
By: **Senator Collins**
Introduced and read first time: January 28, 2000
Assigned to: Economic and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Ethics Law - Secondary Employment of Social Services Employees as**
3 **Visitation Facilitators**

4 FOR the purpose of authorizing an employee of a local department of social services to
5 have secondary employment with a circuit court as a visitation facilitator in
6 domestic relations or custody cases, under certain circumstances; and generally
7 relating to the employment of department of social services employees by a
8 circuit court as visitation facilitators.

9 BY repealing and reenacting, with amendments,
10 Article - State Government
11 Section 15-502
12 Annotated Code of Maryland
13 (1999 Replacement Volume)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Government**

17 15-502.

18 (a) This section does not apply to members of the General Assembly.

19 (b) Except as provided in subsections (c) and (d) of this section, an official or
20 employee may not:

21 (1) be employed by or have a financial interest in:

22 (i) an entity subject to the authority of that official or employee or
23 of the governmental unit with which the official or employee is affiliated; or

24 (ii) an entity that is negotiating or has entered a contract with that
25 governmental unit or an entity that is a subcontractor on a contract with that
26 governmental unit; or

1 (2) hold any other employment relationship if that employment
2 relationship would impair the impartiality and independent judgment of the official
3 or employee.

4 (c) The prohibitions of subsection (b) of this section do not apply:

5 (1) to employment or a financial interest allowed by regulation of the
6 Ethics Commission if:

7 (i) the employment does not create a conflict of interest or the
8 appearance of a conflict of interest; or

9 (ii) the financial interest is disclosed;

10 (2) to a public official who is appointed to a regulatory or licensing unit
11 pursuant to a statutory requirement that entities subject to the jurisdiction of the
12 unit be represented in appointments to it;

13 (3) as allowed by regulations adopted by the Commission, to an employee
14 whose government duties are ministerial, if the private employment or financial
15 interest does not create a conflict of interest or the appearance of a conflict of interest;
16 [or]

17 (4) to a member of a board who holds the employment or financial
18 interest when appointed if the employment or financial interest is publicly disclosed
19 to the appointing authority, the Ethics Commission, and, if applicable, the Senate of
20 Maryland before Senate confirmation; OR

21 (5) TO AN EMPLOYEE OF A LOCAL DEPARTMENT OF SOCIAL SERVICES
22 WHO HAS SECONDARY EMPLOYMENT WITH A CIRCUIT COURT AS A VISITATION
23 FACILITATOR IN DOMESTIC RELATIONS OR CUSTODY CASES, PROVIDED THE
24 EMPLOYEE RECEIVES NO ASSIGNMENTS IN THE COURSE OF EITHER EMPLOYMENT
25 WITH A FAMILY THAT IS INVOLVED WITH THE OTHER AGENCY.

26 (d) (1) Subject to paragraph (2) of this subsection, the Ethics Commission
27 may exempt a public official of an executive unit or an employee of an executive unit
28 from the prohibitions of subsection (b) of this section if the Ethics Commission
29 determines that:

30 (i) failure to grant the exemption would limit the ability of the
31 State to:

32 1. recruit and hire highly qualified or uniquely qualified
33 professionals for public service; or

34 2. assure the availability of competent services to the public;
35 and

1 (ii) the number of exemptions granted under this subsection has
2 not tended to erode the purposes of subsection (b) of this section or other provisions of
3 this title.

4 (2) (i) The Ethics Commission may grant an exemption under
5 paragraph (1) of this subsection only:

- 6 1. in extraordinary situations; and
7 2. upon the recommendation of the Governor, at the request
8 of the executive unit involved.

9 (ii) The Ethics Commission shall apply this subsection as
10 consistently as possible under similar facts and circumstances.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2000.