

ADVISORY OPINION 98-15

April 8, 1998

RE: May employees use state time and equipment to host baby shower?

DECISION: Decision should be left to the discretion of management, provided state time and equipment are not misused.

This opinion is in response to your February 23, 1998, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 8, 1998, meeting of the Commission, and the following opinion is issued.

You ask the following:

Do state agency employees (taxpayer paid) have the right to:

- 1) *Compose baby shower invitations on state-owned computers and state time, use the state-owned copy machines and state time to make enough copies for all employees (about 75), and use state-owned colored paper for the copies?*
- 2) *Use state time (taxpayer funded) to hold baby showers for employees (not lunch or coffee breaks – actual paid work hours; 1 hour x 75 employees x hourly wage = BIG taxpayer dollars)?*
- 3) *Should state employees use leave time if they conduct or attend a baby shower for a co-worker during taxpayer-paid work hours?*

In Advisory Opinion 98-6 (a copy of which is enclosed), the Commission stated that the proper use of electronic mail is an agency management decision and should be addressed through in-house agency policy. Similarly, the Commission believes that the proper use of state time and equipment for an employee's baby shower is an agency management decision.

The Commission takes note that the Commonwealth of Kentucky Employee Handbook provides:

When state materials and equipment are put to personal use, they must be replaced sooner, causing a drain on agency funds. Honest, ethical employees, nevertheless, often use state copy machines, stationery, pens and pencils, typewriters, and other state property as if they were their own private property, never considering that the combined cost of all employees' using state material and equipment for their personal use may be millions of dollars yearly.

...

The conscientious employee will take care to make distinctions between what materials are for state work and what is considered personal property.

Although the Commission believes that the proper use of state time and equipment is an agency management decision not under the jurisdiction of the Commission, the Commission cautions management and employees not to misuse state time or equipment. Excessive misuse of state time and equipment may result in a violation of KRS 11A.020(1)(d) provided below:

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

...

(d) Use or attempt to use his official position to secure or create privileges, exemptions, advantages, or treatment for himself or others in derogation of the public interest at large.

Enclosure: AO 98-6