

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 99-19

June 8, 1999

RE: May employee have outside employment with 911 Board?

DECISION: Yes.

This opinion is in response to your April 28, 1999, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 8, 1999, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. An employee of the Department of Corrections, Division of Probation & Parole, has submitted an application for approval of his outside employment as a 911 telecommunicator with the Marshall County 911 Board. This is a temporary position for an employee who is on a maternity leave. You state that your concern is that, as a 911 operator, he could receive calls from or pertaining to individuals who may be on probation or parole. You ask for an opinion pertaining to his outside employment.

KRS 11A.040(10) provides:

(10) Without the approval of his appointing authority, no public servant shall accept outside employment from any person or business that does business with or is regulated by the state agency for which the public servant works or which he supervises, unless the outside employer's relationship with the state agency is limited to the receipt of entitlement funds.

(a) The appointing authority shall review administrative regulations established under KRS Chapter 11A when deciding whether to approve outside employment for a public servant.

(b) The appointing authority shall not approve outside employment for a public servant if the public servant is involved in decision-making or recommendations concerning the person or business from which the public servant seeks outside employment or compensation.

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(c) The appointing authority, if applicable, shall file quarterly with the Executive Branch Ethics Commission a list of all employees who have been approved for outside employment along with the name of the outside employer of each.

From the information provided, it does not appear that there is a business or regulatory relationship between the Department of Corrections and the Marshall County 911 Board. Additionally, although the employee may receive calls pertaining to individuals who are on probation or parole, it does not appear that such calls will affect the independence of the actions that he may take as a part of his official duty. Thus, the Commission believes that his outside employment with the 911 Board is not prohibited.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Don A. Wimberly

April 10, 2008

Herb Sheeting, Manager
Personnel Management Branch
Department of Corrections
State Office Building
Frankfort, Kentucky 40601

Reference: 060899.06

Dear Mr. Sheeting:

At its June 8, 1999, meeting, the Executive Branch Ethics Commission took up your request, dated April 28, 1999, in which you ask whether an employee may have outside employment with a 911 Board.

The enclosed Advisory Opinion 99-19 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: AO 99-19