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May 17, 1995

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

out camp teaching

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Re: Case No. 95014.Q  
Outside Employment

Dear :

On May 2, 1995, you contacted the Board of Ethics to ask whether the City's Governmental Ethics Ordinance would prohibit you from accepting an invitation to co-teach a class offered through M College. Based on our application of the Ethics Ordinance to the facts described in this letter, staff believes that the Ordinance does not prohibit you from accepting this offer. However, there are certain provisions of the Ordinance of which you should be aware. These provisions are explained below.

**FACTS:** You are a City employee who works for the Bureau in the Department of . Your job, as you describe it, is to inspect facilities, such as . Your inspections are for the purposes of (1) investigating complaints, such as that an entity is operating without a license; (2) following up on accidents, such as suicides or fires ; and (3) determining whether a facility should receive a license based on whether you find violations. The facilities you inspect for licensing purposes are

(You inspect with regard to complaints, not licensing matters.) You said that you can recuse yourself from these inspections if necessary. Your City job does not involve representing others before City agencies.

You said the only teaching your job entails is one-on-one instruction about regulations with the supervisors and administrators in the facilities that you inspect. You have not taught in a classroom setting.

You were approached by a friend who invited you to co-teach a class: an overview



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of basic anatomy for non-professionals. The class is a non-credit, adult education course, sponsored in part by M College, one of the City Colleges of Chicago. It meets twice weekly, two hours a session, for six weeks, at X Hospital. For your work, you would receive \$500.00 from City Colleges. The position is funded half by a grant directly from the State and half by the students themselves.

You told staff that you believe your students would be public-aid recipients who are potential first-time employees of X Hospital. The students would be people who are interested in becoming para-professionals, such as hospital ward clerks. You do not anticipate any future interaction with your students in the course of your City duties, because you work with supervisors and hospital administrators, which the students are not likely to be. In your City job, you are not involved with M College or City Colleges in any way, and you do not foresee having to make decisions on your City job regarding City Colleges, M College, or your students.

Further, you said that you do not see any way that the knowledge about basic anatomy conveyed through your teaching will give City Colleges, M College, or your students an advantage in City business. Because the class is non-credit, it is not a required course for City certification purposes.

**ANALYSIS AND CONCLUSION:** The Ordinance does not prohibit a City employee from working outside of her City job. However, it does restrict what the employee may do in her outside employment. Section 2-156-050 of the Governmental Ethics Ordinance, entitled "Solicitation or Receipt of Money for Advice or Assistance," is the provision most relevant to your situation. It states, in relevant part:

No official or employee...shall solicit or accept any money or other thing of value including, but not limited to, gifts, favors, services or promises of future employment, 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.

This provision prohibits a City employee or official from accepting payment (from a non-City employer, for example) in exchange for giving advice or assistance on matters pertaining

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to the operation or business of the City, unless the services are wholly unrelated to that employee's City duties and responsibilities, and are rendered as part of the employee's non-City profession.

Previous Board cases applying this provision to outside teaching positions have identified various criteria for analyzing whether the employment is permissible under the Ordinance. The most important of these criteria for your situation are (1) whether the information conveyed would give someone taking your class an unfair advantage over another in dealing with the City, and (2) whether you will, in your City job, have decision-making authority over your students. Case nos. 91103.A and 93021.A.

In your situation, the information you provide in your lectures on anatomy will not give someone taking the class an unfair advantage over another in dealing with the City. Further, it is unlikely that you will come in contact with your students outside of the classroom because the persons with whom you work in your City position are supervisors and administrators, not para-professionals. Finally, the decision-making authority that you have in your City position is with regard to facilities, not individuals. Based on these factors, staff believes that your situation satisfies the criteria outlined above, and is consistent with Board cases in which the Ethics Ordinance did not prohibit City employees from engaging in outside teaching. Therefore, neither Section 2-156-050, nor any other provision in the Ordinance, prohibit you from accepting this teaching offer.

However, several other provisions of the Ethics Ordinance impose restrictions on your conduct both in performing your City responsibilities and your outside teaching. Specifically, the Ordinance explicitly prohibits you from: (1) making, participating in, or trying to use your position to influence a City decision or action with regard to City Colleges or M College or your employment with it, because you would have an economic interest in M College by virtue of that employment, Sections 2-156-030 and 2-156-080; (2) using City time for your non-City employment, Section 2-156-020 (this provision also obligates you to exercise your professional judgments in your City position free from your responsibilities to any other entity or person, such as M College or any of your students); (3) using City-owned property without authorization, Section 2-156-060; and (4) disclosing confidential information gained in the course of or by reason of your City position, Section 2-156-070. We enclose a copy of the Ethics Ordinance for your reference.

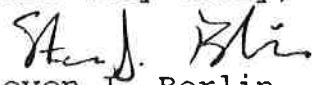
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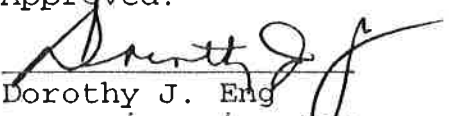
Please note that our conclusions are based solely on our application of the Ethics Ordinance to the facts stated in this letter. Other rules or laws may apply to this situation, such as Personnel Rule XX, Section 3 and Rule XVIII, Section 1, no. 43. Also, a City department may adopt and impose rules stricter than those contained in the Ethics Ordinance. If any of the facts presented are incorrect or incomplete, please notify us immediately, as a change in the facts may alter our opinion.

We appreciate your calling us about this matter, and your willingness to abide by the standards of the 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

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