Report on a Case by the Board of Ethical Review

Case No. 68-8

Employment in Sub-professional Capacity

Facts:
Engineer "A" is employed by a company which regularly performs contracts for the Federal government. It is the practice of the firm during slack periods to "stockpile" its engineering staff to the extent necessary to keep them available when needed for future work. During this period the engineers are assigned to clerical or Sub-professional duties. The officers and direct supervisory personnel of the engineers involved are not engineers.

Question:
Is it a violation of the Code of Ethics for the engineers to serve in clerical and Sub-professional capacities during slack periods of their employers' operations?

Reference:
Code of Ethics-Section 1 - "The Engineer will be guided in all his professional relations by the highest standards of integrity, and will act in professional matters for each client or employer as a faithful agent or trustee."

Discussion:
It must be conceded at the outset that the problem raised is not an unusual one and that its resolution is not readily available on an ethical basis. However, because it is a common problem in this period of high levels of employment of engineers by firms performing defense or other Federally related work, we venture to offer some comment on the ethical principles involved.

The Code of Ethics does not, per se, govern the question of engineers' being employed in nonprofessional or Sub-professional capacities. In fact, it is recognized that many engineers by their own choice do work in nonengineering functions, and in some instances alternate their duties between professional-level and technician-level assignments.

Inasmuch as the company officers and supervisors of the engineers in question are not engineers, the problem cannot be related to them from the standpoint of the Code of Ethics of the engineering profession. The only remaining question is whether the engineers themselves are acting in accordance with the principles of the Code in permitting their use at times in nonprofessional work.

We do not believe that Section 1 can fairly be read to inhibit or prohibit them from so doing. Under these circumstances the only guidance which can be given to the engineers faced with such a problem is to determine for themselves whether their

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talents are being under-utilized to the extent that they feel they are sacrificing their professional standards. If so, they should seek a change of employment.

Even if the officers or supervisors were engineers subject to the Code, we could not say that the "stockpiling" practice is a violation. Such practice is professionally undesirable, but is commonly used by many firms in defense or other Government work on the practical ground that future contracts cannot be obtained unless the firm can demonstrate that it has a qualified engineering staff "on board" necessary to perform the services required under the contract.

Conclusion:*
It is not a violation of the Code of Ethics for engineers to serve in clerical and Sub-professional capacities during slack periods of their employers' operation.

***Note**-This opinion is based on data submitted to the Board of Ethical Review and does not necessarily represent all of the pertinent facts when applied to a specific case. This opinion is for educational purposes only and should not be construed as expressing any opinion on the ethics of specific individuals. This opinion may be reprinted without further permission, provided that this statement is included before or after the text of the case.

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