

**ETHICS COMMISSION  
CITY AND COUNTY OF HONOLULU**



**ADVISORY OPINION NO. 136**

The question is whether a full-time legislative aide for a member of the City Council [Council] may also be employed part time by the State Department of Education as an instructor in the evenings.

Section 76-106, Hawaii Revised Statutes, provides:

Any other law to the contrary notwithstanding, an employee subject to any provision of this chapter may engage in outside employment after working hours, but is prohibited and restricted from engaging in any out-side employment which is inconsistent or incompatible with or interferes with, the proper discharge of the employee's duties to the State or the county, as the case may be. This provision shall supersede all rules and regulations on the subject of outside employment.

Section 11-102.3, Revised Charter of Honolulu 1973 (1983 Ed.) [RCH], provides:

No elected or appointed officer or employee shall... [e]ngage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of his official duties or which may tend to impair his independence of judgment in the performance of his official duties.

Section 13-119, RCH, provides:

No person shall hold more than one public office or position under the city or hold such office or position while holding any other office or position in or under the government of the United States or of the State, but nothing herein shall preclude the holding of an ex officio office or part-time employment with a State or federal agency or the appointment of a city officer or employee to membership on a State commission or board or the selection of any city, State, or federal officer or employee to membership on a neighborhood board under provisions of section 14-104 of this charter, unless such service shall be as a member of the civil service commission or would be inconsis- tent or incompatible with or would tend to interfere with the duties and responsibilities of the other office, employment or position held by the officer or employee. The term "public office," as used in this section of the charter, shall not include notaries public, reserve police officers or officers of emergency organizations for civilian defense or disaster relief.

The Ethics Commission [Commission] finds that there is no incompatibility between City employment as a legislative aide and outside employment as an instructor for the State Department of Education. As long as employment with the State is only part time, it does not violate Section 13-119, RCH, on dual offices or positions, and the Commission finds nothing in the facts present to indicate a conflict of interest.

Dated: May 1, 1984

GILBERT A. GIMA  
Acting Chair  
Ethics Commission