



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 80-4

Additional State Employment of One
Already a State Employee

A member of the faculty at the University of Connecticut Law School has asked the Ethics Commission whether he may also serve part time as a paid counsel for a committee of the General Assembly, without violating the Code of Ethics for Public Officials and State Employees, Chapter 10, Part I, General Statutes. The committee concerned does not have cognizance over matters relating to higher education.

The Commission has already found that, under proper circumstances, a person may hold two positions with the State without violating the Code. See Advisory Opinion Number 79-20, 41 Conn. L.J. No. 6, p. 16; Advisory Opinion Number 79-26, 41 Conn. L.J. No. 22, p. 11; Advisory Opinion Number 79-27, 41 Conn. L.J. No. 26, p. 15. In the case at hand, as in the cases cited above, there appear to be no provisions of the Code with which a law school teacher with additional employment as counsel to a legislative committee could not comply. Acting as counsel does not appear to be in substantial conflict with teaching duties, forbidden by subsection 1-84(a), as "substantial conflict" is defined in section 1-85, General Statutes. The teacher's independence of judgment should not be impaired by his duties as counsel. Subsection 1-84(b), General Statutes. Improper use of office can be avoided, as can be use of confidential information gained in the course of official duties. Subsections 1-84(b), 1-84(c), General Statutes. A contract with the State for employment as counsel is permitted by section 1-84(i), General Statutes. Ethics Commission Advisory Opinion Number 79-27, above.

Since the legislative committee under consideration does not have jurisdiction over higher education matters, the position of committee counsel should not be incompatible with the position of law faculty member. Cf. State ex rel. Schenk v. Barrett, 121 Conn. 237, 242-243 (1936).

A member of the faculty of one of the State's institutions of higher education occupies a position in the Executive Branch of State Government. Stolberg v. Caldwell, 175 Conn. 586, 601-602 (1978). If employment of a member of the Executive Branch of State Government by the Legislative Branch of that Government should violate some separation of powers principle in Connecticut law, the State Ethics Commission is not the agency to consider the issue. Section 1-81(a)(3), General Statutes.

By order of the Commission,

Thomas J. Lynch
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Chairman

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