



Section 2-156-090 ("Representation of Other Persons") prohibits a city employee from representing persons other than the city in certain situations. It prohibits an employee from representing or having an economic interest in representing any person other than the city in a transaction before any city agency,

The Ethics Ordinance provisions that may limit an employee's outside work and that most bear on your question are the following:

For your general information, as staff explained, the city's Governmental Ethics Ordinance has no general prohibition against city employees having outside part-time employment, which may include part-time work as an attorney. However, there are a number of provisions of the Ethics Ordinance that restrict an employee's outside work activities. Also, as we said, city departments may impose rules stricter than the Ethics Ordinance, and at least one department does prohibit attorneys who are its employees from representing anyone except as required by their city duties.

The Board of Ethics staff cannot answer your question with respect to the conduct of the particular person and matter you are referring to, as we do not have available to us sufficient facts.

This staff letter is in response to your letter dated which you brought in person to the office. You spoke again briefly to staff on "involved with a individual that has a legal matter." Your letter refers to a particular employee, who is not named. You do not describe the legal matter or the person's specific city responsibilities. You did explain to staff that you were concerned with the question of whether an attorney who works for the city is prohibited from representing, for private payment, someone other than the city in a legal matter.

Dear

Re: Letter of [redacted] Case No. 97053.0

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

December 9, 1997

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if the agency's action is discretionary. (Employees may represent someone in a city transaction if that is part of their city job responsibilities.)

Section 2-156-090 also prohibits a city employee from having an economic interest in representing any person in a judicial or quasi-judicial proceeding before any administrative agency or court if the city is a party and that person's interest is against that of the city.

Under section 2-156-020 ("Fiduciary Duty"), an employee has a duty of loyalty to the city, and, in the event of conflicting loyalties with duties to an outside employer or client, must always act in a way consistent with city obligations. This section also prohibits an employee from using his or her city position to promote a purely private interest.

Sections 2-156-030 and 2-156-080 of the ordinance ("Improper Influence" and "Conflicts of Interest") prohibit a city employee from making or participating in, or using the employee's city position to influence, a city governmental decision or action, if the employee has an economic interest in the matter.

Section 2-156-050 ("Solicitation or Receipt of Money for Advice or Assistance") prohibits a city employee 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.

Other laws or rules may also apply. As we noted above, city departments may have their own rules that restrict an employee's ability to represent others in a legal matter. A department may prohibit outside representation altogether, or place limitations on it to ensure that an employee acts in a way consistent with department policy and does not create any appearance of impropriety. Also, the city's personnel rules (Rules XX, Section 3 and related Rule XVIII, Section 1, 43) require employees to obtain a department head's permission for outside employment; the department head may take into account a variety of factors in deciding whether to permit the outside employment.

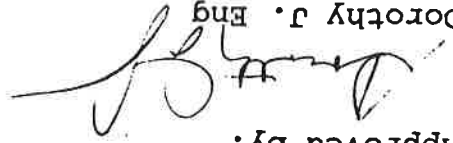
Please note that the information and advice in this letter is based on the information you provided to us. Although we are unable to answer your question with respect to your particular matter, we hope this discussion is helpful to you. We enclose a copy of the Ethics Ordinance, as well as an employee

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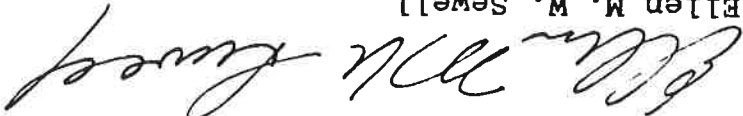
enclosures

Dorothy J. Eng
Executive Director



Approved by:

Ellen M. W. Sewell
Legal Counsel



Very truly yours,

brochure, for your information. Thank you for your inquiry.
If you have any further questions, please contact us.

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