

**CAUTION:** The following advice may be based on a rule that has been revised since the opinion was first issued. Consequently, the analysis reflected in the opinion may be outdated.

**Outside employment**

SEC found it was permissible for an agency training director who had become certified in teaching problem solving skills at state expense to train groups outside the executive branch in the problem solving method, subject to certain conditions.

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The training director of an agency with responsibilities for teaching classes to state employees, including the class on Six Thinking Hats training, wanted to know whether she was permitted to conduct this training for other organizations for compensation on her own time when she had become certified as an instructor of this class at state expense.

The state had paid \$4,500 for her to be certified to teach the course in creative problem solving skills. The funds for the training came from a private vendor under contract with the agency where she worked.

The teaching would occur in a variety of settings such as college campuses and hotels where a conference room would be set up for those interested in receiving the training. Training could be either one or two days. The costs of the materials for the students enrolled in the course is \$90 for the one day program and \$146 for the two day program. The employee did not know what compensation she would receive for teaching the course.

Other than one special Six Thinking Hats class the trainer was teaching, she taught no other class for the state. Because of budget cuts, her agency could not pay for the training. If she was unable to teach the class on a regular basis, she would lose her certification to teach the class.

The trainer would continue to teach state employees the course without receiving additional payment, other than her state salary. She would inform other agencies of her willingness to do this for state employees.

**QUESTION**

Is the training director of an agency who has become certified in teaching Six Thinking Hats at state expense permitted to conduct this training for other organizations outside of state government for compensation on her own time?

**OPINION**

The Commission found it would not be a violation of the conflict of interest statute or moonlighting rule for the director of training of an agency to provide the Six Thinking Hats training to groups outside of the executive branch of state government during weekends, vacations, or on holidays even though the director had become certified at state expense provided

- 1) the groups were not composed of state employees, and
- 2) the director continued to teach the course to state employees at no cost to the employee or their department for her instruction.