



STATE OF ALABAMA
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June 5, 2024

ADVISORY OPINION NO. 2024-04

Captain Tammy Waddell
Jail Administrator
Limestone County Sheriff's Office

101 West Elm Street
Athens, Alabama 35611

Public Employee / Outside Employment /
Use of Office for Personal Gain

A public employee who works as a jail administrator may provide paid consulting services for a private business provided they avoid using their position, including confidential information obtained from their position and equipment, facilities, time, materials, human labor, or other public property under their discretion or control, to obtain the outside employment or to benefit themselves or the business employing them, and they do not interact with their public employer on behalf of their private employer.

Dear Captain Waddell:

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.

FACTS

Captain Waddell has been offered an opportunity to do consulting work for Heritage Health Solutions, a company that works in offsite inmate medical bills. The work would involve

discussing the benefits of using a medical model like one established in Limestone County in 2023 with other Jail Administrators. Captain Waddell has not had any interaction with Heritage Health Solutions in her public position aside from receiving an MOU for consideration about reducing the cost of offsite medical billing. The Limestone County Commission makes the decisions about which company is selected for such services. However, as Jail Administrator, Captain Waddell is normally asked to give input on the selection.

QUESTION PRESENTED

May a public employee who works as a jail administrator provide paid consulting services for a private business and interact with other jail administrators on behalf of the private business?

ANALYSIS

The Ethics Act does not prohibit public employees from obtaining outside employment provided the public employee does not use their position, including confidential information obtained from their position and equipment, facilities, time, materials, human labor, or other public property under their discretion or control, to obtain the outside employment or to benefit themselves or the business employing them.¹

The Ethics Act does prohibit public employees from representing a business with which they are associated before their public employer until two years after they leave their public position.²

Therefore, if Captain Waddell avoids using her position, including confidential information obtained from their position and equipment, facilities, time, materials, human labor, or other public property under her discretion or control to benefit herself or Heritage Health Solutions, the Ethics Act does not prohibit her from providing the consulting services in question or interacting with other jail administrators on behalf of Heritage Health Solutions.³

However, Captain Waddell would be prohibited from providing input on the selection of a company for offsite medical billing or any other contract that could benefit Heritage Health Solutions while employed with the Limestone County if she were to accept the consulting position with Heritage Health Solutions. ,

¹ Ala. Code § 36-25-5; Ala. Code § 36-25-8.

² Ala. Code § 36-25-13(c).

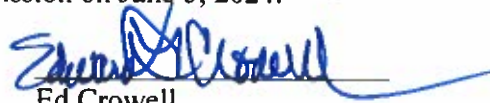
³ See also Advisory Opinions 2004-27 and 98-03

CONCLUSION

A public employee who works as a jail administrator may provide paid consulting services for a private business provided they avoid using their position, including confidential information obtained from their position and equipment, facilities, time, materials, human labor, or other public property under their discretion or control, to obtain the outside employment or to benefit themselves or the business employing them, and they do not interact with their public employer on behalf of their private employer.

AUTHORITY

By 3/0 vote of the Alabama Ethics Commission on June 5, 2024.



Ed Crowell
Chair
Alabama Ethics Commission