

## ADVISORY OPINION 98-21

May 19, 1998

RE: May employee instruct co-workers to perform personal errands on state time?

DECISION: No.

This opinion is in response to your April 4, 1998, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the May 19, 1998, meeting of the Commission, and the following opinion is issued.

You ask the following questions:

- *Does one state employee have the right to instruct other state employees to do personal work and that of her school-age daughter on taxpayer-paid time and equipment, and for pay of a sort (gift certificates to restaurants)?*
- *Does a supervisor have the right to knowingly allow an employee to have co-workers doing her personal work and that of her school-age daughter on taxpayer-paid time and equipment, and for pay of a sort (gift certificates to restaurants)?*
- *Does a supervisor have the right to advise the employee that she cannot pay money to the workers doing her personal work while they are on state time, but that she can reward them with gift certificates?*

KRS 11A.020(1)(d) 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.

As stated in Advisory Opinion 98-15, the Commission believes that management and employees should not misuse state time and equipment for their own personal benefit. Such misuse could result in a violation of 11A.020(1)(d) above.

Additionally, an employee in a supervisory position who uses his position to persuade other employees to perform personal errands for him also may be in violation of the above statute.