

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 95-16

April 27, 1995

RE: May employee accept travel expense payments from a state university which contracts with employee's agency?

DECISION: Yes.

This opinion is in response to your April 14, 1995, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 27, 1995, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are a physician within the Division of Hematology/Oncology at the University of Kentucky Medical Center. As such, you work closely with an employee of the Commission for Children with Special Health Care Needs who, as a registered nurse, delivers clinical care to patients with hemophilia and bleeding disorders. The Commission for Children with Special Health Care Needs, which holds a contract with the University to provide patient care, is an executive branch agency attached to the Cabinet for Human Resources. Because of such close collaboration in the daily responsibilities between the University's Hemophilia Comprehensive Care team and the employee, the employee's office is located in the Hematology division offices at the University.

The International Society for Thrombosis and Hemostasis is sponsoring an educational meeting in Jerusalem, Israel, for which you would like to pay the travel expenses of the employee to attend. You propose to pay for these expenses through research grant funds which are available to you for educational purposes through the University. You understand that it is a violation of the Executive Branch Code of Ethics for the employee to accept gifts such as payment for travel expenses from any person or business with which the employee's agency holds a contract. The Commission for Children with Special Health Care Needs pays the University for part of the services that you provide for the care of hemophilia patients. However, you are a salaried employee of the University and do not do business directly with the Commission for Children with Special Health Care Needs.

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 95-16
April 27, 1995
Page Two

In addition, the Hemophilia program is funded through federal grants. In most instances, these grants are given to academic institutions, but because a majority of the hemophilia patients in Kentucky were already enrolled with the Commission for Handicapped Children (former name of the Commission for Children with Special Health Care Needs), the University decided in collaboration with the Commission for Handicapped Children to submit the original grant proposal through the Commission for Handicapped Children.

The intent of this request is to enhance the quality of care for patients with bleeding disorders in the state. You do not believe that it would be a violation of KRS Chapter 11A for you to provide funds for the employee to attend this meeting. You would like an opinion on this matter from the Commission.

KRS 11A.005(1) provides:

- (1) It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that the proper operation of democratic government requires that:
 - (a) A public servant be independent and impartial;
 - (b) Government policy and decisions be made through the established processes of government;
 - (c) A public servant not use public office to obtain private benefits; and
 - (d) The public has confidence in the integrity of its government and public servants.

The Commission believes you may provide payment for educational expenses for the employee to attend the meeting of the International Society of Thrombosis and Hemostasis. Although you are employed by an entity which holds a contract with the agency for which the employee works, the Commission believes the contract is not one for which there would be competition. It appears the contract between the University and the Commission for Children with Special Health Care Needs is one of necessity, issued because of the collaborative

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 95-16
April 27, 1995
Page Three

nature of the hematology care at the University. It does not appear that the University is seeking something (such as the renewal of a contract) from the Commission for Children with Special Health Care Needs, since it was the University's decision to apply for funding of this program in collaboration with the Commission for Handicapped Children.

Thus, the Commission believes that, in this instance, the employee of the Commission for Children with Special Health Care Needs may accept travel expenses from the university in order to attend an educational meeting.

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BY: Livingston Taylor, Chairman