

February 13, 2002

Re: IO-02-16

You inquired whether you may engage in secondary employment by teaching technical classes for an organization that offers certifications in your technical field. You are a senior waste water plant operator with a number of certifications in the field, but you are currently assigned to train county waste water employees. They are or encouraged or required to obtain certain certifications in order to do their jobs, and you provide the necessary training.

The Maryland Center for Environmental Training, a private entity, also offers this training. It contracts with the state to provide such training and certifications for waste water plant operators throughout the state. In working for this entity, you would be training apprentices and technicians from various jurisdictions, but not any employees of Anne Arundel County.

Subject to certain restrictions, the ethics commission has concluded that you may accept this employment. The entity is not doing business with the county, has no contractual or regulatory obligations involving the county and is not subject to your authority or the authority of your agency, the department of public works. The secondary employer is not in competition with the county to acquire students, and you would not be training any Anne Arundel County employees, so your impartiality and independent judgment would not be adversely affected. For these reasons, §3-105, prohibiting certain types of secondary employment would not apply to you.

There are other provisions in the ethics law of which you should be aware. Under §3-101(a), you may not participate in any matter in which you have an interest. This provision would prohibit you from participating in any hiring decision in the county involving a person whom you have trained as an employee of a private entity. This restriction would prohibit you even from making any recommendations to the hiring authority. Under §3-104(a), you may not permit the employer to use your county title or any reference to your position with the county in advertising of any kind.

Subject to these limitations, there are no provisions in the ethics law that would prohibit you from accepting this secondary employment. Should specific issues arise after you accept this job, please feel free to call the ethics commission for advice.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director

