

ADVISORY OPINION 94 - 56

October 13, 1994

RE: Upon retirement, may former employee seek employment from state university?

DECISION: Yes

This opinion is in response to your September 19, 1994, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the October 13, 1994, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are a family services program supervisor within the Department for Social Services of the Cabinet for Human Resources. Prior to your employment with the Department, you were employed as a teacher. You are considering retirement and, upon such would like to seek employment with a state university. You ask if it is permissible for you to seek employment at a state university under the Executive Branch Code of Ethics.

KRS 11A.120 provides:

11A.120 Employment of public servant by state institution of higher education.

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. Nothing in this section shall prohibit or restrict a present or former public servant from accepting employment with a state institution of higher education immediately following termination of his office or employment in another state agency.

As stated above, you are not prohibited from accepting employment with a state university immediately following your retirement from state government. The Commission believes, however, in your new employment you should comply with the provisions of KRS 11A.040(7) and (8) as stated below:

(7) A former public servant shall not act as a lobbyist or lobbyist's principal for a period of one (1) year after the latter of:

- (a) The date of leaving office or termination of employment; or
- (b) The date the term of office expires to which the public servant was elected.

(8) A former public servant shall not represent a person in a matter before a state agency in which the former public servant was directly involved, for a period of one (1) year after the latter of:

- (a) The date of leaving office or termination of employment; or
- (b) The date the term of office expires to which the public servant was elected.