

## OPINION NO. 181

A department head inquired whether an employee in his department might teach for compensation a course related to the area of his responsibility. The specific facts were as follows:

1. The employee had been invited to teach a course and did not solicit the position being offered. His compensation for the course would be over \$500.00.

2. In his state capacity, the employee was responsible for planning training workshops in his field of competence and assisting his clients in their work. The training was supposed to be offered at the convenience of the clients involved and his schedule should be flexible in meeting the needs of these clients. In addition, he supervised certain state employees. According to the employee, the course would differ from his training workshops in several ways: 1) in the hours of attendance required by students, 2) in the class requirements relative to outside reading, term papers and other academic requirements, and 3) in the fact that the course content was not specifically required by his department and the fact that his department's policy on approval of requests for training workshops stressed an "absolutely necessary" condition.

Based upon the facts before us, we concluded that the employee would not be in violation of the ethics law (HRS ch. 84) by accepting this employment, notwithstanding the fact that there was some overlap between the course curriculum and the subject matter of the training workshops which he was required to conduct under the conditions of his employment contract. In our opinion, this situation differed from Opinion No. 85 in which we found an education specialist to be in violation of the law for accepting honorariums for giving speeches which were expected as a part of his regular duties. In the instant case, the employee was not expected to provide the intensive type of training contemplated by the course, nor was he required to teach courses with unrestricted enrollment. In reaching this opinion, however, it was our understanding that the employee would still be expected to provide the training workshops as required. In addition, we called to his attention HRS §84-13 which provides that he should not misuse his state position by soliciting enrollment of people over whom he has supervisory functions.

Since the part-time employer in this instance was a state agency rather than the individual students, it was not necessary for us to discuss whether or not the employee might accept as students the state employees over whom he had supervisory functions. Cf. Opinion No. 150.

In rendering this opinion, we relied upon facts submitted by the department head and the state employee. We provided the employee with an opportunity to present his view of the factual circumstances.

We thanked the department head for his concern for ethics in government and the cooperation we received from both him and the state employee in presenting the facts to this Commission.

Dated: Honolulu, Hawaii, March 29, 1974.

STATE ETHICS COMMISSION  
Gwendolyn B. Bailey, Chairman  
Vernon F.L. Char, Vice Chairman  
Audrey P. Bliss, Commissioner

Note: Commissioner Walters K. Eli was excused from the meeting at which this opinion was considered. There was one vacancy on the Commission.