

Moonlighting

Position One: Only One Job

Mark is a police officer in a suburban village. Mark's friend, Dan, is an officer in an adjacent city and lives just two miles away. In addition to his officer position, Mark works security at construction sites on weekends. Doing so has allowed him to build an addition on his house and put some money away for a college fund for his kids. Dan's city doesn't allow police officers to hold second jobs so his income is restricted to the money he makes as an officer.

The practice of hiring off-duty police officers as security guards, bouncers, traffic controllers, and in various other positions is increasing. In some localities the practice is banned or regulated and in others it is allowed.

Should police officers be allowed to hold second jobs?

Hiring off-duty police officers for private functions should be illegal. Police officers are public servants who have stressful, demanding jobs. It is in the public interest to restrict their paid activities to their police work so that they are more likely to be well rested and able to concentrate.

Allowing police officers to work for private businesses doing work similar to their on-the-job duties creates many opportunities for conflicts of interest. Officers might be tempted to favor certain businesses in enforcing the law or might have a difficult time being impartial. Police officers are paid to enforce the law for the entire public, not just for those who are able to pay them privately.

Position Two: Reward Ambition

Mark is a police officer in a suburban village. Mark's friend, Dan, is an officer in an adjacent city and lives just two miles away. In addition to his officer position, Mark works security at construction sites on weekends. Doing so has allowed him to build an addition on his house and put some money away for a college fund for his kids. Dan's city doesn't allow police officers to hold second jobs so his income is restricted to the money he makes as an officer.

The practice of hiring off-duty police officers as security guards, bouncers, traffic controllers, and in various other positions is increasing. In some localities the practice is banned or regulated and in others it is allowed.

Should police officers be allowed to hold second jobs?

Hiring off-duty police officers for private functions should be legal. Restricting an officer's off-duty activities is a violation of his rights. There is no reason to restrict an individual's activities unless there is evidence it hampers job performance.

Police officers working privately serve the same function as those on duty, that of protecting the public interest, preventing crime, and keeping the peace; activities that are not in conflict with their on-the-job duties. It is an insult to suggest that police officers are not professional enough to enforce the law fairly. We can't punish officers by taking away income opportunities because of something that might happen.

Paternalism

This scenario was adapted from *Ethics in Nursing* by M. Benjamin and J. Curtis. (New York: Oxford, 1986)

Position One: Tell Her

Kim Holt was assigned primary nursing responsibility for Ann Hernandez, a divorcee in her mid-forties who had just been diagnosed as having cancer of the colon with metastasis involving lymph nodes. Kim had cared for Mrs. Hernandez for three days before the operation and had established good rapport with her.

Two days after the operation it became apparent to Kim that, while Mrs. Hernandez had been informed that she had cancer, she had not been informed about the seriousness of her condition or of her poor prognosis. Shortly thereafter, one of Mrs. Hernandez's daughters approached Kim and urged her to assure her mother that everything was going to be all right. She explained that Mrs. Hernandez had just gone through a long and unpleasant divorce, and that she and her sister wanted their mother spared the further pain of learning that she was terminally ill and that no proven, effective treatment was available.

Deeply troubled, Kim discussed the situation with Dr. Shaeffer, Mrs. Hernandez's physician. Dr. Shaeffer said he had informed Mrs. Hernandez that she had cancer but, to spare her unnecessary anxiety, he had allowed her to maintain her belief that it could be effectively treated, a belief not supported by the facts in her case. He added that if she told Mrs. Hernandez the truth it would be inconsistent with the well-being of the patient and Kim's role as a nurse.

Kim has an obligation to tell Mrs. Hernandez the truth. No medical person has the right to withhold this kind of information from patients. Doing so violates their dignity and their right to self-determination. The Patient's Bill of Rights says the patient has the right to "complete current information concerning his diagnosis, treatment, and prognosis in terms the patient can be reasonably expected to understand."

Withholding the information also compromises Kim's relationship with the patient, detracting from her integrity, since she is being asked to lie. Most dying patients are able to figure out their true status from other sources

since it is difficult to hide something so serious. Finding this out could make it worse, since patients will know they have been deceived.

Position Two: Don't Tell Her

Kim Holt was assigned primary nursing responsibility for Ann Hernandez, a divorcee in her mid-forties who had just been diagnosed as having cancer of the colon with metastasis involving lymph nodes. Kim had cared for Mrs. Hernandez for three days before the operation and had established good rapport with her.

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It is in the interest of the patient to withhold information because this prevents pain and suffering. To tell her might increase her depression about her divorce and make it less likely she will respond well to treatment. It is the physician's responsibility to decide what is in the best interest of the patient.

The right to know is not an absolute right. The right to know is not absolute because it is part of the responsibility of the caring professional to decide in the best interests of the patient how, when, and how much to tell.

