

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 99-43
October 22, 1999

RE: May state employee serve on Statewide Independent Living Council?

DECISION: Yes, provided such service does not conflict with official duty.

This opinion is in response to your September 28, 1999, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the October 22, 1999, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Statewide Independent Living Council ("SILC") created under the Rehabilitation Act of 1973, as amended, is a governor-appointed entity attached to the Department of Vocational Rehabilitation for administrative purposes only. You serve as the chairperson of the SILC.

The policy of the SILC requires a member to abstain from voting on a matter when such matter is so closely related to the member's job, employer, organization affiliation or status otherwise perceived as a personal influence that could discredit the general mission of the SILC. You ask for clarification on conflict of interest issues surrounding state employees serving on the SILC, particularly the State ADA Coordinator. You believe that the SILC needs clarification of this matter for its future success in recruiting members and maintaining a membership that is in compliance with the Rehabilitation Act of 1973, as amended.

The Commission has opined in previous advisory opinions (copies of which are enclosed) that employees may serve on state boards or commissions, provided such service does not interfere or conflict with the employees' state employment duties. The employees were also advised to recuse themselves from involvement in matters of potential conflict. The Commission believes the same conclusion applies to employees who serve or seek membership on the SILC.

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Executive branch employees who serve on the SILC are subject, by virtue of their state positions, to the Executive Branch Code of Ethics in KRS Chapter 11A. However, conflicts for such employees would exist because of their official duties and not relative to their service on the SILC, unless their membership on the SILC was by virtue of their state position.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

By Chair: Bertie Oldham Salyer, M.A., A.M.E.

Enclosures: AO 94-16
AO 94-60
AO 98-26

October 25, 1999

John Glisson, Chairperson
Statewide Independent Living Council
209 St. Clair Street
Frankfort, KY 40601

Reference: 102299.7

Dear Mr. Glisson:

At its October 22, 1999, meeting, the Executive Branch Ethics Commission took up your request, dated September 28, 1999, in which you ask whether a state employee may serve on Statewide Independent Living Council.

The enclosed Advisory Opinion 99–43 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: AO 99-43

Visit our website: www.state.ky.us/agencies/ethics/ETHICS/HTM