

# ***DUAL EMPLOYMENT***

***~ NOTICE ~***

## ***TO ALL PERSONNEL ENGAGED ON MDT HIGHWAY PROJECTS***

### **EMPLOYMENT OF STATE EMPLOYEES BY CONTRACTORS OR SUBCONTRACTORS VIOLATES MONTANA LAW AND IS PROHIBITED IN CONNECTION WITH ANY MDT PROJECT**

**2-2-105. MCA, Ethical requirements for ... public employees.** (1) The requirements in this section are intended as rules of conduct, and violations constitute a breach of the public trust and public duty of ... employment in state or local government.

(2) ... a public employee may not acquire an interest in any business or undertaking that the ... employee has reason to believe may be directly and substantially affected to its economic benefit by official action to be taken by the ... employee's agency.

(3) A ... public employee may not, within 12 months following the voluntary termination of ... employment, obtain employment in which the ... employee will take direct advantage, unavailable to others, of matters with which the ... employee was directly involved during ... employment...

(5) A ... public employee may not perform an official act directly and substantially affecting a business or other undertaking to its economic detriment when the ... employee has a substantial personal interest in a competing firm or undertaking.

**2-2-121 MCA, Rules of conduct for ... public employees.** (1) Proof of commission of any act enumerated in subsection (2) is proof that the actor has breached a public duty.

(2) A ... public employee may not:

- (a) use public time, facilities, equipment, supplies, personnel, or funds for the ... employee's private business purposes;
- (b) engage in a substantial financial transaction for the ... employee's private business purposes with a person whom the ... employee inspects or supervises in the course of official duties;
- (c) assist any person for a fee or other compensation in obtaining a contract, claim, license, or other economic benefit from the employee's agency;
- (d) assist any person for a contingent fee in obtaining a contract, claim, license, or other economic benefit from any agency;
- (e) perform an official act directly and substantially affecting to its economic benefit a business or other undertaking in which the ... employee either has a substantial financial interest or is engaged as counsel, consultant, representative, or agent; or
- (f) solicit or accept employment, or engage in negotiations or meetings to consider employment, with a person whom the ... employee regulates in the course of official duties without first giving written notification to the ... employee's supervisor and department director.

**2-2-201. MCA, Public ... employees, and former employees not to have interest in contracts.** (1) ...employees of an enumerated governmental entity may not be interested in any contract made by them in their official capacity or by any body, agency, or board of which they are ... employees if they are directly involved with the contract. A former employee may not, within 6 months following the termination of employment, contract or be employed by an employer who contracts with the state or any of its subdivisions involving matters with which the former employee was directly involved during employment.