

## ADVISORY OPINION 98-34

September 3, 1998

RE: Does employee's volunteer activity for Sheriff's Office present a conflict?

DECISION: No, unless in-house policy prohibits.

This opinion is in response to your August 5, 1998 request for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the September 3, 1998, meeting of the Commission, and the following opinion is issued.

You state the relevant facts as follows. An employee of the Department of Juvenile Justice (the "Department"), Breathitt County Detention Center, wishes to work on a volunteer basis for the Breathitt County Sheriff's Office and has requested approval from the Department for his outside employment. Even though this volunteer work may not interfere with the employee's position as a youth worker trainee, the Department believes there may be a conflict of interest between the employee's state position and his volunteer position because the Sheriff's Office may be involved with juveniles that may also be served through the Detention Center. You ask whether the Commission believes a conflict will exist if the employee volunteers for the Sheriff's Office.

KRS 11A.020(1)(a) provides:

(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;

The Commission believes that volunteer activities are not prohibited under the Code of Ethics provided the volunteer activity does not present a conflict with the employee's official duties. Specifically, the employee is not prohibited from volunteering for the Breathitt County Sheriff's Office provided he has no involvement in his state position concerning the Sheriff's Office. Please find enclosed two advisory opinions that may provide you with guidance in this matter.

Additionally, the Department is not precluded from implementing in-house policies that may be more restrictive than the Executive Branch Code of Ethics in order to prevent conflicts of interest within the Department.

Enclosures: AO 94-34  
AO 96-23