



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-6

Bureau Of Rehabilitation Services Director May Not Accept
Outside Employment As A Consultant On Compliance With
Americans With Disabilities Act

Petitioner, the Director of the Bridgeport District of the Department of Human Resources' Bureau of Rehabilitation Services (BRS), has asked whether, under the Code of Ethics for Public Officials, she may engage in outside employment as a consultant in either or both of two areas: 1. Consulting with employers on compliance with the Americans with Disabilities Act; and 2. Consulting with small businesses on goal setting and time management. In her state position the petitioner "manage[s] the personnel, program, and operations for the Bridgeport district." The petitioner also supervises rehabilitation supervisors, who in turn supervise counselors who work directly with consumers with disabilities and their employers.

Under the Code of Ethics for Public Officials, Connecticut General Statutes, Chapter 10, Part I, a public official or state employee may not accept outside employment which will impair independence of judgment as to state duties or require or induce disclosure of confidential information acquired in state service. Conn. Gen. Stat. §1-84(b). Additionally, no one subject to the Code may use his or her official position or confidential state information for personal financial benefit. Conn. Gen. Stat. §1-84(c). One may, however, utilize expertise, including experience acquired in state service, for financial gain as long as one's actions do not breach §1-84(b), §1-84(c), or any other provision of the Code. Ethics Commission Advisory Opinion No. 89-14, 50 Conn. L.J. No. 52, p. 7C (June 27, 1986).

A District Director of the BRS, an agency charged with "assist[ing] persons with disabilities to reach their goals for independence and employment" must be responsible, in her official capacity, for knowledge of civil rights laws which affect such persons. A Connecticut employer with questions on compliance issues would naturally direct them to someone in the petitioner's position or under the petitioner's supervision. The petitioner, therefore, may not accept outside employment as a private consultant to Connecticut employers on the subject of compliance with the Americans with Disabilities Act on the ground that such employment is likely to impair her independence

of judgment in her state position. See, e.g., Ethics Commission Advisory Opinion Nos. 90-15, 51 Conn. L.J. No. 51, p. 2D (June 19, 1990), (State employee responsible for educating Connecticut workers regarding workers' compensation procedures and employee rights should not privately publish a handbook on self-representation in workers' compensation cases); and 89-9, 50 Conn. L.J. No. 44, p. 1C (May 2, 1989), (State assessment advisor should not be paid privately to do what he or she is essentially already required to do as part of his or her state job).

The Commission notes that the petitioner has a conflict only with respect to Connecticut employers and persons otherwise subject to the jurisdiction of the State of Connecticut Department of Human Resources. If the petitioner wishes to consult with employers in other jurisdictions, where she has no official responsibility for providing advice and assistance, she is not precluded from doing so by the Code of Ethics for Public Officials. See, e.g., Ethics Commission Advisory Opinion No. 90-15, supra.

The petitioner's proposed employment as a consultant to small businesses on the subjects of time management and goal setting constitutes a permissible use of her expertise in a way which does not threaten to impair her independence of judgment in her state position, constitute a use of office, or result in the disclosure of confidential information. The petitioner, however, may not accept as clients persons or entities who can benefit from her official actions, nor may she use contacts established in her state position to seek clients for her consulting business.

By order of the Commission,


Anthony P. Hanzalek
Assistant Chairperson
Chairperson

Dated 3-2-92