



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 86-1

A Member of the General Assembly Teaching at a  
State Community College

A member of the General Assembly has asked whether he may with propriety enter into a contract with Middlesex Community College to teach a course in State and Local Government during the Spring 1986 semester. For the teaching he would be given more than \$100 under a personal services contract with the College.

Reviewing the provisions of the Code of Ethics for Public Officials, Chapter 10, Part I, General Statutes, there would seem to be nothing that would prevent the legislator, who serves on the Appropriations and Public Health Committees, from entering into the teaching contract. He would not be engaging in employment from which he could expect to derive a direct monetary impact by reason of his activity as a legislator, in violation of subsection 1-84(a), General Statutes. The employment should not impair his independence of judgment in any significant way, or require or induce him to disclose confidential information gained as a legislator, in violation of subsection 1-84(b), General Statutes. As has already been indicated, the teaching does not appear to create a situation in which the legislator could use his office or confidential information acquired by virtue of his office, for financial benefit. If he could, he may not. He may, in his course, exploit his experience as a legislator and utilize any information, gained in office, which is not confidential, *i.e.*, not to be revealed to the public either at the time or ever.

It is conceivable that once the legislator is teaching he may find himself required to take some action as a public official which could affect his financial interests as a teacher in some consequential way. If so, section 1-86, General Statutes, allows him to abstain from acting, or to take official action after filing the statement prescribed by that section.

The only other Code section of possible application, is subsection 1-84(i), General Statutes. That subsection provides that, with some exceptions, no public official may enter into a contract with the State unless the contract is awarded through an open and public process. The contract with Middlesex Community College would be considered a contract "with the

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State". While it will no doubt be awarded through a public process, an offer to the legislator to teach is unlikely to be the open process defined by the Commission. That creates no problems, however. One of the exceptions to subsection 1-84(i) is for contracts of employment as a State employee. It is unnecessary to determine whether the legislator would be a State employee or an independent contractor under the personal services contract being considered. The Ethics Commission has already determined that a contract to teach at a community college is a "contract of employment as a State employee" within the meaning of subsection 1-84(i), General Statutes. Advisory Opinion No. 79-27 41 Conn. L. J. No. 26, p. 15 (December 25, 1979).

In the past the Commission has concluded that a member-elect of the General Assembly may continue to provide collection services to the Connecticut Student Loan Foundation (Advisory Opinion No. 80-21 42 Conn. L. J. No. 26, p. 23 (December 23, 1980)), and that a legislator may represent indigent clients in judicial proceedings and be paid by the State (Advisory Opinion No. 81-4, 42 Conn. L. J. No. 41, p. 26 (April 7, 1981)). The proposed employment appears to present no additional problems under the Code of Ethics.

In summary, the legislator may with propriety accept a contract to teach a course at Middlesex Community College next spring insofar as the Code of Ethics for Public Officials is concerned.

However, the legislator should also consider certain provisions outside the Code of Ethics for Public Officials. Article III, section 11 of the Connecticut Constitution provides that "[n]o member of the General Assembly shall, during the term for which he is elected, hold or accept any appointive position or office in the ... executive branch of the state government...." In Stolberg v. Caldwell, 175 Conn. 586 (1978) the Connecticut Supreme Court held that Representative Stolberg could not serve as a full-time, tenured member of the faculty of a Connecticut institution of higher education and a member of the General Assembly. It then declared that by accepting office in the legislature he had implicitly vacated or resigned his faculty position. A related statutory provision not applicable in the Stolberg case but which would be in this case states that "[n]o member of the general assembly shall, during the term for which he is elected, be ... appointed by ... any ... appointing authority of this state or serve ... [in] any position in the ...



executive department of the state government...." Section 2-5, General Statutes. The Ethics Commission is not authorized to advise whether the constitutional or statutory dual job ban would apply to the situation of a member of the General Assembly teaching a course under contract to a community college. It is recommended that the legislator look into the question because of the harsh consequence which might ensue--that he could be found to have vacated his legislative position upon accepting a position or serving in the executive branch.

By order of the Commission,

  
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Julie Peck  
Chairperson

Dated 1/10/81\_\_\_\_\_

