

**Date:** July 17, 2008

**To:** Jose A. Gonzalez, New Business Supervisor I, WASD

**From:** Victoria Frigo, Staff Attorney, Commission on Ethics

**Subject:** INQ 08-122, Outside Employment, County Code Sections 2-11.1 (j) and (k)

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In emails to our office on June 18 and July 10, 2008, you asked if activating your contractor's license to establish a new construction company and, at the same time, maintaining your outside employment as a bail bondsman, would conflict with your duties to the County.

Your question raises two issues:

- **FIRST**, will engaging in outside employment diminish your ability to fully and faithfully discharge your duties to the County?
- **SECOND**, do the outside activities you described conflict with your County duties?

**FIRST**, you are advised that your supervisor has the ultimate authority to limit or deny outside employment if outside employment could interfere with your County job performance—even if no ethics conflict exists.

Administrative Order 7-1 states that it is of the “highest importance that County affairs and business be conducted free of the influence of employees’ personal and private financial interests, both in appearance and in fact.”

Consequently, your supervisor must determine whether holding one or two outside jobs would impair your ability to give your full time and attention to your County job. In particular, he or she may inquire as to how it will be possible for you to provide services as a bondsman and/or a general contractor on nights and weekends, not on County time and without using County resources. Even if this is possible, he or she may decide that the rigors of off-duty work are likely to hinder your performance of your County duties.

**SECOND**, if your supervisor agrees that you may engage in one or both outside jobs, it is the opinion of the Ethics Commission that neither of the outside jobs you described conflicts directly with your responsibilities to the County as a New Business Supervisor I.

Section 2-11.1 (j) of the Ethics Code states that a County employee may not “accept other employment which would impair his or her independence of judgment in the performance of his or her public duties.”

It appears that your duties with the Water & Sewer Department as a New Business Supervisor I do not overlap with tasks that are typically performed by bail bondsmen and general contractors.

**FINALLY**, you are reminded that if outside employment is approved, Section 2-11.1 (k) of the Ethics Code requires that County employees seek annual approval for outside employment from their supervisors and file annual reports with the Supervisor of Elections disclosing the nature of the outside employment and income generated from outside employment.

If you have further questions, please do not hesitate to contact me.