

**CAUTION:** The following advice may be based on a rule that has been revised since the opinion was first issued. Consequently, the analysis reflected in the opinion may be outdated.

**40 IAC 2-1-8**

**40 IAC 2-1-9**

A DOL safety training consultant was asked to do a safety consultation outside of the State. SEC found it was permissible for safety and health consultants to perform consultations for a fee on their own time for a company located outside of the State, so long as they observed the remaining rules in the Code of Ethics, when no related company was located in the State; however, they would be prohibited from consulting for a fee for any company operating in the State or having a related company located in the State.

**90-I-25: Conflict of Interest, Moonlighting**

**Indiana State Ethics Commission**

**Official Advisory Opinion**

(Decision October 11, 1990)

A safety training consultant for the Department of Labor, Bureau of Safety Education and Training (BuSET), has been asked to do a safety consultation outside of the state. BuSET performs free safety consultations for employers within Indiana at their request and conducts employee training and seminars. Copies of the report of the consultation called a survey are sent to the company and the BuSET office, and a copy is kept by the BuSET safety training consultant. The company is to notify BuSET of abatement within the jointly agreed upon abatement period. The Indiana Occupational Safety and Health Administration (IOSHA) could look at serious violations that had not been corrected within the abatement period and impose penalties.

The Commission found that BuSET safety or health consultants who do safety or health consultations on the job may do consultations for a fee on their own time for a company located outside of the state when no related company is located in the state of Indiana. Employees may not consult for a fee for any company located out of state which operates in Indiana or has a related company located in Indiana. Employees: a) may not do the consultation on state duty hours or with the use of state equipment; and b) may not divulge privileged or confidential information acquired as a result of official duties.