

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 93 – 83

December 16, 1993

RE: Executive Director wishes to employ spouse as interpreter

This opinion is in response to your November 15, 1993, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the December 16, 1993, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. As a Doctor of Education and Executive Director of the Commission on the Deaf and Hard of Hearing, you require a sign language interpreter with an educational level, vocabulary, and public presence comparable to your own. You seek a top level interpreter who has been awarded a "Comprehensive Skills Certificate" (CSC) by the Registry of Interpreters for the Deaf. There is a severe shortage of CSC interpreters in the state. Your spouse is the only CSC interpreter residing in Frankfort, and he has 25 years experience as such. He possesses a bachelor's degree and interpreted the entire doctoral program for you.

You ask: May the Executive Director of the Kentucky Commission on the Deaf and Hard of Hearing employ her husband to provide American Sign Language interpreting services for her to facilitate the conduct of her official duties? If so, would that employment be; (1) permitted or; (2) limited by type:

Permanent full-time
Temporary full-time
Part-time permanent
Part-time temporary
"As needed"

The Executive Branch Code of Ethics does not specifically prohibit the employment of relatives in state government. However, KRS 11A. 020(1)(a) and (c) provide:

(1) No public servant, by himself or through others, shall knowingly:

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

...

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;

The Commission suggests that your agency, after consulting the Department of

Personnel, write specifications for the interpreter's job and advertise for applicants. If no other qualified person applies, the Commission believes you are not prohibited from hiring your husband. If another qualified person applies, the hiring of that person would serve to avoid any perception of a conflict of interest.

As for your question about type of employment, we believe that is best addressed to the Department of Personnel.