



# STATE OF CONNECTICUT

## STATE ETHICS COMMISSION

ADVISORY OPINION NUMBER 85-5

### Private Employment after State Service

A former State employee has asked whether he may sell services to the State.

The former State employee commenced his State service as a consultant. He was first hired as a project manager for the selection (under competitive procurement procedures), acquisition, and installation of a major computer system for the Department of Income Maintenance (DIM). A vendor was chosen to install and operate the system, called the Medicaid Management Information System (MMIS). Once the system was operational, the consultant accepted a position as a full-time State employee heading a section of DIM. Among his several responsibilities was administration for the Department of numerous contracts, including the one for MMIS. The MMIS contract was the only one the particular vendor had with DIM.

After 2 1/2 years as a State employee, he decided to seek private employment. He advised his superiors of his intentions. When he thought he might explore employment possibilities with the MMIS vendor he informed his superiors, one of whom took over contract administration responsibilities for MMIS. Upon being offered a position as the MMIS vendor's state and local government marketing representative in the Northeast, he advised his superiors of his situation. It was mutually agreed that, if he accepted the position, he would not market any MMIS-related services to Connecticut.

Now he is filling the regional marketing position previously offered. While his request for advice is framed in terms of whether he is complying with the Code of Ethics for Public Officials (Chapter 10, Part I, General Statutes), it is apparent that a major concern is whether there are restrictions imposed on his selling services to Connecticut.

A number of limitations on the activities of former State servants were enacted in 1983. See sections 5 and 6, Public Act No. 83-586. Only the former section, now designated section 1-84a, General Statutes, has become effective. It provides that the former State employee seeking advice may not disclose or use confidential information acquired in the course of and by reason of his official State duties for financial gain for himself or anyone else.

The former State employee claims he gained no information in his previous position that is not available to the general

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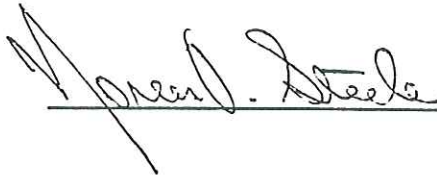
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public. Therefore, the only Code provision of possible applicability does not restrict him in any way. His agreement not to market MMIS-related services to the State, while appropriate, goes beyond the current requirements of the Code. (If it were 1987, he could not market for his employer at DIM for a year after leaving State service, and might not be able to sell MMIS-related services ever. See subsections 1-84b(b) and 1-84b(a), General Statutes, respectively.)

The former State employee's actions while seeking private employment show a sensitivity for proper ethical conduct and went beyond the requirements of the Code. His agreement to avoid selling MMIS-related services again meets a higher ethical standard than the Code currently imposes. So far as he knows, his employer has no contracts, other than the one for MMIS, with any State agency. Since he acquired no confidential information in State service, he may now sell services of any type to any State agency. See Ethics Commission Advisory Opinion No. 83-10, 45 Conn. L.J. No. 13, p. 38B (September 27, 1983).

By order of the Commission,

  
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Dated 6/3/85