



COMMISSIONERS

John H. Watson, Chairman
Lewis G. Odom, Jr., Esq., Vice-Chairman
Russell Jackson Drake, Esq.
J. Harold Sorrells
Raymond L. Bell, Jr., Esq.

STATE OF ALABAMA
ETHICS COMMISSION

MAILING ADDRESS

P.O. BOX 4840
MONTGOMERY, AL
36103-4840

STREET ADDRESS

RSA UNION
100 NORTH UNION STREET
SUITE 104
MONTGOMERY, AL 36104



James L. Sumner, Jr.
Director

TELEPHONE (334) 242-2997

FAX (334) 242-0248

WEB SITE www.ethics.alalinc.net

October 4, 2000

ADVISORY OPINION NO. 2000-53

Alita B. Gadie-Bruce
Financial Support Social Worker I/II
Child Support Division
Montgomery County Department of Human Resources
3320 Horseshoe Circle
Montgomery, Alabama 36116

Conflict Of Interests/Employee Of County
Department Of Human Resources (DHR)
Working Independently Of DHR On
Proposal/Grant Designed To Educate
Parents About The DHR Child Support
Program.

A Financial Support Social Worker I/II with
the Montgomery County Department of
Human Resources may not be compensated
for working on a proposal/grant designed to
educate parents about the DHR Child
Support Program, as this is a function of the
Department of Human Resources.

Dear Ms. Gadie-Bruce:

The Alabama Ethics Commission is in receipt of your request for an Advisory Opinion of
this Commission, and this opinion is issued pursuant to that request.

QUESTION PRESENTED

May a Financial Support Social Worker I/II with the Montgomery County Department of Human Resources accept outside employment or conduct her own business working on a proposal/grant designed to educate parents about the DHR Child Support Program?

FACTS AND ANALYSIS

The facts as have been presented to this Commission are as follows:

Alita B. Gadie-Bruce is a Financial Support Social Worker I/II with the Montgomery County Department of Human Resources in the Child Support Division. She has been so employed for eight years, seven of which have been in the Child Support Unit.

Ms. Gadie-Bruce states that she is currently working on a proposal/grant designed to educate parents about the Child Support Program and the parents' responsibility. She states that her plan is to work independently of DHR Child Support, and she is interested in knowing if this would violate the Alabama Ethics Law.

Ms. Gadie-Bruce states that, as a DHR Child Support Worker, she is responsible for getting paternity established for children born out of wedlock and enforcing child support orders handed down by the courts. She states that what she is seeking to do could be considered a service/function of DHR, but due to staff shortages, DHR is unable to function in this area.

The Alabama Ethics Law, Code of Alabama, 1975, Section 36-25-1(23) defines a public employee as:

"(23) PUBLIC EMPLOYEE. Any person employed at the state, county, or municipal level of government or their instrumentalities, including governmental corporations and authorities, but excluding employees of hospitals or other health care corporations including contract employees of those hospitals or other health care corporations, who is paid in whole or in part from state, county or municipal funds. For purposes of this chapter, a public employee does not include a person employed on a part-time basis whose employment is limited to providing professional services other than lobbying, the compensation for which constitutes less than 50 percent of the part-time employee's income."

Section 36-25-1(8) defines a conflict of interest as:

"(8) CONFLICT OF INTEREST. A conflict on the part of a public official or public employee between his or her private interests and the official responsibilities inherent in an office of public trust. A conflict of interest involves any action, inaction, or decision by a public official or public employee in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs."

Section 36-25-5(a) states:

"(a) No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain."

Based on the facts as provided and the above law, a Financial Support Social Worker I/II with the Montgomery County Department of Human Resources may not be compensated for independently carrying-out a function of the Montgomery County Department of Human Resources.

CONCLUSION

A Financial Support Social Worker I/II with the Montgomery County Department of Human Resources may not be compensated for working on a proposal/grant designed to educate parents about the DHR Child Support Program, as this is a function of the Department of Human Resources.

AUTHORITY

By 3-0 vote of the Alabama Ethics Commission on October 4, 2000.



John H. Watson
Chair
Alabama Ethics Commission