



STATE OF CONNECTICUT
STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 83-2

Involvement of Senator-Elect in Contract
with the State

A retired director of a State regional vocational-technical school has been director of a subdivision of a regional chamber of commerce. He has developed several job training programs which the chamber of commerce executed for the State Department of Labor under contracts made pursuant to sections 31-3a, 31-3b, and 31-3c, General Statutes. Those sections direct the Department to develop programs which will upgrade the skills of Connecticut workers in order to reduce unemployment and provide industry with the occupational skills it requires.

Last fall he left his position with the subdivision of the chamber of commerce to make a successful run for a seat in the State Senate. Now the Department of Labor and the regional chamber of commerce have entered into a new job training contract. The chamber of commerce has retained the senator-elect to be project coordinator on this one, as he had been on past ones when he worked full time for it. The position is part time. His per diem rate is approved by the Department, with approval based on the rate being within the parameters of the pay the Department renders persons with similar skills and responsibilities.

A representative of the Department of Labor has asked whether it is a conflict of interest for the senator-elect to coordinate the project, resulting from a contract between the chamber of commerce and the State, when the chamber is reimbursed by the State for the project coordinator's per diem.

Upon his election to the State Senate the individual involved became a public official for purposes of Chapter 10, General Statutes. Subsections 1-79(j), 1-91(p), General Statutes. Nothing in that chapter prevents the senator-elect from coordinating the project provided proper attention is paid the chapter's terms.

It is most unlikely that the senator-elect has accepted employment which will impair his independence of judgment as a legislator, as prohibited by subsection 1-84(b), General Statutes. He has been involved in the State's vocational-technical education programs for years, both as a State servant and as the employee of a private organization which had job training contracts with the State.

. (Over)

Phone: (203) 566-4472

30 Trinity Street • Hartford, Connecticut 06115

An Equal Opportunity Employer

Should an issue arise in the General Assembly which would affect his financial interests as project coordinator--proposals to change the method for determining the pay of project coordinators or jeopardizing the funds for contracts such as the one he is associated with, for example--section 1-86, General Statutes allows him to avoid the conflict of interest by either abstaining from official action on the legislative proposal, or participating if he formally reveals the potential conflict of interest and explains why he can vote fairly, objectively, and in the public interest on the matter. Thus use of office for private financial advantage in violation of subsection 1-84(c), General Statutes, may be avoided. It does not appear that he has accepted employment which will require or induce him to disclose confidential information acquired as a legislator. See subsection 1-84(b), General Statutes. If he does acquire relevant confidential information, he may not disclose it for private financial advantage. Subsection 1-84(c), General Statutes. Provided the funds for the Department of Labor's job training programs amount to a miniscule portion of the State budget, as is suspected, once in office the senator-elect should be able to vote on programs, and on funds for them, which compete for State resources with the job training program. (It would be otherwise if, for example, reduction or elimination of one program could foreseeably promote the prospects of the job training programs. See Ethics Commission Advisory Opinions No. 82-2, 43 Conn. L.J. No. 35, p. 12B, at 13B (Mar. 2, 1982) and 82-8, 44 Conn. L.J. No. 21, pp. 3B and 4B (Nov. 23, 1982).)

The chamber of commerce in question is not a registered lobbyist. Many chambers of commerce are. If this one becomes a lobbyist, it would be hard to argue that the senator-elect had been hired and retained as project coordinator in order to place him under personal obligation, in view of his long-term participation in job training, including running similar projects of the chamber of commerce in the past. See subsections 1-97(c)(1), General Statutes.

As was noted in the case of a legislator who was competing for a grant from an executive department of the State (Ethics Commission Advisory Opinion No. 78-19, 40 Conn. L.J. No. 10, p. 14 (Sept. 5, 1978)), the senator has to be sensitive to the fact that he must observe the provisions of section 1-86, above, if required to take action affecting the State department with which his private activity is connected. Compliance with that section and other pertinent provisions of the Code of Ethics for Public Officials will permit him to coordinate the job training project for the chamber of commerce without any real or apparent conflicts of interest as defined by the Code.

By order of the Commission,

Lucille E. Brown
Lucille E. Brown, Chairperson

Dated 1/10/82