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April 17, 1995

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

*EMUD  
vouchered personnel  
out EMP*

RE: Case No. 95010.Q  
Outside Employment

Dear

On March 29, 1995, you called to ask whether the Governmental Ethics Ordinance restricts your ability to serve in a volunteer capacity as the president of "NPO", a non-profit organization, while you remain on a voucher contract with the City as "P" for the Department of "d". As we discussed, the staff sees no reason, under the Ordinance, that you may not serve and carry out the duties as president of NPO. This letter, confirming our discussion, presents our analysis of your situation.

As P for the Department of d, you are responsible for the City's public art projects. You said you have no authority to award grants; the grants office is in a different division of the department. The NPO is dedicated to the preservation and display of art created in the Chicago area under the program. It expects to seek grants from the Department of d.

An employee of the City is prohibited by the Governmental Ethics Ordinance from representing any person or organization other than the City in any proceeding or transaction before a City agency. § 2-156-090. Under this section of the Ordinance, an employee who serves as an unpaid officer of a nonprofit organization may not represent the organization before the City -- including in seeking grants.

However, you work for the City under a Voucher Services Agreement entered into January 2, 19-; you said you have served under a series of such six-month contracts for almost five years. Your agreement with the City, section 2, expressly states that you are not a City employee.

As we discussed, the Board has determined that people who work for the City as vouchered personnel are not City employees under the Ethics Ordinance (Case No. 94024.A). In considering whether vouchered personnel



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are City employees, the Board has noted that they are responsible for their own payment of federal and state taxes, they receive no employee benefits through the City, and they are not eligible for service credit for their vouchered service if they become City employees. Your current agreement sets forth all these conditions. Therefore your situation fits within the previous Board determination; as vouchered personnel, you are not a City employee for purposes of the Ethics Ordinance.

I call your attention to the fact that, while you are not subject to the provisions governing City employees, you are subject to the provisions in both the Governmental Ethics and Campaign Financing Ordinances that govern City contractors and persons doing business with the City, provisions that do not affect the question you raised.

In conclusion, as a person compensated by voucher, you are not a City employee under the Ethics Ordinance, and so are not subject to the Ethics Ordinance provisions governing City employees. Therefore, it is the staff's opinion that there is no reason, under the Ordinance, that you may not serve as and carry out the duties of president of NPO.

Other rules or laws may apply to this situation; as you and I discussed, a City department, such as the Department of *d*, may adopt and impose rules stricter than those contained in the Ethics Ordinance.

The staff conclusions are based on the application of the City's Governmental Ethics Ordinance to the facts stated in this letter. If the facts are incomplete or incorrect, please notify us, as a change in the facts may alter our opinion.

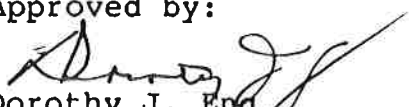
We appreciate your calling about this matter, and your willingness to abide by the standards of the Ethics Ordinance. I enclose a copy of the Ethics Ordinance for your review. If you have any other questions about the application of the Ethics Ordinance, please contact us. We are happy to help.

Yours very truly,



Ellen M.W. Sewell  
Legal Counsel

Approved by:



Dorothy J. Eng  
Executive Director

enclosure

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