

September 2, 2004

Re: IO-04-77

You inquired whether you may work as a weekend information desk staff employee at the Anne Arundel County public library while you are also a full-time office assistant in the county's purchasing office. The answer is that the Public Ethics Law does not prohibit this employment.

The ethics law regulates secondary employment pursuant to Art. 9, §§5-102 through 5-104. The law does not prohibit secondary employment unless the secondary job creates a conflict of interest with the official duties of the county employee.

The ethics commission has previously advised that in most cases, the secondary employment provisions apply only to outside or private employers. When as in your case, the county employee seeks employment with another county agency, the ethics commission has advised that the secondary job does not violate the ethics law. See, e.g.: IO-01-34, IO-02-146, IO-00-194, and AO-98-110.

Even where the secondary job involves a private employer, the employment may be permitted where the county job is administrative and non-discretionary in nature and where there will be no connection between the county job and the second job. See, AO-01-41 (a secretary in a county agency was not prohibited for working as a data entry employee with a local newspaper that had contracts with the employee's agency).

As an office assistant, your duties are primarily if not exclusively, administrative and non-discretionary. For this reason, and because the job you seek is with another county agency, the ethics commission advises that the ethics law does not prohibit this secondary employment.

Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director