

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 93 – 80 *REPLACING AO 93 – 13*

November 22, 1993

RE: Whether a state employee, while on annual leave from the job, may make a presentation pertaining to his work and receive expenses and an honorarium from the sponsors of the presentation.

This opinion is in response to a request made originally in an unsigned letter dated March 26, 1993. The Commission, at its April 2, May 10 and June 7 meetings requested more information, some of which was not provided in a timely manner. After further discussion at its July 8 meeting, the Commission issued its original Advisory Opinion 93-13.

After further discussion, appearances before the Commission, and correspondence from the Cabinet for Human Resources (CHR), the Commission now withdraws its original opinion and in its place issues Advisory Opinion 93-80.

The Commission has been advised as follows. A state employee who supervises aspects of the Family Resource and Youth Services Center ("FRYSC") program under the Kentucky Education Reform Act was invited to speak on the Kentucky FRYSC program at a meeting sponsored by the Iowa Department of Education and other agencies on April 19 and 20, 1993. The employee used leave time to attend and received a \$1,000 honorarium plus travel expenses from the sponsors.

KRS 11A.040(5) provides:

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.

This amended opinion is based on a November 1 letter signed by two of the employee's supervisors-- Bob Snyder, executive director of the CHR Office for Policy and Budget, and Ronnie Dunn, manager of the FRYSC program. Their letter states that the employee's "presentation at the Iowa workshop April 19-21, 1993, was not part of his official duties."

The Commission believes the supervisors' statement outweighs some evidence to the contrary. Since the employee was not performing his official duties, he may accept the honorarium.

As stated in the original opinion, the Commission does not consider the expense money in this case to be "compensation," and thus does not call for its refund, particularly in light of the fact it came from a governmental agency which apparently does no business with and is not regulated by the requestor's agency.

