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

[Redacted]

out emp.  
(teaching)

City of Chicago  
Richard M. Daley, Mayor

Board of Ethics

Dorothy J. Eng  
Executive Director

Angeles L. Eames  
Vice Chair

Eileen T. Corcoran  
Darryl L. DePriest  
Emily Nicklin  
Martin E. O'Donovan  
Michael F. Quirk

Re: Case No. 96046.Q  
Outside Employment

Dear Mr. [Redacted]:

Room 303  
320 North Clark Street  
Chicago, Illinois 60610  
(312) 744-9660  
(312) 744-2793 (FAX)  
(312) 744-5996 (TTY)  
<http://www.ci.chi.il.us>

On [Redacted], you telephoned the Board of Ethics and asked whether the City's Governmental Ethics Ordinance prohibits you from accepting an offer of outside employment as an instructor on the topic of B inspection [Redacted] procedures. Based on the facts presented, staff believes that the Ethics Ordinance does not prohibit you from accepting the employment in question, though there are provisions to which you should pay particular attention. This letter presents our analysis of the facts you presented under the most relevant provision of the Ethics Ordinance, and explains the other provisions of which you should be aware in your dual employment (see pp. 3-4).

**FACTS:** You are a [Redacted] in the Department of [Redacted]'s X [Redacted] Program. As an employee in the Department of [Redacted], you have performed a number of duties in connection with B inspection [Redacted]. You have worked as a B inspector and as a B court [Redacted] inspector, inspecting buildings to determine [Redacted] and testifying in court on the City's behalf in cases involving B [Redacted] violations. You have also administered a departmental B inspection [Redacted] program, the [Redacted] H [Redacted] program. You are currently carrying out several coordinating and training assignments within the X Program. You said that at present you have no supervisory responsibilities in your City job, and do not make decisions that have a binding effect on other City employees.

You stated that you have been approached with offers for outside employment by three consulting firms that specialize in B inspection [Redacted]: E [Redacted], [Redacted] S [Redacted], and C [Redacted]. You have been asked to teach training courses in B inspection, [Redacted], project management, and risk assessment. These courses are required as part of



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[REDACTED]

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the state's licensing procedure for [REDACTED] inspectors, and annual follow-up courses are required for license renewal. You explained that individuals who take these courses are typically enrolled by their private employers, who pay their tuition. You said that the City likewise contracts out for its employees' training in [REDACTED] inspection [REDACTED]; you noted, e.g., that the City has a contract with [REDACTED] S [REDACTED] (one of the companies that has approached you with a job offer) for training of City employees in risk assessment on [REDACTED]. However, you said that you have not been asked to teach any courses to City employees. You therefore believe it unlikely that a student of yours will be or will later become a co-worker or subordinate of yours in the Department of [REDACTED]. You also said that you were not involved in preparing or negotiating the contract between [REDACTED] S [REDACTED] and the City.

You said that the curriculum for the courses you would teach is mandated by the Environmental Protection Agency and the federal Department of Housing and Urban Development, and needs to conform to state licensing requirements. You noted that there was nothing in the curriculum concerning the City's procedures or regulations. Also, you stated that the City's regulations concerning [REDACTED] and [REDACTED] are patterned entirely after the relevant federal and state regulations. You therefore believe that the information you would provide in your courses would not give someone taking the course an unfair advantage over another in dealing with the City.

We note that when you initially contacted us, you were assigned to the [REDACTED] Task Force, in which you were responsible for reviewing and revising City codes to conform to changes in federal legislation. You told us then that you had received permission from your supervisor, [REDACTED], to engage in this outside employment. You have since been transferred back to the [REDACTED] X Program, and now work under the supervision of [REDACTED], [REDACTED].

**LAW AND ANALYSIS:** The section of the Ordinance that most applies to your situation is 2-156-050, entitled "Solicitation or Receipt of Money for Advice or Assistance," which states:

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 section prohibits a City employee from accepting money in return for advice or assistance on matters concerning the City's operation or business, unless the services provided are wholly unrelated to the employee's City duties and are rendered as part of his or her non-City employment. It prohibits a City employee from accepting money for teaching courses which, through the information conveyed, might give students an unfair advantage in dealing with the City; or where the employee, in his or her City job, will be in a position to make decisions that have a binding effect on his students or former students. (See Case Nos. 90020.A, 91103.A.)

After reviewing the facts presented, staff believes that your teaching courses on the subject matter described does not constitute "advice or assistance on matters concerning the operation or business of the City," within the intent of the Ordinance, because: 1) the information that you provide in your courses would not give someone taking the course an unfair advantage over another in dealing with the City; 2) there is no possibility that, in your City position, you will make decisions that affect any individuals who take your classes. Given these conditions, staff concludes that section 2-156-050 does not prohibit you from teaching the proposed courses.

We also remind you of other provisions of the Ordinance that are relevant to City employees who perform work outside their City jobs. First, please note that for purposes of the Ethics Ordinance, a City employee who is also a paid employee of another entity has an economic interest in that entity. Sections 2-156-030 and 2-156-080 of the Ordinance, respectively entitled "Improper Influence" and "Conflicts of Interest," 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. You would therefore be prohibited from making or attempting to influence any City decision concerning any of your non-City employers.

Other sections of the Ordinance prohibit you from: 1) representing an outside employer or any person before any City agency, except in the performance of your official City duties (§ 2-156-090); 2) disclosing or using confidential information gained in the course of your City employment (§ 2-156-070); 3) using City-owned property or resources for any private benefit (including that of your outside employer) (§ 2-156-060); and 4) using City time to promote private interests (§ 2-156-020). This last section also requires you, while performing your public duties as a City employee, to give your undivided loyalty to the City and to place the City's and

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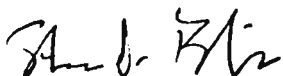
public's interests before any obligations you owe to any outside employer.

We note that, although ██████████ S█████████ has a contract with the Department of ██████████ to provide training in aspects of (B) inspection ██████████, you have not been asked to teach any courses to City employees. If in the future you are asked to teach City employees, you should contact us for further guidance on the application of the Ethics Ordinance's provisions.

Our conclusions in this case are based solely upon application of the City's Governmental Ethics Ordinance to the facts stated in this letter. Please note that other rules or laws may apply to your situation, such as Personnel Rule XX, Section 3, and Rule XVIII, Section 1, no. 43. Also, we remind you that any City department (such as your own) 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 conclusion.

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, or if other outside employment situations arise that are not addressed in this letter, please do not hesitate to contact us.

Sincerely,



Steven I. Berlin  
Deputy Director

Approved:



Dorothy J. Eng  
Executive Director

Enclosure