

ADVISORY OPINION 00-51  
September 22, 2000

RE:                May employees accept exceptional service awards?

DECISION:        Yes, if award value is less than \$25.

This opinion is in response to your August 7, 2000, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 22, 2000, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You chair a committee within the Franklin County Family Court called "Children in Placement." The committee is charged with implementing creative programs to improve the lives of over 70 children who are placed in foster care each year in Franklin County because of neglect, physical abuse or sexual abuse.

The committee is working with the local office of the Cabinet for Families and Children in initiating a "social worker of the month" program which would provide awards to social workers who excel in the services they provide to Franklin County. The supervisor for the local office would be solely responsible for determining who receives the awards. The awards will be donated by local businesses and each will have a value of approximately \$50. Typical awards will be gift certificates for local gyms and department stores. Because the recipients of these prizes will be social workers employed within the executive branch, you ask whether the committee may award such prizes.

In considering this request, the Commission takes particular note of the provisions in KRS 11A.040(5) below:

(5)        No public servant shall knowingly accept compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

Compensation is defined in KRS 11A.010(3) below:

(3)        "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another;

Additionally, KRS 11A.045(1) provides:

(1)        No public servant, his spouse, or dependent child knowingly shall accept any gifts or gratuities, including travel expenses, meals, alcoholic beverages, and honoraria, totaling a value greater than twenty-five dollars (\$25) in a single calendar year from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the agency in which the public servant is employed or which he supervises, or from any group or association which has as its primary purpose the representation of those persons or businesses. Nothing contained in this subsection shall prohibit the commission from authorizing exceptions to this subsection where such exemption would not create an appearance of impropriety.

An employee is prohibited by KRS 11A.045(1) from accepting an award that exceeds a value of \$25 from a vendor of his agency. Similarly, the Commission believes that the committee may award prizes for exceptional service to executive branch employees, in addition to their compensation provided by law, but such awards should not have a value of greater than \$25 each.

Although such awards may appear to be compensation for performance of official duties, the Commission does not believe that small token awards, with a value of less than \$25, rise to the level of "compensation" and tend not to create a conflict for the employee. (See Advisory Opinion 93-10, copy enclosed) The Commission sees the benefit of such awards in promoting improvement in the performance of Commonwealth employees.

Enclosure:        Advisory Opinion 93-10