

[Advisory Opinion 1997-7]

March 17, 1997

[Name1 withheld]

Dear [Name1 withheld]:

The Ethics Commission has reviewed your request for advice regarding potential employment outside the Department of Health and Human Services (DHHS).

You currently are employed part-time with DHHS, Adult Mental Health and Substance Abuse Services. You are a Psychiatric Nurse Clinical Specialist and provide outpatient addiction and psychiatric treatment to persons who have both chemical addictions and psychiatric disorders.

You are a candidate for two outside employment positions and you wish to know if there would be any potential conflict if you pursue either. One position is with a private provider as a Nurse Psychotherapist to provide psychiatric services to chronically mentally ill clients. The other position is with the Montgomery County Public Schools System (MCPS) as an Employee Assistance Program Specialist responsible for assessment, evaluation, short term treatment and referral of MCPS employees and their families for continued services and/or treatment.

Based on the limited information provided in your letter, you will not need a waiver of the County conflict of interest laws in order to accept employment with either of these outside employers. However, a conflict of interest may be present if either of these positions is part of a contract held by the outside employer with DHHS. In that event, you would need to obtain a waiver from the Commission of Section 19A-12 of the Montgomery County Code.

If no DHHS contracts exist, you will not need a waiver but will nonetheless need to obtain Commission approval for the outside employment. To receive outside employment approval, you must submit a request for outside employment to your Department Director who will in turn forward it to the Ethics Commission for final approval. I have enclosed the necessary form for your use. If you have any questions, please contact our office.

Sincerely,
[signed]
Barbara McNally
Executive Secretary

BM/jlw
Enclosure