



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-7

State Employee Permitted To Privately Offer A Sign Language
Workshop Formerly Sponsored By The State of Connecticut

The petitioner, an employee of the Department of Human Resources' Bureau of Rehabilitation Services (BRS), has asked whether, under the Code of Ethics for Public Officials, he may privately offer a five-day-long "Total Immersion" sign language training workshop. The workshop would enroll up to 55 participants at a cost of \$425 per person. The BRS, which sponsored similar workshops from 1979 to 1991, will not be sponsoring a workshop in 1992. The petitioner was instrumental in developing and implementing the Total Immersion program as part of his state employment, but did not participate in the BRS's decision to discontinue the workshops. The petitioner proposes to take vacation time during the week of the workshop, and will not use BRS staff, time or equipment.

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). The petitioner has expertise in sign language, and has been an instructor at Central Connecticut State University for the past 14 years.


The petitioner may not be paid privately to do what is otherwise expected of him in his state position. Therefore, he may not privately offer a Total Immersion sign language workshop, or a similar workshop, so long as the BRS continues to sponsor such training, on the ground that such employment would impair his independence of judgment in his 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 BRS has stated that it will not offer a Total Immersion workshop in 1992. To the extent that administration of any type of sign language training workshop will not be required of the petitioner as part of his state employment in 1992, the proposed outside employment is a permissible use of the petitioner's expertise. The petitioner, however, may not accept as clients persons or entities who can benefit from his official actions, nor may he use contacts established in his state position to seek participants for his workshop. In addition, the petitioner must delete from workshop promotional materials any reference to the BRS, such as his office telephone number. Creating the impression that the workshops are BRS-sponsored and responding, on state time, to inquiries regarding his private employment would both be considered impermissible uses of the petitioner's office, in violation of Conn. Gen. Stat. §1-84(c).

The BRS has left open the possibility that it will again sponsor such workshops in the future. If the BRS resumes sponsorship of such workshops, the petitioner's proposed outside employment will once again be part of his state responsibilities, and will no longer be permissible. The Commission notes in closing that in the absence of any financial gain to the petitioner, the proposed workshop would be considered neither "outside employment" within the meaning of §1-84(b), nor a use of office within the meaning of §1-84(c). Therefore, if the petitioner chooses to charge a fee equal to his costs, and no more, he may conduct the Total Immersion workshops without regard to whether the BRS also sponsors such training.

By order of the Commission,



Astrid T. Hanzalek
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Chairperson

Dated 3-2-92