

# Moonlighting Raises Questions of Loyalty



By Jane Byrne  
Staff Writer

For many professionals, the word "future" brings to mind a world of possibilities: new goals, aspirations, and accomplishments—all of which can lead to career growth and personal advancement. For many in the engineering profession, performing freelance or consulting work on nights and weekends might seem like a good way to open the door to a bright future.

But when an engineer provides services during off-hours

for an entity other than his employer, many challenges arise. Moonlighting raises a number of ethical concerns, which is why many engineering societies and firms have specific guidelines that restrict or prohibit it.

The NSPE Code of Ethics has several provisions that address moonlighting issues, as do the codes of ethics of organizations such as the American Society of Civil Engineers and the American Society of Mechanical Engineers. State licensing boards have similar provisions in their codes of conduct and ethics, and

according to a recent study by consulting firm Zweig White, 61% of engineering, architecture, planning, and environmental consulting firms reported that they had formal policies against moonlighting.

Moonlighting is an issue that can come up for young engineers who may be trying to think of ways to broaden their career experience, or for experienced engineers who are considering starting their own firm. However, there's a right way and a wrong way to go about it, according to ethics experts.

The NSPE Code of Ethics stipulates that engineers should not accept outside employment if it will be a detriment to their regular work or interest, and it also specifies that engineers should notify their employers before accepting any outside engineering employment. In addition, the Code says salaried engineers should accept part-time engineering work "only to the extent consistent with policies of the employer and in accordance with ethical considerations," and engineers should never use an employer's equipment, supplies, or facilities for outside practice without that employer's consent.

The NSPE Code, as well as the codes of ASCE and ASME touch on a very important aspect of moonlighting—conflict of interest. Under the NSPE Code, engineers are obligated to "act for each employer or client as faithful agents or trustees" and are to "disclose all known or potential conflicts of interest that could influence or appear to influence their judgment or the quality of their services."

(Continued on page 10)

**ET EXPRESS!**

This month's news in brief  
back page

**FOCUS:**

**Alternative  
Dispute Resolution**



Page 9

**Departments**

Legal Corner

Engineering Ethics

Special

Engineering U

Page 11

# Ethics and Moonlighting

(Continued from page 1)

Bill Lawson, Chairman of NSPE's Board of Ethical Review (BER) and the Deputy Director of the National Institute for Engineering Ethics at Texas Tech University, says engineers who moonlight might not be giving the primary employer their best effort during normal work hours due to fatigue and distractions brought on by their second job. "Other ethical concerns raised by moonlighting have to do with issues of unfair competition, the potential for non-approved disclosure of business affairs and technical processes of the primary employer, and unauthorized use of the primary employer's equipment, supplies, and laboratory or office facilities," he says.

"Outside employment holds the potential to create a conflict of interest between the employer and outside clients," Lawson says.

He adds that moonlighting engineers should notify their employers, disclose the situation fully, and get explicit, preferably written, approval before performing the outside work. "By all means the employee should comply with company policy," Lawson says.

He adds: "Moonlighting holds the potential for unfounded but nevertheless costly legal entanglements."

The BER has considered the ethics of moonlighting on various occasions, Lawson says. "In sum," he says, "the BER does not forbid moonlighting; they simply require that it be done under full disclosure with prior

approval, and with the provision that no other ethical obligation is breached."

Most state board laws include a section on "professional conduct and ethics," Lawson adds, which addresses many of the same considerations as the NSPE Code. This makes compliance not only a matter of ethics, but also of law.

Another member of the BER, Professional Engineer Harold Williamson, says, "Moonlighting should be avoided by engineers, as the likelihood of conflict is enormous, unless one of the jobs is totally manual."

It is difficult to avoid getting calls regarding your moonlighting job during your primary job's normal business hours, Williamson points out. He feels that an engineer who cannot devote his attention fully to his primary position during normal business hours cannot moonlight without a conflict of interest. "In most cases, holding two jobs tarnishes the dignity of the profession," he adds.

Williamson is not the only one worried about engineers being focused at work. Many companies that take part in the Sustaining Firm program of NSPE's Professional Engineers in Private Practice also discourage their employees from moonlighting. Gannett Fleming Inc., a national engineering and construction management firm; Clark Dietz, a national multi-discipline engineering firm; Borton-Lawson Engineering in Pennsylvania; and Freese and Nichols Inc., an engineering, architecture, and multi-service firm in Texas all have detailed policies discouraging or restricting moonlighting by their employees.

