

Outside Employment/Contracting with the State

Consider this scenario:

Marcia has worked at UCHC for 14 years. For many of those years, she has also owned a small catering business. Marcia has mentioned her business to several UCHC colleagues and has told them that if they ever need a caterer she would be glad to provide her services. To get the word out, she has even given her business card, which includes her UCHC phone extension, to other UCHC employees. Several co-workers have hired Marcia to cater their family gatherings. Hearing about her business, another UCHC employee recently asked Marcia if she would be interested in catering a UCHC department-sponsored luncheon, for which she would be paid \$500.

Are there any State Ethic's concerns with Marcia's activities? Can Marcia accept this offer? What are some of the considerations?

Answer:

The State Code of Ethics provides guidance regarding any state employee's involvement in outside employment or business. Because state employees may not use their state job or authority for personal financial gain, there are several points to consider here:

- 1) Compliance with the State Code of Ethics is the responsibility of each employee, not UCHC. It is up to all UCHC employees to understand and adhere to the state ethics laws which protect them from violations that could lead to fines or even criminal prosecution.
- 2) In the above scenario, Marcia should not distribute her business card or otherwise solicit personal business through her UCHC job. Also, she cannot use her UCHC extension in her business contact information or other state equipment, resources or time to promote her catering business.
- 3) If Marcia accepts an offer to cater a UCHC-sponsored function, she would be entering into a contract with the state. According to the State Code of Ethics, state employees may enter into a state contract valued at \$100 or more *only* if an open and public bidding process has taken place. Should Marcia's services be chosen based upon an honest and fair process, it would be permissible for her to enter into such a contract.
- 4) Marcia should keep in mind that it is also very important to avoid the appearance of a conflict of interest, even if she adheres to the State Code of Ethics. The public's perception of a possible conflict could present a reputational risk for Marcia and for UCHC. The University Code of Conduct speaks to the importance of identifying and avoiding or, at the very least, managing any potential or actual conflict of interest as well as any appearance of a conflict.

For additional information refer to:

The "University Guide to the State Code of Ethics" at: <http://www.audit.uconn.edu/doc/codeofethics.pdf>

The Office of State Ethics "Outside Employment/Contracting with the State" fact sheet at:

http://www.ct.gov/ethics/lib/ethics/handouts/outside_employment.pdf

The "2011 Guide to the Code of Ethics for Public Officials and State Employees" at:

http://www.ct.gov/ethics/lib/ethics/publications/public_officials_guide_11.pdf

For guidance on specific situations, please contact Ginny Pack, UCHC Ethics Liaison at 860-679-1280 or pack@nso1.uchc.edu or the Office of State Ethics at 860-263-2400.