

EXECUTIVE BRANCH ETHICS COMMISSION
ADVISORY OPINION 95-21
June 27, 1998

RE: May Workforce Development instructor hire students in his personal business?

DECISION: No.

This opinion is in response to your May 12, 1995, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 27, 1995, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. One of the instructors at the Kentucky TECH-Bullitt County Area Vocational Education Center would like to employ one or more of his students in his personal business. The students would be regular employees of the business, and would work outside of school hours. The students would remain eligible to participate in work co-op opportunities during school hours with other businesses.

KRS 11A.020(1) states:

**11A.020 Public servant prohibited from certain conduct
-- Disclosure of personal or private interest.**

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

(a) Use or attempt to use his influence in any matter which involves a substantial conflict between his personal or private interest and his duties in the public interest;

(b) Use or attempt to use any means to influence a public agency in derogation of the state at large;

(c) Use his official position or office to obtain financial gain for himself or any members of the public servant's family; or

(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.

This case raises a difficult question of balancing the benefits of vocational training and employment against the conflicts of interest inherent in the situation.

In Advisory Opinion 95-5, the Commission said a vocational instructor should not employ his students in his private business as part of a co-op program.

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This is a similar situation, except that the instructor would employ his student at full compensation after the school day and not as part of a co-op program. The Commission believes such employment could raise a host of questions including:

- Would students not chosen for private employment be confident of equal treatment in class?
- If some dispute arose concerning the student's after-school employment, would that tend to color the instructor's treatment of the student in class?

The Commission believes the instructor should not employ his students in his private business until their class work under him has officially concluded.

However, we would not prohibit existing employees of the instructor from enrolling in the instructor's class as long as they did not become part of a co-op program at the instructor's private business.

EXECUTIVE BRANCH ETHICS COMMISSION

BY: Livingston Taylor, Chairman