The firms forbid their

employees to seek outside employment if the services are related to any work or contracts being done by their employer. Borton-Lawson advises its employees to secure their own professional liability insurance to cover their moonlighting services. Freese and Nichols requires its staff members to advise its human resources department in writing of any outside employment.

Some firms, however, outright forbid moonlighting. Cowley Gudmundson Leder Ltd., a civil and environmental engineering firm near Chicago, says in its policy: "Independent professional activities for individual reimbursement ("moonlighting") by an employee, is an unacceptable practice."

Wade Robison, a professor in applied ethics at the Rochester Institute of Technology, offers some reasons as to why companies are leery of allowing their employees to do outside work.

"You have been trained in your position by your employer and carry with you, perhaps even without realizing it, the knowledge and experience that come from working in that company for so many years," Robison says. "You take that knowledge and experience and give it to your employer's competitor," he explains. Therefore, although an engineer may not be giving away trade secrets, he is still giving the competitor "an edge" that comes from his employer, Robison says.

Deborah Johnson, professor of applied ethics and former president of the International Society for Ethics and Information Technology, feels that moonlighting is an acceptable practice as long as there is no conflict of interest. "This is something that

## EXPERIENCED CIVIL ANALYST

Responsible for drainage analysis & design, pavement & parking lot design, grading, water & sewer system design, permitting, cost & quantity estimation and client co-ordination under the direction of a licensed civil engineer in Miami Beach. Must be proficient in AutoCAD, MicroStation, ICFR, Cascale & Microsoft project. Requires a minimum 12 months experience in site civil, AWWA, roadway and drainage design. MSCE from ABET accredited university. Must have passed the EIT exam. Full time position with a starting salary of \$50,000.

SEND RESUME WITH CONTACT INFORMATION TO: Kimberly Horn & Associates, Inc., 4431 Emburywood Drive, West Palm Beach, Florida 33407, USA, or apply on-line at [undercareers.com](http://undercareers.com) Use reference number FECA0104, E/O/E, M/F/V/H.

## Production Managers

The Washington Post newspaper is looking for outstanding manufacturing professionals to join its Production management team. Candidates must have at least three years experience with demonstrated success in operational management. Applicants must have exceptional interpersonal and analytical skills, bridging technical and strategic levels. Position requires undergraduate degree in industrial engineering, mechanical engineering, or related field. Graduate degree in industrial engineering or business plus. Opportunities are available in several areas such as Packaging/Distribution, Maintenance and Progress.

Qualified candidates should send a cover letter, resume and salary requirements to: Amr: Human Resources - Prod Mgmt - JL

### @ the Washington Post

1150 15th Street, NW  
Washington, DC 20007  
(202) 912-3677 - fax  
[legajl@washpost.com](mailto:legajl@washpost.com) - email

employers have an interest in preventing, but I don't know that it's immoral," Johnson says.

To ensure that there is no conflict of interest when doing work on the side, she says, engineers should practice complete disclosure by informing their employers of their plans beforehand. She also thinks they should avoid working for their company's competitors. As long as their employer does not prohibit moonlighting and they take these measures, Johnson says, most likely there won't be a problem.

However, there are dangers in moonlighting, she warns. Professionals should be careful. Johnson adds, it is a good career strategy to avoid the appearance of being deceptive.

An engineer's image is very important, agrees Michael Loui, a professor of electrical and computer engineering at the University of Illinois at Urbana-Champaign, where he also teaches engineering ethics. "In the view of other engineers, the moonlighting engineer might not be trustworthy," Loui cautions.

The practice of working on the side can adversely affect an engineer's image, so one should be careful when doing so, Loui advises. He also feels that employees should speak to their supervisors before taking on extra work and be careful not to divulge information or ideas that belong to their employers. Also, they should make sure that the time they spend on their second job doesn't interfere with their duties to their primary employer.

In effect, engineers and experts agree: If engineers are going to work on their own outside of their regular employment, they must use good judgment and be honest. The reputation of the engineers and their firms are at stake. Altogether avoiding the potential conflicts of moonlighting may be the best way for engineers to maintain the dignity of their profession.

## MATHCOUNTS Answer

20/39.

See [www.nspe.org/102041as.asp](http://www.nspe.org/102041as.asp) for the solution.