

**COMMISSION ON ETHICS
ADVISORY OPINION
RQO-98-21**

BACKGROUND: Four counselors from the Office of Family and Victim Services are seeking an advisory opinion as to whether their outside employment as private psychotherapists violates Section 2-11.1 (j) which governs outside employment.

NARRATIVE: The Office of Family and Victim Services provides court-mandated counseling services to batterers referred by the Advocate program or the Department of Corrections. The Advocate program refers offenders to providers based on their income and other factors including language and location. Indigent offenders are seen by county therapists under the Domestic Intervention Program while offenders whose income exceeds the guidelines are directed to private providers. The offender is given a list of private providers in their area who provide the services and are not steered to a particular provider. The counselors seeking this opinion are private providers either through their own practice or through an agency that is a private provider. The Department Head has denied the counselors' request to continue their outside employment.

ARGUMENT: The counselors' outside employment is not barred by the Conflict of Interest and Code of Ethics ordinance but the department head retains the discretion to deny the outside employment. Section 2-1.11(j) provides no employee shall accept other employment which would impair his or her independence of judgment in the exercise of his or her official duties. Under the facts presented, the private practice would not appear to impair the exercise of the counselors' judgment. Therefore, the employment would not seem to be in violation of the ordinance.

CONCLUSION: Section 2-1.11(j) does not bar the counselors' outside employment.