

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 01-42**

November 9, 2001

RE: May Revenue Cabinet employee teach GIS class at the University of Kentucky?

DECISION: Yes, if not part of official duty to provide such a class.

This opinion is in response to your October 24, 2001 request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the November 9, 2001, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are employed by the Revenue Cabinet as a Geographic Information System ("GIS") Coordinator in the Technical Support section. You are interested in teaching a GIS course at the University of Kentucky ("University") that will give students some working experience. You will be teaching how private industry, state government, and counties use GIS. Your background in GIS includes work for two engineering firms, the city of Lexington, Pike County as the GIS manager, and the Revenue Cabinet. You believe that this course will prepare students for future internships and jobs. You will teach the class on Thursday nights, not during your official state hours. You will have University office hours on Fridays, as you have a flex schedule and do not work for the Revenue Cabinet on Fridays. Thus, it will not interfere with your official duties. You ask if you may accept the teaching position with the University or whether such instruction should be included as part of your official position.

KRS 11A.120 provides:

Nothing in KRS 11A.001 to 11A.110 shall prohibit or restrict a public servant from accepting outside employment in a state institution of higher education as long as that outside employment does not interfere or conflict with the public servant's state employment duties...

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Additionally, 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.

In Advisory Opinion 99-29, the Commission stated that, pursuant to statute, it is part of a director's official duty to provide needed training for jailers and jail personnel, and thus he could not accept compensation for providing such training through the University.

However, in your situation, if the Revenue Cabinet is not required by statute to provide such training in GIS for students at the University and it is not part of your official duty as determined by your agency (management) to provide such instruction on GIS, the Commission believes that you are not prohibited from accepting compensation from the University to teach a GIS class. The Commission also notes that such instruction will not be during your official work time or interfere with your official duties.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: Cynthia Stone, Esquire