



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-13

Application Of Post-State Employment Provisions
To Former State Employee Returning To Former Agency
At A Higher Job Classification

The position of Vice President at a state technical college is currently vacant. The college would like to retain the former Associate Dean, who retired on March 1, 1992, to fill the vacant position on a temporary basis. The appointment, an unclassified one, would not be subject to the standard personnel job notice and merit selection requirements. The job classification and salary of the Vice President exceeds that of the former Associate Dean at the time of his retirement. The Director of Employee Relations for the college, Mr. Jackson W. Foley, Jr., has asked if the reemployment of the former Associate Dean as Vice President would be permissible under the Code of Ethics' post-state employment rules.

Conn. Gen. Stat. §1-84b(b) states that:
No former executive branch or quasi-public agency public official or state employee shall, for one year after leaving state service, represent anyone, other than the state, for compensation before the department, agency, board, commission, council or office in which he served at the time of his termination of service, concerning any matter in which the state has a substantial interest.

In a prior Advisory Opinion, the Commission ruled that in seeking reemployment with one's former agency, the former public official or state employee would be representing someone other than the State, *i.e.* himself or herself, in violation of §1-84b(b). See Advisory Opinion No. 89-25 (Amended), 51 Conn. L.J. No. 24, p. 2E (December 12, 1989). However, the Commission further ruled that if the former state employee returns at his or her former salary level and is thereby restricted from negotiating a fee, the opportunity for use of improper advantage for personal financial gain has been removed and the seeking of reemployment with the State will not amount to prohibited representation. *Id.* See also Ethics Commission Advisory Opinion No. 90-30, 52 Conn. L.J. No. 15, p. 1C (October 9, 1990).

In this case, the former Associate Dean would like to return, as a state employee, at a salary and to a job class which is higher than that of her prior state position. For purposes of §1-84b(b) of the post-state employment provisions of The Code of Ethics, the job classification to which the individual returns is not determinative. However, since the appointment is to an unclassified position, the opportunity exists for use of influence with one's former colleagues in order to obtain a higher salary. This concern is addressed by prohibiting the individual from receiving any greater compensation upon being reemployed. Therefore, under the Code, until March 1, 1992, the former Associate Dean may be rehired by the technical college as a Vice President but at no greater pay level than the individual was receiving at the time of his separation from service.

By order of the Commission,


Arthur T. Hanzalek
Chairperson

Dated 5-4-92