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BOYCE A. CROCKER

ADVISORY OPINION 01-18

May 11, 2001

RE: May Cabinet award contest prizes to employees?

DECISION: Yes, if allowable by the Finance and Administration Cabinet

This opinion is in response to your May 8, 2001, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the May 11, 2001, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. The Cabinet for Workforce Development (the "Cabinet") proposes a contest for its employees where employees must visit the Cabinet's intranet site (accessible only to Cabinet employees) and search for a hidden "key". Employees finding the key will be eligible for a drawing each week for four weeks. The prizes to be awarded are a \$100 certificate to a state park, a leather attaché, and t-shirts. You ask whether this is permissible under KRS Chapter 11A.

KRS 11A.040(5) provides:

5) A public servant shall not knowingly accept compensation, other than that provided by law for public servants, for performance of his official duties without the prior approval of the commission.

Additionally, KRS 11A.020(1)(c) provides:

1) No public servant, by himself or through others, shall knowingly:

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c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family;
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In Advisory Open 00-5, the Commission stated that it found no conflict in a state agency's awarding cash prizes. However, it did advise the agency to seek advice from the Finance and Administration Cabinet regarding the propriety of awarding such prizes with state funds.

The Commission does not view contest or game prizes, such as gift certificates, leather attachés, and t-shirts, as additional compensation for performance of one's official duties. Neither does the Commission view employees' accepting such prizes as using their positions to obtain financial gain. Thus, the Commission believes that the Cabinet may give prizes of this nature to its employees for participation in the contest, if such expenditures of state funds are allowable by the Finance and Administration Cabinet.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

BY CHAIR: Bertie Oldham Salyer, M.A., A.M.E.