

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 94-27

April 19, 1994

RE: May Labor Cabinet employees working as staff at the Kentucky Safety and Health Network annual conference accept meals and lodging from the Network?

DECISION: Yes

This opinion is in response to your April 8, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the April 19, 1994, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. The Kentucky Safety and Health Network, a private non-profit organization, sponsors an annual conference with the help of administrative support provided by the Labor Cabinet. The Cabinet is statutorily authorized by KRS 336 through KRS 338 to lend administrative support to the Network. Participants of the annual conference pay a registration fee to cover the costs of the conference. Additionally, the Network solicits contributions for the fiscal support of the Network and in order to lower the registration fees. These contributions may come from entities which are regulated by the Labor Cabinet.

Approximately 26 Labor Cabinet employees help staff the conference. The salaries of these employees are paid by the Cabinet, however, the cost of all meals and lodging for these staff members is paid by the Network. The estimated cost of the meals and lodging provided is in excess of \$10,000.

Expenses for meals and lodging during the conference are in excess of the state per diem. In addition, the meals are catered and are paid for in advance by the Network. The Network is composed of members from government, labor, education, and industry.

You ask if these Labor Cabinet employees who serve as administrative staff for the conference may accept meals and lodging from the Network while in the performance of their official duty.

In considering this request, the Commission takes note of the following statutory provisions:

KRS 11A.005(1)(a) and (d):

(1) It is the public policy of this Commonwealth that a public servant shall work for the benefit of the people of the Commonwealth. The principles of ethical behavior contained in this chapter recognize that public office is a public trust and that the proper operation of democratic government requires that:

(a) A public servant be independent and impartial;

...

(d) The public has confidence in the integrity of its government and public servants.

KRS 11A.040(5):

(5) No public servant shall 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.

KRS 11A.010(3):

(3) "Compensation" means any money, thing of value, or economic benefit conferred on, or received by, any person in return for services rendered, or to be rendered, by himself or another;

The Commission believes the employees, while performing their official duty of staffing the annual conference, may accept meals and lodging from the Network as long as the meals and lodging are substantially the same as available to others attending the conference. In this instance, the meals and lodging are not being received from a regulated entity or from an association representing a particular interest group, but rather from an entity which represents a broad range of interests.

As stated in earlier opinions, the employees should not solicit or keep records of contributions to the Network from anyone who does business with or is regulated by the Labor Cabinet.