



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 81-9

State Employee as a Member of a Local
Board of Education

A State employee who works in one town has asked the Ethics Commission whether there are any restrictions on his serving as a member of a local board of education in another town. A review of the provisions concerning ethics which are under the jurisdiction of the Commission reveals there is essentially no restriction.

The employee presently holds an unclassified position as business manager for a State community college. This summer he will be taking a classified position as business manager for a State community mental health center. His responsibilities at the mental health center are similar to those at the community college. They are normal for a business manager: supervision of accounting, payroll, receiving, etc.

Soon he may be appointed to fill an unexpired term on his local board of education, the appointment to be effective around the time he changes jobs. This fall he anticipates being on the ballot as his party's candidate for a full term on the board of education. The duties and powers of local boards of education are set forth in Title 10, General Statutes, particularly Chapter 170. The State employee will receive no compensation as a board member. He knows of no interaction or interrelationship between either of his State positions in one town and the board of education in the other.

There appears to be no way that the employee can take official action in his State position that would affect him as a board of education member. No other relationship between the State positions and the board which could cause ethical problems under the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes, can be foreseen. For example, it is difficult to imagine how accepting the local office could impair his independence of judgment as a State employee, subsection 1-84(b), or lead to improper use of office, subsection 1-84(c), General Statutes. Further, the municipal office is not, as subsection 1-84(b) requires, "employment". Ethics Commission Advisory Opinion No. 80-18, 42 Conn. L.J. No. 22, p. 23. Conceivably, in his State employment he might acquire confidential information useful in his role as a board member. Should that occur, it would be appropriate for him to conform to the prohibitions against disclosure of it, subsections 1-84(b), 1-84(c) or use of it even though it does not seem possible for the use or disclosure to benefit the State employee or his family financially,

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as subsection 1-8(c), General Statutes requires for its infraction.

The lack of relationship between the employee's State position and the local office he may fill makes unlikely conflicts of interest under the Code of Ethics for Public Officials. For the same reason, the State and local positions cannot be incompatible under the common law. See State ex rel. Schenck v. Barrett, 121 Conn. 237, 242-243 (1936).

Once the employee occupies a classified position, his political activities will be governed by section 5-266a, General Statutes. Whether the school board election in the fall is a political partisan election as the section uses that term, and whether there are conflicts of interest which would prevent the State employee from holding elective municipal office, are questions controlled by a statutory provision outside Chapter 10, General Statutes. Therefore, the Ethics Commission cannot in an advisory opinion comment on the application of the provision to the situation of the State employee. Subsections 1-81(a)(3), 1-92(5), General Statutes.

By order of the Commission,



Rev. Thomas J. Lynch
Chairman

Dated

June 4, 1981