

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93-59

October 18, 1993

RE: Employee asks if part-time employment presents conflict of interest

This opinion is in response to your September 24, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the October 18, 1993, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You are a full-time state employee who has a part-time position as a desk clerk at a YMCA. Your part-time employer has told you the YMCA holds no contracts with and receives no funds from the state other than entitlement funds through child care programs. You seek an opinion from the Commission as to whether your part-time employment is in compliance with Advisory Opinion 93-40.

In Advisory Opinion 93-40 the Commission concluded that :

A state employee may not work on a part-time basis for an outside agency if the private agency has a direct contract with or receives funding from the state agency for which the employee works (other than entitlement programs such as Medicaid or Medicare).

The Commission takes note of your statement that the YMCA holds no contracts with or receives no funds from the state other than entitlements received through a child care program. Therefore, the Commission concludes you may continue your part-time job with the YMCA. The Commission recommends that you notify your part-time employer to contact you if the YMCA enters into any contracts with or begins to receive other funds from the state agency where you are employed full-time. Additionally, the commission recommends that you verify with your agency that no contracts exist between your agency and the YMCA.