

August 13, 2002  
Re: IO-02-72

You inquired whether the policy established by your department on October 1, 2001, prohibiting employees from contracting to work for officials' organizations that contract with the department may be waived in your situation. You are a facility scheduler for various sports teams and leagues that use county fields and facilities.

The department policy to which you refer is based upon the ethics law, Article 9, §3-105(b)(1) of the Anne Arundel County Code. This section prohibits an employee from being employed by any entity that has entered into a contract with the employee's agency. Any official's organization that contracts with your agency falls within this blanket prohibition. It is the ethics law which prohibits your employment, the departmental policy merely restates it. For this reason, the ethics commission is unable to waive this policy.

The reasons for this law are good ones. Officials organizations may perceive that they must hire county employees in order to be considered for a contract with the county. This perception may or may not be valid, but it is a reasonable perception. The ethics law establishes minimum standards of employee conduct so that even the appearance of a conflict of interest can be avoided.

Please accept my apology for the delay in responding to your inquiry.

Sincerely,

Betsy K. Dawson  
Executive Director