

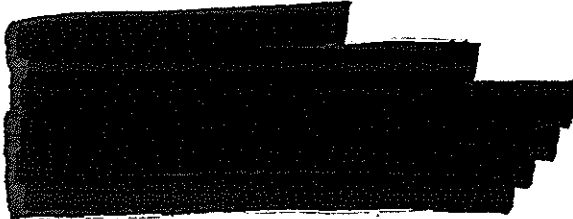
met



City of Chicago
Eugene Sawyer, Mayor

December 12, 1988

Board of Ethics
Harriet McCullough
Executive Director



Sol Brandzel
Chair

Mary Milano
Vice Chair

Margaret Carter
Angeles Eames
Rev. A. Patterson Jackson
Marlene O. Rankin

Case Number 88129.A

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

Dear [Redacted]

You recently requested an advisory opinion concerning the matter of your free-lance work for City departments other than the *department you are now employed in*. According to the information we received, you are employed as a photographer by the *department you are now employed in*. Occasionally, other City agencies have offered to pay you by the job to take photographs. You have taken several photography jobs with the Office of Special Events but these jobs were never carried out during your assigned working hours with the *department you are now employed in* and the total compensation you have received from these outside jobs taken altogether is less than \$500.

You have asked us to determine whether your outside work as a free-lance photographer for other City agencies would violate any provision of the Ethics Ordinance. Based on a consideration of the circumstances you have described, we have concluded that no provision of the Chicago Governmental Ethics Ordinance (Chapter 26.2-3 of the Chicago Municipal Code) would prohibit you from working for other City departments as a photographer, provided that 1) you receive no more than \$2,500 per year for providing these services; and 2) you do not perform these services during the hours assigned for your work with the *department you are now employed in*.

There are two sections of the Ordinance which are relevant to the circumstances you have described, sections 26.2-2 and 26.2-11. Section 26.2-2 states that "officials and employees shall at all



December 12, 1988

times in the performance of their public duties owe a fiduciary duty to the City." Under this section, City officials and employees are required to perform their duties to the City and not to use the time, resources or powers entrusted to them as public employees to obtain an undeserved advantage for themselves or for other private groups. This section would prohibit you from rendering your private services as a photographer to other City departments during the hours that have been designated by the *department you are now employed in* for the performance of your City job.

Section 26.2-11 of the Ordinance states that "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...." The Ordinance defines "financial interest" as any interest which either (1) entitles its owner to more than \$2,500 per year; or (2) has a present value of \$5,000 or more; or (3) represents more than 10% of a corporation or any other legal entity organized for profit. By this definition, if you received more than \$2,500 per year from your outside work for City departments you would have a financial interest in City work as prohibited under section 26.2-11 of the Ordinance. We therefore advise that you limit the extent of your work for other City agencies such that the amount of money you receive from such services during any one year does not exceed \$2,500.

In addition to these stipulations on your outside work established under the Ethics Ordinance, we would call your attention to the fact that City personnel rules require you to receive the approval of your department supervisor as a condition for the legitimate performance of any work you undertake outside of your City job. The Personnel Policy manual, Rule XX, Section 3(b) states that:

any employee desiring to perform outside employment shall first file a request in writing with his or her department head for permission to engage in outside employment.

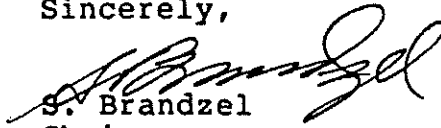
We appreciate your inquiry and hope that this letter has adequately addressed your question concerning services to other City Departments. Please note that the opinion expressed in this letter applies only to the question of your work for other City departments. It does not apply to work for private agencies

Page Three

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December 12, 1988

which might have contracts with the City. The Ordinance places additional restrictions on outside work for private employers and it would be prudent to contact our office before engaging in any such activities. If you have further questions concerning our opinion please do not hesitate to contact us.

Sincerely,


S. Brandzel
Chairman

JH/jh, [REDACTED]

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