A Perfect Bust

This scenario was adapted from *Cases in Business Ethics* by T. M. Garrett, R. D. Baumhart, T. V. Purcell, and P. Roets. (New York: Appleton-Century-Crofts, 1968)

Position One: Yes, of Course!

In a routine transaction, a New York art gallery acquired a twenty-six-inch stucco sculpture. In October 1965 the gallery offered it for sale at one of its regular auctions. The gallery's auctioneer started the bidding at \$150, which indicated that the gallery's appraisers, who regarded the sculpture as a reproduction, did not think it valuable.

Experts from the Metropolitan Museum of New York had seen the bust on display and, after a quiet investigation, had decided that it was an original work of either Andrea de Verrocchio or Leonardo Da Vinci. The Metropolitan sent a man to bid on the bust. He was able to purchase it for \$225. Some art appraisers estimate that the Metropolitan would have gone as high as \$225,000 to obtain the bust. One prominent art dealer put its value at \$500,000. The sculpture is now mounted in the Metropolitan for the public to enjoy free of charge.

Did the Metropolitan Museum act ethically?

They have no obligation to tell anyone what they found out. The Metropolitan's action was a free-market decision. They should, in fact, be admired for their skill in finding a hidden value that no one else had the skill to discover.

The art gallery should have done its homework about what they were selling. There was nothing preventing them from discovering the same information. There is no reason for them to be outraged. In fact, they probably purchased it from someone else even more cheaply.

Since the Metropolitan is a public institution, the work of art will benefit many people who otherwise would not get to see such a valuable piece of work.

Position Two: Of Course Not!

In a routine transaction, a New York art gallery acquired a twenty-six-inch stucco sculpture. In October 1965 the gallery offered it for sale at one of its regular auctions. The gallery's auctioneer started the bidding at \$150, which indicated that the gallery's appraisers, who regarded the sculpture as a reproduction, did not think it valuable.

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Did the Metropolitan Museum act ethically?

The Metropolitan Museum had a moral obligation to tell the art gallery about the actual value of its possession. Not to do so was deceptive and immoral. If the marketplace is to be just, prices for items sold and purchased have to reflect their actual value based on everyone sharing the same information. If not, the system allows inequities at someone's expense.

The consequences of the Metropolitan's action will be extremely negative, since many people will be suspicious of the Metropolitan's motives. Every time the museum wants to purchase something in the future, the seller and the public will be suspicious and may try to charge more than necessary.

Who Owns Your Knowledge?

This scenario was developed by P.M. Kohn and R.V. Hughson and cited in *Ethics in Engineering* by M.W. Martin and Roland Schinzinger. (New York: McGraw-Hill, 1989)

Position One: Improve the Candy

Ken is a process engineer for Stardust Chemical Corporation. He has signed a secrecy agreement with the firm that prohibits his divulging information that the company considers proprietary (belonging to the company).

Stardust has developed an adaptation of a standard piece of equipment that makes it highly efficient for cooling viscous plastics slurry. Stardust decided not to patent the idea but to keep it as a trade secret.

Eventually, Ken leaves Stardust and goes to work for a candy-processing company that is not in any way in competition with Stardust. He soon realizes that a modification similar to Stardust's trade secret could be applied to a different machine used for cooling fudge, and at once has the change made.

Has Ken acted ethically?

Yes. Ken went to work for a company that doesn't compete with his previous employer. It is not likely that their adaptation of the fudge cooling machine will be used anywhere else. They are not planning on trying to make money by selling the idea to someone else.

Ken cannot be expected to partition his brain into segments based on the source of his knowledge. He has to use the knowledge he has accumulated and should not be expected to keep it a secret forever. The new company has the right to benefit from his skills, especially since the first company didn't patent the process.

Position Two: Keep It a Secret

Ken is a process engineer for Stardust Chemical Corporation. He has signed a secrecy agreement with the firm that prohibits his divulging information that the company considers proprietary (belonging to the company).

Stardust has developed an adaptation of a standard piece of equipment that makes it highly efficient for cooling viscous plastics slurry. Stardust decided not to patent the idea but to keep it as a trade secret.

Eventually, Ken leaves Stardust and goes to work for a candy-processing company that is not in any way in competition with Stardust. He soon realizes that a modification similar to Stardust's trade secret could be applied to a different machine used for cooling fudge, and at once has the change made.

Has Ken acted ethically?

No. He signed a secrecy agreement with the requirement that the information was to be kept in that company. Honesty requires that he should honor that agreement.

Stardust will probably lose the opportunity for income because even if Ken's new company doesn't share the idea with anyone else, it's very likely that someone in the candy factory will move to a new company and will use it there. Ken has no control over where it goes.