

## OPINION NO. 507

An employee who was the principal of a school had accepted an offer to serve as a part-time lecturer at a state institution. As a precautionary measure, the employee requested an advisory opinion from this Commission regarding the application of the State Ethics Code to his situation.

Because HRS §84-13(1) prohibits state employees from using their state positions to seek other employment or contracts, the Commission first reviewed the circumstances of the employee's hiring. The employee had noted that, in the past, he had served as an occasional resource lecturer. He had commented that the previous lecturer had traveled from a great distance to teach the class once a week. Furthermore, a couple of faculty positions in the department had recently become vacant. Finally, the employee had stated that he had been hired after he had sent a resume in response to a newspaper advertisement. Accordingly, the Commission concluded that the employee had not received the contract in violation of HRS §84-13(1).

The most applicable section of the ethics code to the employee's question was a portion of the fair treatment section, HRS §84-13(2), which states as follows:

No ... employee shall use or attempt to use his official position to secure or grant unwarranted privileges, exemptions, advantages, contracts, or treatment, for himself or others; including but not limited to the following:

....

- (2) Accepting, receiving, or soliciting compensation or other consideration for the performance of his official duties or responsibilities except as provided by law.

The Commission noted that the statute does not prohibit employees from using their expertise in outside employment; it only prohibits them from receiving additional compensation for duties that are required of them in their state positions. The employee planned to teach a course on methods and materials in education. Although students majoring in education normally student-teach during their last semester, the Commission understood that principals did not have direct contact or supervisory responsibility for student-teachers. The Commission was told that student-teachers were supervised by the teacher or teachers to whom they are assigned and the university professor who oversaw the program. The Commission was also told that principals generally oversaw the student-teacher program only on an administrative level. Therefore, in the Commission's opinion, because the employee did not have a direct relationship with student-teachers, there would be no overlap between his responsibilities as a principal and his responsibilities as a lecturer at the state institution.

The Commission also had considered the possibility that an impression might be created that the employee would be receiving two state paychecks for the same time-frame. The employee noted that the class was to meet on Tuesdays and Thursdays from 4:30 to 5:45 p.m. The employee stated, and his supervisor confirmed, that the normal

working hours of a school principal were approximately from 7:30 a.m. to 4:00 p.m., with additional time in the evenings and during weekends depending on school meetings and activities. The Commission found that so long as the class period did not fall within the normal working hours of a school principal, it would be permissible for the employee to serve as a part-time lecturer.

The Commission commended the employee for his concern for ethics in government.

Dated: Honolulu, Hawaii, September 1, 1983.

STATE ETHICS COMMISSION  
Edith K. Kleinjans, Chairperson  
Allen K. Hoe, Vice Chairperson  
Mildred D. Kosaki, Commissioner  
Rabbi Arnold J. Magid, Commissioner

Note: Commissioner Gary B.K.T. Lee was excused from the meeting at which this opinion was considered.