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Suite 530
205 West Randolph Street
Chicago, Illinois 60606
(312) 744-9660

file
METH

[REDACTED]

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

[REDACTED]
[REDACTED]
[REDACTED]

out emp
sick

Re: Outside Employment, 90051.0

Dear [REDACTED]

This letter is sent in follow up to our telephone conversation of [REDACTED] In that conversation, you as a City employee, sought guidance regarding the permissibility under the Ethics Ordinance of outside employment with [REDACTED], an agency that has a contract with the City's Department X.

The facts you presented are as follows: You are a City employee in Dept. Y. Your City position involves [REDACTED] contracts between the City and outside agencies. [REDACTED] an agency which counsels [REDACTED] has offered you a part-time position as a counselor at the shelter. Payment for your services is to be on an hourly basis. The shelter's contract with [REDACTED] THE CITY [REDACTED] is unrelated to your [REDACTED] duties and responsibilities in your [REDACTED] office.

As I previously advised you, the Ethics Ordinance does not prohibit dual employment. However, in this instance, because the agency in question has a contract with the City, you are limited in the amount of earnings you can receive per year in their employment.

As a City employee, Section 26.2-11 of the Ordinance prohibits you from having a financial interest in City business. I have enclosed a copy of the Ordinance for your convenience. Section 26.2-11, on page 9, states in relevant part:

No elected official or employee shall have a financial interest in his own name or in the name of any other person in any contract, work or business of the City or in the sale of any article,



[REDACTED]
[REDACTED]
Page 2

whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the City, or is authorized by ordinance.

"Financial Interest" as it applies in this case means: "any interest as a result of which the owner currently receives or is entitled to receive in the future more than \$2,500 per year." (See page 2 of the Ordinance).

Therefore, the Ordinance does not prohibit your dual employment as a counselor for the shelter, so long as you do not earn in excess of \$2,500 per year. The permissibility of your dual employment is of course conditioned on the assumptions that it will not interfere with the efficient performance of your city duties and will not occur during your regular and assigned working hours as a City employee. May I suggest that you review Article I, the Code of Conduct, starting on page 6, so you are aware of the restrictions imposed upon you as a city employee.

Should you need further explanation or if I can be of further assistance, please feel free to contact me. Thank you for contacting the Board of Ethics.

Very truly yours,


Dorothy J. Eng
Deputy Director

DJE:tl

Enclosure