



STATE OF CONNECTICUT  
STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-14

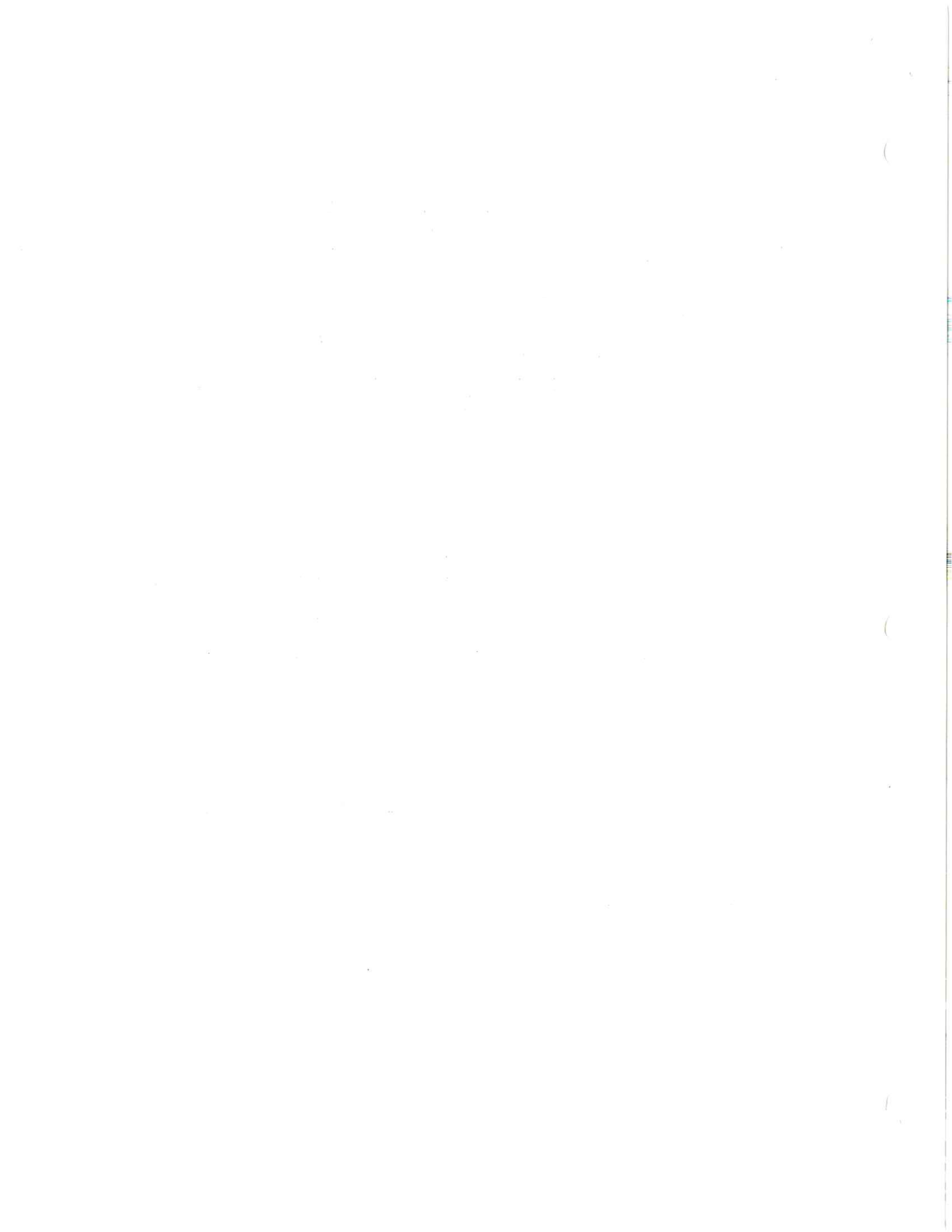
Assistant State's Attorney Accepting Outside  
Employment As Consultant Under Federal Grant To Create  
An Interrelated Criminal Justice Information System

An Assistant State's Attorney in the Economic Crime Unit of the Division of Criminal Justice has asked whether she may accept additional employment as a consultant under a grant from the federal Department of Justice administered through the State of Connecticut's Department of Public Safety. The specific program is entitled the "Criminal History Record Improvement Program." In her current state job, the Assistant State's Attorney prosecutes "white collar" criminal cases. In her proposed additional employment, she would assist in a larger federal and state project to create greater access to and sharing of criminal justice information among state and federal agencies.

As a consultant, this state employee states that she plans to review state laws regarding records and determine, for example, what information is available from a particular agency and whether an agency's records are open or confidential. According to the employee, neither she nor any of the other state prosecutors do the type of work which is contemplated under her portion of the federal grant. The work would be performed outside of normal working hours.

The assistant state's attorney indicates that she learned of the grant after a classified newspaper advertisement for another position piqued her interest. She states that her investigation of that ad led to her discovery of the consultant position which is the subject of this opinion.

It appears from the materials provided that this additional employment is with the State of Connecticut, rather than with the federal government. State officials will be doing the hiring of consultants for the project. Therefore, since this individual is a state employee, the contract must be awarded through an open and public process, including prior public offer and subsequent public disclosure of all the proposals considered and the contract awarded. Conn. Gen. Stat. §1-84(i). The specific consulting job in which she is interested must be advertised in the appropriate publication(s): the earlier advertisement was not sufficient.



Under §§1-84(b) and (c) of the Code of Ethics, no public official or state employee may accept outside employment which will impair independence of judgment as to state duties or require or induce disclosure of confidential state information, nor may the individual use state position or confidential information acquired through state service to obtain personal financial gain. These same rules apply when a state employee accepts a second position with the state. The individual is not precluded from using his or her expertise, including expertise gained in other state service, for personal gain. However, he or she may not use a current state position to obtain financial gain through additional state employment. The state employee accepting two positions with the state must also clear such dual employment with the Department of Administrative Services.

Nothing in the facts which have been presented here appear to violate any provision of the Code. Of course, this state employee may not accept additional compensation for performing work which could be considered part of her duties as an Assistant State's Attorney. Similarly, she may not take on this additional project if the time and effort necessary to complete it would interfere with the performance of her current state position. Barring these circumstances, however, and provided that the Division of Criminal Justice does not apply stricter outside/additional employment rules, the proposed consulting work is not prohibited by the Code of Ethics.

By order of the Commission,

  
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Christopher T. Donohue  
Chairperson

Dated 6-1-92