

SUBJECT: OFF-DUTY EMPLOYMENT

SUMMARY: Off-duty employment activities which are not within the official responsibility of a public employee and which are conducted in accordance with the off-duty employment guidelines would not be prohibited.

QUESTION: The Director of Development at Chesterfield-Marlboro Technical College questions whether she may engage in certain off-duty employment. Her job involves securing grants from state and federal agencies as well as private foundations and corporations. She is also responsible for public relations work along with college planning and computer services. She questions whether she may engage in the following outside normal working hours and away from her job site without being in her official capacity representing the college:

- a. Receiving an honorarium and auto mileage for serving as a moderator for high school "academic bowl" competitions in Chesterfield County.
- b. Serving as a field reader for federal or state grant programs when the college is not involved in the particular grant competition. An honorarium and travel expenses are customary.
- c. Providing grant writing and consulting services for school districts and/or other local agencies on a contract basis.

DISCUSSION:

This opinion is rendered in response to a letter dated April 13, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-700(A) provides in part as follows:

(A) No public official, public member, or public employee may knowingly use his official office, membership, or employment to obtain an economic interest for himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated. This prohibition does not extend to the incidental use of public materials, personnel, or equipment, subject to or available for a public official's, public member's, or public employee's use which

does not result in additional public expense.

In prior advisory opinions, the State Ethics Commission has advised that a public employee may engage in outside employment consistent with established guidelines: (1) that no public materials or equipment are utilized, except as provided by Section 8-13-700(A), (2) such work is engaged in on the employee's own time, (3) the work does not interfere with the needs of the agency, and (4) the public position is not utilized to obtain or continue the employment.

Nothing in this opinion precludes a public employee's involvement in activities and receiving an honorarium on matters outside the employee's official capacity in accordance with the off-duty employment guidelines.