



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-24

Employer-Employee Relationship Between State Workers
Engaged In Outside Employment

Ethics Commission Staff Attorney Brenda M. Bergeron has asked whether, under the Code of Ethics for Public Officials, a state employee with an outside, private business may hire a fellow state employee to work in such business.

Connecticut General Statutes §1-84(b) is designed to prevent conflicts of interest with state employment by prohibiting the acceptance of other employment which will either impair a state employee's independence of judgment with respect to his or her state duties or which will result in the disclosure of confidential information acquired in the course of his or her state service. In addition, under Conn. Gen. Stat. §1-84(c), a state employee may not use his or her public position or confidential information acquired as a result of such position to obtain financial gain for himself or herself or for a business with which he or she is associated.

The Code does not specifically prohibit a state employee from engaging the services of a co-worker in a private enterprise. However, where a state employee-supervisor engages the services of a state employee-subordinate, the arrangement may impair the supervisor's ability, in his official capacity, to objectively direct and evaluate the subordinate. For example, a supervisor might be tempted to schedule a subordinate's duties in a way which would facilitate the performance of duties connected with the private business. In addition, the supervisor's evaluation of the subordinate's public duties would likely be affected by the subordinate's competence in his outside employment. Under such circumstances, the outside employment arrangement would impermissibly impair the independence of judgment of the supervisor, in violation of Conn. Gen. Stat. §1-84(b), and may not be undertaken.

Another area of concern is the amount of compensation paid by one co-worker to another for outside employment. Where co-workers are of equal status, it may be assumed that outside

compensation will be freely and fairly negotiated. The same assumption may not be made where a supervisor or superior employs a subordinate. A state employee-supervisor who pays a state employee-subordinate less than the fair market value for non-state work will have used his office for personal financial gain, in violation of Conn. Gen. Stat. §1-84(c).

The Commission notes that under the appropriate circumstances, co-workers will be permitted, under the Code, to hire each other privately, but recommends that anyone considering such an arrangement consult the Commission for advice.

By order of the Commission,



Christopher T. Donohue
Chairperson

Dated 12-7-92