

Report on a Case by the Board of Ethical Review

Case No. 62-19

Part-Time Services

Facts:

Situation A—A professional engineer employed by a city-operated school system was invited by an engineer consultant in private practice to perform some professional services on a part-time basis in connection with a contract held by the consultant for the same city. The engineer's work would involve inspection and certification of piles for supporting the foundation of a city sports stadium. The engineer proposed to do the part-time work during summer vacation when the schools were closed. The city school officials stated they had no objection to the arrangement. The engineer's duties for the city school system did not involve work related to the project. The contract held by the consultant stipulated that the work related to the piles and foundation must be performed by a licensed engineer.

Situation B—A professional engineer, employed by a county road commission, is requested by the drain commissioner of the same county to prepare the engineering plans for a county drain. The engineer is willing to do this and his employer, the county road commission, gives its approval. The engineer will be paid for his services in addition to his regular salary and will perform the work on his own time.

Question:

May a city or county-employed engineer ethically do part-time engineering work for a project for the same city or county outside of his regular full-time employment?

References:

Canons of Ethics-Canon 27- "He will not use the advantages of a salaried position to compete unfairly with another engineer."

Rules of Professional Conduct-Rule 17-"An engineer in private practice may be employed by more than one party when the interests and time schedules of the several parties do no conflict." Rule 52- "While in a salaried position, he will accept part-time engineering work only at a salary or fee not less than that recognized as standard in the area." Rule 53-"An engineer will not use equipment, supplies, laboratory, or office facilities of his employer to carry on outside private practice without consent."

Discussion:

Canon 27 and Rules 52 and 53 sanction performance of part-time work by an engineer in a salaried position subject to the conditions stated. There is no indication in either situation that the engineer competed at all with another engineer, having been invited by the governmental body to perform the work. Nor is there any reason to consider that the fee arrangement was on other than a professionally acceptable basis. There is likewise

no evidence that the engineer would use the equipment, supplies and laboratory or office facilities of his employer. The fact that the arrangement was disclosed to the employer in each case and received consent would further indicate that each engineer acted with diligence to protect his ethical position. Rule 17, while it applies particularly to engineers in private practice, indicates the principle that an engineer may have more than one client at the same time provided the interests do not collide. The facts here show that there is no conflict of interest between the engineers and the city or county, and it is clear that the time schedule protects the interests of all concerned.

Conclusion:

Governmentally-employed engineers may ethically perform part-time engineering work for the same governmental body outside of their regular employment, provided the restrictions and conditions of the Canons and Rules are followed.

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