

EXECUTIVE BRANCH ETHICS COMMISSION

ADVISORY OPINION 04-6

February 20, 2004

RE: Guidance regarding use of state resources and time for retirement parties and other employee-related functions.

This opinion is issued by the Executive Branch Ethics Commission (the "Commission") on its own motion. This matter was reviewed at the February 20, 2004, meeting of the Commission and the following opinion is issued.

The Commission has become concerned by recent events surrounding retirement parties for state employees, and use of state time and resources in support of such events. The Commission takes this opportunity to reiterate advice previously given and to reinforce earlier opinions concerning the proper use of state time and resources.

In Advisory Opinion 98-15, the Commission stated its belief that "...the proper use of state time and equipment (for employee-related functions) is an agency management decision." The Commission still holds to its earlier advice in regard to the proper use of state time and resources, but cautions management and employees against misuse of state time and resources.

Although there is no "bright line" test as to exactly when and to what degree use of state time and resources goes from being an acceptable use to creating an ethical quandary, the Commission believes that prudence dictates that management and employees exercise common sense. For example, no employee should be tasked with "organizing" a retirement party or similar event to the point that the employee spends more time in a workday on the event than on the state's business.

Thus, the Commission urges management and employees to be mindful of the requirements of the Executive Branch Code of Ethics at KRS 11A.020(1)(d), which cautions all state employees to be conscientious and to be good stewards of the public trust:

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

(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.

BY CHAIR: Joseph B. Helm, Jr.

Enclosures: Advisory Opinion 98-15