



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 92-3

Application Of The Revolving Door Provisions Of The Code To Former Department Of Labor Appeals Referees

The Chief Appeals Referee of the Employment Security Appeals Division of the Department of Labor (hereinafter "Division") has asked whether, under the revolving door provisions of the Code of Ethics for Public Officials, an appeals referee who leaves state service may thereafter appear at hearings before the Division as an advocate for claimants or employers. The Division constitutes the employment security administrative appellate system, but although it performs quasi-judicial functions within the Department of Labor, its referees are classified service state employees, not judges, and are therefore fully subject to the Code of Ethics for Public Officials. See Conn. Gen. Stat. §1-79(q).

Pursuant to Conn. Gen. Stat. §1-84b(b) a former appeals referee is prohibited, for one year after leaving state service, from representing anyone other than the State for compensation before the Department of Labor in general, and the Division in particular, concerning any matter in which the State has a substantial interest. The disposition of appeals before the Employment Security Appeals Division must be considered a matter in which the State has a substantial interest. Furthermore, to "represent" means not only to appear before the Division, but also to do any activity that reveals the identity of the former referee, such as signing a document or identifying himself on the telephone. See, Ethics Commission Advisory Opinion No. 89-25, 51 Conn. L.J. No. 24, p. 2E (December 12, 1989). Therefore, unless more than one year has elapsed since the termination of his state service, or unless he appears before the Division without compensation, a former appeals referee may not appear at hearings before the Division on behalf of anyone other than the State of Connecticut.

Second, §1-84b(a) prohibits a former appeals referee from ever representing anyone other than the State "concerning any particular matter (1) in which he participated personally and substantially while in state service and (2) in which the State

has a substantial interest." This is a lifetime prohibition, and will permanently bar a former appeals referee from involvement, on behalf of anyone other than the State, in certain matters.

Third, pursuant to §1-84b(d) of the Code of Ethics for Public Officials, a former appeals referee "who participated substantially in the negotiation or award of a state contract obliging the state to pay an amount of fifty thousand dollars or more, or who supervised the negotiation or award of such a contract" is prohibited from accepting employment with a party to the contract (other than the State) for a period of one year after resignation from his state position if his resignation occurs less than one year after the contract is signed. The Ethics Commission has interpreted this restriction to apply equally to persons who participated substantially in the negotiation or award of grants and other state awards implemented by contract. See, Ethics Commission Advisory Opinion No. 90-27, 52 Conn. L.J. No. 10, p. 7D (September 4, 1990).

Finally, Conn. Gen. Stat. §1-84a prohibits a former appeals referee from ever disclosing or using confidential information acquired in state service for his own, or another person's, financial gain.

By order of the Commission,



Astrid T. Hanzalek

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Chairperson

Dated 1-6-92