

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 99-50
December 10, 1999

RE: May employees use the electronic mail system to request sick leave donations?

DECISION: Yes, if within management policy.

This opinion is in response to your November 18, 1999, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the December 10, 1999, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. In a recent meeting of the Personnel Council, questions were raised as to whether or not employee solicitation of sick leave via the electronic mail ("e-mail") system violated the Executive Branch Code of Ethics. You ask for an opinion on this matter.

In Advisory Opinion 98-6 (a copy of which is enclosed), the Commission stated that the proper use of the e-mail system by public servants is an agency management decision and should be addressed through an in-house policy. However, the Commission also stated that if a public servant uses the e-mail system to benefit himself privately, he may be in violation of KRS 11A.020(1)(d) which provides:

(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.

Although the Commission does not believe that the Code of Ethics specifically prohibits employees from using the e-mail system to request sick leave donations from their acquaintances, the Commission envisions circumstances where the use of the e-mail system for such requests

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could be abused and result in misuse of state time and equipment. Again, the Commission urges your agency to implement in-house policies to allow reasonable requests, but prevent abuse of the system.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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

Enclosure: Advisory Opinion 98-6