

EXECUTIVE BRANCH ETHICS COMMISSION

ADISORY OPINION 95-17

June 27, 1995

RE: Is it a conflict of interest for the president of a state employee association to be employed as a state local office manager?

DECISION: No.

This opinion is in response to your April 28, 1995, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 27, 1995, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. You are a career employee within the Cabinet for Human Resources, Department of Employment Services. Recently, you applied for a position as a local office supervisor. You did not receive the appointment for the position. The person who did receive the appointment also serves as the president of a state employee association.

Since the appointment of the president to the local supervisor's position, your work station has been changed, your authority to supervise has decreased, your job responsibilities have been reduced, your office key has been taken, you are required to justify some of your responsibilities, and you have been made to feel you are a security threat.

You ask if it is a conflict of interest for the president of a state employee association to work as a local office manager.

The Commission believes that, generally, it is not a conflict for a local office manager to hold an office in a state employee association. Manager/supervisor level positions are within the merit system, and thus employees in these positions are entitled to the same rights of association as other employees. However, if the local office manager is using his influence in

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any way which involves a conflict between his job and his role in the association he may be in violation of KRS 11A.020(1)(a) which provides:

- (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;

Based on the information provided to us, it is not possible for the Commission to determine whether the local office manager is using his influence in a matter which involves a conflict between his public and private interest.

Because some of the situations listed above are not under the jurisdiction of the Commission, you may wish to bring this matter to the attention of the Personnel Board.

EXECUTIVE BRANCH ETHICS COMMISSION

BY: Livingston Taylor, Chairman

