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[REDACTED], 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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Re: Case No. 96043.Q

Dear [REDACTED]

On [REDACTED], you contacted the Board of Ethics and asked whether the Governmental Ethics Ordinance prohibited you from serving, with pay, on an ad hoc committee of the [REDACTED] (the "Agency"). Staff advised you orally that you were not prohibited from serving on the committee, and you requested a written staff opinion. Our analysis under the Ordinance of the facts you presented is set forth below.

The *Agency*, a governmental agency independent of the City of Chicago, is responsible for maintaining [REDACTED] lines throughout Cook County. It periodically convenes a one-day, ad hoc committee, comprising various professionals, to perform an independent review of selected *Agency* employees who are candidates for promotion. You were asked by the *Agency* to serve on this committee, which met for one nine-hour session on October 19. You told us you were paid \$50 per hour for your participation as a committee member.

In your City position, you are [REDACTED] and [REDACTED] of the [REDACTED] [REDACTED] for the Department [REDACTED]. You are responsible for the operation and maintenance of the City [REDACTED], and for [REDACTED], primarily on [REDACTED] the [REDACTED]. You said your staff informs the *Agency* about any repairs that need to be done on *Agency* [REDACTED] lines, but that, in your City position, you do not make or influence any decisions affecting the *Agency*.

As we informed you orally, it is our opinion that, from the facts presented, nothing in the Ethics



Ordinance prohibited you from serving, with pay, on the Agency committee on [REDACTED]. However, for your future reference, you should be aware of the Ordinance provisions relevant to City employees who perform work outside their City jobs. 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 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.

In your conversation with Board staff, you also asked that our opinion address how your service on the Agency committee should be disclosed on your next statement of Financial Interests. City employees who are reporting individuals for

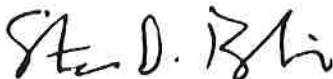
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the purposes of the financial interest disclosure requirements of the Ordinance should report any work they performed outside their City jobs under the Statement heading "Other Income." Thus, you should disclose this in Question 1, as appropriate, and in Question 3.

Be advised that our conclusion in this case 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, 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 here are incorrect or incomplete, please notify us immediately, as a change in the facts may alter our opinion.

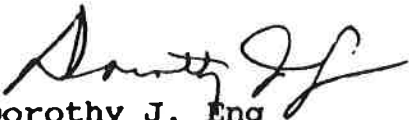
We appreciate your bringing this matter to our attention, and your concern to abide by the standards of the Ethics Ordinance. We enclose a copy of the Ordinance for your reference. If you have any further questions, please do not hesitate to contact us.

Sincerely,



Steven I. Berlin
Deputy Director

Approved:



Dorothy J. Eng
Executive Director

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