



MONTGOMERY COUNTY ETHICS COMMISSION

January 23, 2023

Waiver 23-01-002

Imani Marcel is a School Health Room Technician I (SHRT I) at the Public Health Services Division (PHS) of the Montgomery County Department of Health and Human Services (DHHS). She would like to engage in outside employment as Shelter Support Staff at Interfaith Works, an entity that has contracts with DHHS. Pursuant to § 19A-12(b)(1)(B) of the Public Ethics Law, a public employee must not be employed by a business that negotiates or contracts with the County agency with which the public employee is affiliated, unless the Ethics Commission grants a waiver.

As a SHRT I at PHS, Ms. Marcel's responsibilities include providing standard first aid and medication administration to MCPS students. She is responsible for creating student health files and documenting any health concerns/conditions and keeping track of all immunization requirements. She has no contract monitoring or procurement responsibilities in her County role.

While schools were closed as a result of COVID, Ms. Marcel was temporarily assigned to work at Interfaith Works. Now that Ms. Marcel's County responsibilities at her school have resumed, she has been asked to continue as a part-time employee of Interfaith Works to carry out the same role she performed when she was assigned by DHHS to work at Interfaith Works. This role is fully funded by a contract with the County. Interfaith Works has several contracts with DHHS related to servicing the needs of the County's homeless population. The contracts that Interfaith Works has with DHHS involve substantial amounts of money, and Ms. Marcel's small salary from Interfaith Works would constitute a very small amount of the total money Interfaith Works receives from DHHS.

In her role at Interfaith Works, Ms. Marcel's responsibilities would include documenting interactions with shelter clients. She also would help prepare meals, do light cleaning, check client bags for prohibited items, and assist in conducting intakes to the shelter. She would have no contract monitoring or procurement responsibilities in her role with Interfaith Works. In her role with the County, the population she serves is almost exclusively school-age children. At Interfaith Works, she would help homeless adults. The two populations she would serve have no overlap.

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Pursuant to § 19A-8(b)(3) of the Public Ethics Law, the Ethics Commission may grant a waiver of the prohibition of § 19A-12(b) if the Ethics Commission concludes that the proposed employment is not likely to create an actual conflict of interest. Upon a review of the request and the Department's concurrence in and support for the waiver request, the Commission finds that there is no actual conflict of interest. The populations Ms. Marcel serves in her County role and in her proposed Interfaith Works role are completely separate. And while her proposed outside role is fully funded by a contract between DHHS and Interfaith Works, she has no ability to affect the contract in either of her positions. Moreover, neither the position that Ms. Marcel has with the County nor the position she would have at Interfaith Works involve such discretion that creates any likelihood of a misuse of prestige of County office in the good faith execution of either position. Pursuant to the standard of § 19A-8(b)(3), the Commission grants the waiver of the prohibition of § 19A-12(b).

This waiver expires when the outside employment approval with which it is associated expires, unless a continuation request for outside employment is timely filed and subsequently approved by the Ethics Commission. In reaching this decision, the Commission has relied upon the facts as presented by Ms. Marcel.

For the Commission:



Bruce Romer, Chair