

**ADVISORY OPINION 98-9**

February 26, 1998

RE: May staff of local Department of Social Services office serve as facilitators for local truancy program?

DECISION: Yes, if official duties do not involve matters which may conflict with truancy program.

This opinion is in response to your January 20, 1998, request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the February 26, 1998, meeting of the Commission and the following opinion is issued.

You state the relevant facts as follows. You are the Family Services Office Supervisor of a local Department of Social Services office. Recently, the community where you work has developed a Truancy Intervention Program ("TIP") collaboratively with the public schools, the Cabinet for Families and Children, the county health department and the local comprehensive care center. The TIP program is administered by the county health department and is funded through an Area Development District grant for the Community Connections for Children Program. The purpose of the TIP program is to reduce the number of truant children in your community.

Several of the employees whom you supervise have requested to serve as facilitators of teen and parent groups for this program. The groups would meet for three hours one time per week after regular working hours. The employees would be paid \$20 per hour from the grant money. You believe that it is very important to the success of the program that your staff is permitted to serve in this capacity.

KRS 11A.020(1)(a), (c) and (d) provide:

(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;

...

(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.

The Commission believes that as long as the employees are not involved, as part of their official duties, in any matters pertaining to the TIP program, the local county health

department, or the grant received for the program, they may serve as facilitators for the program. However, the employees should not serve as facilitators for any groups that include clients whom they treat on state time.

Further, if the Cabinet for Families and Children does business with or regulates the local county health department, the employees must seek approval from the Commission for their outside employment as required by KRS 11A040(9) below:

(9) Without the approval of the commission, no public servant shall accept outside employment from any person or business that does business with or is regulated by the state agency for which the public servant works or which he supervises, unless the outside employer's relationship with the state agency is limited to the receipt of entitlement funds. The commission shall promulgate administrative regulations to establish a procedure for the approval of outside employment of a public servant, including a requirement that the public servant and his appointing authority state in writing that the public servant is not in a position to influence any agency decision relating to the outside employer.