

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 99-44

October 22, 1999

RE: May nurse accept outside employment with college that will involve clinical instruction at the facility where she is employed?

DECISION: Yes, within limitations.

This opinion is in response to your September 16, 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. A nurse employed at a state health care facility also wishes to work as a clinical instructor for a private college and provide clinical training, on her days off, at the state facility where she is employed by the state. She receives no compensation for her days off from the state, but is paid by the private college for her role as an instructor. The state health care facility has agreements with several colleges that allow training of various disciplines such as nurses, physical therapists, dietician candidates, recreation therapists and chaplains. These agreements do not involve compensation. You ask whether the nurse may accept such outside employment.

KRS 11A.020(1) 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;
 - (b) Use or attempt to use any means to influence a public agency in derogation of the state at large;
 - (c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 99-44
October 22, 1999
Page Two

(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.

Because the college does not receive remuneration from the state health care facility, it does not appear that a conflict will exist if the nurse seeks employment with the college. Thus, provided the nurse has no involvement as a part of her official duty for the health care facility in negotiating the agreement with the college, and provided she does not represent the college before the state health care facility regarding the agreement, she may accept employment with the college as a clinical instructor.

The nurse should take great care to make a clear distinction between her state position and her outside employment when at the health care facility. Additionally, she should not use state time for her outside employment.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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

October 25, 1999

Ms. Fran Williamson
Administrator
Thomson-Hood Veterans Center
100 Veterans Drive
Wilmore, KY 40390

Reference: 102299.8

Dear Ms. Williamson:

At its October 22, 1999, meeting, the Executive Branch Ethics Commission took up your request, received October 8, 1999, in which you ask whether a nurse may accept outside employment with a college that will involve clinical instruction at the facility where she is employed.

The enclosed Advisory Opinion 99–44 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: AO 99-44

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

