, and would only then (assuming other requirements are met) be eligible to sit for the _____ examination. DCS administers and grades this examination--you would have no grading authority with respect to it.

You said that your current City job duties, like those of your predecessor in the position, include teaching _____ twice weekly, and you are not specifically compensated for this work. However, you stated, and _____ confirmed, that the proposed increased teaching would be considered voluntary, not part of your City duties.

ANALYSIS AND CONCLUSION: The Ordinance does not prohibit a City employee from working outside of his or her City job. However, it does restrict what the employee may do in the outside employment. Section 2-156-050, entitled "Solicitation or Receipt of Money for Advice or Assistance," is the provision most relevant to your situation. This provision prohibits a City employee or official from accepting outside employment that involves giving advice or assistance on the operation or business of the City, unless the work is wholly unrelated to the employee's City duties and is rendered as part of the employee's non-City profession.

Staff has reviewed previous Board cases applying this provision in the context of outside teaching positions. Based on this review,

E.M.C.f.

Case No. 94023.Q
July 28, 1994
Page 3

staff believes that your additional teaching would not fall within the Ordinance's intended prohibition against receipt of money for "advice or assistance on matters concerning the operation or business of the City." These earlier Board cases have identified various criteria for analyzing whether outside teaching positions are permissible under the Ordinance. Those most important for your situation include whether the information you would convey would give someone taking the class an unfair advantage over another in dealing with the City, and whether you will, in your City job, have decision-making authority over your students. Additionally, in a past case in which the Board permitted outside teaching at City Colleges by a City employee, it noted that certain courses offered through the City Colleges were offered at the City's request, and were often taught by City employees familiar with the subject.

Staff believes that your situation satisfies these criteria, and is consistent with Board cases in which City employees were not prohibited from engaging in outside teaching. First, since all persons wishing to apply for a license must attend these classes, the information you would convey in your classes could not give anyone an advantage in dealing with the City. Second, you would not be grading your students, as grading is done by DCS. Nor would you, in your City job have authority to supervise them or make decisions affecting their ability to obtain or retain a license. Thus, in your City position, you would have no decision-making authority over your students. Finally, staff notes the additional fact that, as in a previous instance where such teaching was permitted, the curriculum you would teach is part of the educational and training program that City Colleges offers in conjunction with the City, and is authorized by the City.

Based on these facts, staff believes that nothing in the Ethics Ordinance prohibits you from teaching the additional course load

Please note, however, that, in your outside employment, the Ordinance explicitly prohibits you from: 1) making, participating in the making of, or influencing any City decisions with regard to the or the City's arrangement with your outside employer, City Colleges, because you would have an economic interest in City Colleges, §§2-156-030 and -080; 2) using City time for your non-City employment, §2-156-020; 3) using City-owned property without authorization, §2-156-060; and 4) disclosing confidential information gained in the course of or by reason of your City position, §2-156-070. We enclose a copy of the Ethics Ordinance for your reference.

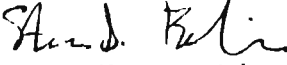
Our conclusion is based on the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If any of the facts presented are incorrect or incomplete, please notify us immediately, as a change in the facts may alter our

Case No. 94023.Q
July 28, 1994
Page 4

conclusion. Please note that other rules or laws may apply to this situation, and that a City department may adopt and impose rules stricter than those contained in the Ethics Ordinance.

We appreciate your calling us about this matter, and your willingness to abide by the standards of the Governmental Ethics Ordinance. Please don't hesitate to call us if you have any further questions or need further guidance.

Yours very truly,


Steven I. Berlin
Deputy Director

Approved:


Dorothy J. Eng
Executive Director

cc:

enclosures
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