

MEH



September 9, 1991

CONFIDENTIAL

City of Chicago
Richard M. Daley, Mayor

[REDACTED]

out emp

Board of Ethics

RE: Outside Employment
Case No. 91086.Q

Dorothy J. Eng
Executive Director

Dear [REDACTED]:

Al Hofeld
Chairman

I am writing in response to our telephone conversation of August 22, 1991. You are a [REDACTED] for the City of Chicago's Health Department and wanted to know whether the Governmental Ethics Ordinance prohibits your outside employment as a dietician. Based on the facts you presented, it is the opinion of the staff that your outside employment, as you described, it is not prohibited by the Ordinance. However, in this letter we call your attention to several provisions of the Ordinance that set forth the conduct that is required of you in your non-City employment. Our opinion is based on the facts you presented.

Angeles L. Eames
Vice Chair

During our telephone conversation, you stated that as an employee of the City of Chicago Health Department in the position of [REDACTED], your duties involve [REDACTED].

Margaret Carter
Darryl L. DePriest
Fr. Martin E. O'Donovan
Marlene O. Rankin
Catherine M. Ryan

In your outside employment you work as a dietician. In this position you have two areas of responsibility: menu preparation and nutrition assessment. Nutrition assessment involves checking clients' weights, evaluating their eating habits, and suggesting proper diets. Your qualification for this job comes from your Masters degree in nutrition.

Room 303
320 North Clark Street
Chicago, Illinois 60610
(312) 744-9660

You explained that the establishment for which you work as a dietician has no City contracts, holds no City licenses, and is not inspected by your department.

While there is no direct prohibition against outside employment in the Governmental Ethics Ordinance, there are restrictions imposed upon City employees' activities in their outside positions. The following will give you an overview of those Ordinance sections that apply



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generally to your specific situation.

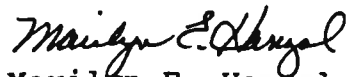
Section 2-156-020 of the Governmental Ethics Ordinance states that City employees "shall at all times in the performance of their public duties owe a fiduciary duty to the City." This means that you must use your City position responsibly and in the best interest of the public. For example, your outside employment tasks cannot be performed on City time. Therefore, if a conflict arises between your two positions, your first duty is to the City.

Section 2-156-060 prohibits the unauthorized use of City property. Therefore, you may not use City property for the benefit of your outside employment. In addition, section 2-156-070 prohibits the use or disclosure of confidential information other than in your City job.

We point out that several sections of the Ordinance might apply under different circumstances, especially if your outside employer has any dealings with the City. Since the staff's opinion is based on the facts presented, please notify us if the facts are inaccurate or change.

We enclose a copy of the Governmental Ethics Ordinance for your convenience. We appreciate your bringing this matter to our attention and your willingness to comply with the standards imposed by the Governmental Ethics Ordinance. If you have any further questions, please do not hesitate to contact us.

Sincerely,


Marilyn E. Hanzal
Legal Counsel

Approved:


Dorothy J. Eng
Executive Director

cc: 

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rct/91086.L