

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 Consequently, the analysis reflected in the opinion may be outdated.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

SEC found it was acceptable for an INDOT signal technician to engage in outside employment with a consulting firm to program signals on non-state contracts provided the technician observed specific limitations on the employment.

90-I-2: Moonlighting
Indiana State Ethics Commission
Official Advisory Opinion
(Decision January 11, 1990)

FACT SITUATION

A signal technician for the Indiana Department of Transportation asked if he was permitted to accept employment by an outside consulting firm to program signals on non-state contracts. Although the consulting firm did work for the state of Indiana, it was not the signal technician's duty to review the plans from this firm. The technician did occasionally give advice to the engineers who reviewed the plans, but would not be aware it was this specific firm about whom he was giving advice. Work for the consulting firm would be done outside of hours of state employment. The signal technician felt the work would not impair his independence of judgment in carrying out his official duties for the state or be incompatible with those duties. He further stated that he would not be in possession of any confidential information that could be advantageous to the consulting firm.

QUESTION

Is a signal technician for the Indiana Department of Transportation permitted to accept employment by an outside consulting firm to program signals on non-state contracts?

OPINION

The Commission rendered the opinion that a signal technician for the Indiana Department of Transportation is permitted to work for an outside consulting firm doing programming of signals as long as the work is done outside of state hours, does not affect the employee's independence of judgment, is not incompatible with his state job, the employee would not be using confidential information, and the employee is not working on contracts of the consulting firm with the state of Indiana.

The relevant rule, 40 IAC 2-1-8, provides, "A state employee must not engage in outside employment or other outside activity not compatible with the full and proper discharge of his public duties and responsibilities. This outside employment or other outside activity must not impair his independence of judgment as to his official responsibilities, pose a likelihood of conflict of interest or require him or persuade him to disclose confidential information acquired by him as a result of his official duties."