

July 14, 2005
Re: IO-05-40

You inquired whether an employee of the fire department who works in the office of emergency management, may accept secondary employment with a Florida based manufacturer of specialty vehicles for public safety and other agencies. The county purchased a command type of vehicle from this vendor last year in conjunction with another jurisdiction's bid, and your employee participated in the contract and purchase transaction. Warranty and other issues related to the vehicle will be handled by the central services office, not the fire department, and network issues (presumably involving an in-vehicle computer) would be handled by the information technology office. The job was offered to the employee quite recently- approximately one year after the purchase of the vehicle. The position would be that of a consultant or advisor to the company. The employee would assist in product development, but would not be involved in marketing. You indicated that the county does not plan to purchase another vehicle from this company and that there is no other business connection between the county or this entity.

The ethics commission advises that the employee may accept this employment. However, there are some restrictions of which the employee should be aware. First, pursuant to §5-107 of the Public Ethics Law, the employee may not use, nor permit his secondary employer to use, the county employee's county title, uniform, if applicable, or any other references to the county in any promotional, advertising, or marketing communications made by the entity. The employee may not use any professional connections he made while acting as an employee for the county, to promote or market the secondary employer's products.

Second, §5-103(1) prohibits a county employee from holding secondary employment with a contractor with the county if the duties of the employee include matters relating to the contract. This provision would require that the county employee be relieved of any duties pertaining to the vehicle warranty or other issues that might arise out of the purchase of the vehicle.

Finally, §5-102(a)(1)(ii) prohibits an employee from undertaking any secondary employment with an entity that is negotiating a contract with the county that is administered by the employee's agency. Should this entity seek to do business with the county in the future, this secondary employment may be barred completely.

Thank you for your inquiry. If you have other questions, please call me.

Sincerely,

Betsy K. Dawson
Executive Director

cc: James D. Weed, Director
Office of Emergency Management