



H. Dean Buttram, Jr., Esq., Chairman  
James T. Pursell, Vice-Chairman  
Henry B. Gray III  
Camille S. Butrus  
Helen Shores Lee, 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



E. J. (Mac) McArthur  
Director

TELEPHONE (334) 242-2997  
FAX (334) 242-0248

December 6, 1995

## ADVISORY OPINION NO. 95-109

Ms. Jean Inscho  
Social Worker I  
Houston County Department  
of Human Resources  
801 Selkirk Drive  
Dothan, Alabama 36303

Conflict Of Interests/ Employee With  
Houston County Department Of  
Human Resources Teaching Part-  
Time At Troy State Dothan.

A public employee who is employed  
full-time with the Houston County  
Department of Human Resources  
may accept part-time teaching  
employment with Troy State  
University at Dothan, so long as such  
employee does not use or cause to be  
used time, equipment, or services of  
his or her primary job in the part-  
time employment.

Dear Ms. Inscho:

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 full-time employee with the Houston County Department of Human Resources teach part-time at Troy State University in Dothan?

### FACTS AND ANALYSIS

A full-time public employee with the Houston County Department of Human Resources has taught part-time at Troy State University in Dothan for a number of years. Prior to beginning teaching, she requested to the Department of Human Resources Commissioner for permission to teach. He permitted her to teach the subjects, Sociology and Anthropology.

In the recent past, this employee has been asked to teach in the Continuing Education Program. She has voiced a concern that the courses she will be teaching may be too much like social work. The course is called "Adult Care" and is taught for nursing and social work continuing education units.

She has requested this opinion so as to avoid a conflict of interests or a violation of the Ethics law.

The Alabama Ethics law, Code of Alabama, 1975, Section 36-25-5(a) states:

*"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."*

Section 36-25-5(c) states:

*"No public official or public employee shall use or cause to be used equipment, facilities, time, materials, human labor, or other public property under his or her discretion or control for the private benefit or business benefit of the public official, public employee, any other person, or principal campaign committee as defined in Section 17-22A-2, which would materially affect his or her financial interest, except as otherwise provided by law or as provided pursuant to a lawful employment agreement regulated by agency policy."*

Section 36-25-2(b) states:

*"It is also essential to the proper operation of government that those best qualified be encouraged to serve in government. Accordingly, legal safeguards against conflicts of interest shall be so designed as not to unnecessarily or unreasonably impede the service of those men and women who are elected or appointed to do so. An essential principle underlying the staffing of our governmental structure is that its public officials and public employees should not be denied the opportunity, available to all other citizens, to acquire and retain private economic and other interests, except where conflicts with the responsibility of public officials and public employees to the public cannot be avoided."*

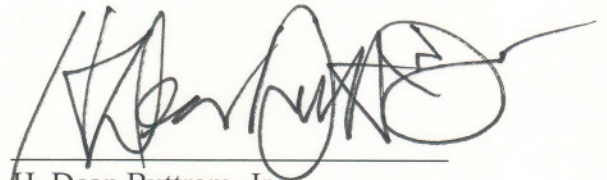
Under the facts as provided, it would not be a violation of the Ethics law, or a conflict of interest for a public employee with the Department of Human Resources to teach part-time in the Continuing Education Program at Troy State University in Dothan, in the area of adult care; provided, that the employee does not use time, equipment, or services of his or her primary job in the part-time employment.

#### CONCLUSION

A public employee who is employed full-time with the Houston County Department of Human Resources may accept part-time teaching employment with Troy State University at Dothan, so long as such employee does not use or cause to be used time, equipment, or services of his or her primary job in the part-time employment.

#### AUTHORITY

By 5 - 0 vote of the Alabama Ethics Commission on December 6, 1995.



H. Dean Buttram, Jr.  
Chair  
Alabama Ethics Commission