

EXECUTIVE BRANCH ETHICS COMMISSION

**ADVISORY OPINION 99-24**

June 8, 1999

RE: May employee use state time and equipment to pursue grievance?

DECISION: No.

This opinion is in response to your May 7, and May 20, 1999, requests for an advisory opinion from the Executive Branch Ethics Commission (the "Commission"). This matter was reviewed at the June 8, 1999, meeting of the Commission and the following opinion is issued.

You state in your May 7, 1999 request that you used the state electronic mail (e-mail) system to ask the State EEO Coordinator to help you in procuring accommodations for your disability per the State Affirmative Action Plan and the Americans with Disabilities Act. In your May 20, 1999 request you state that you contacted the State EEO Coordinator about what you perceived as a violation of the Americans with Disabilities Act. You ask for clarification on whether or not state time or equipment may be used for these purposes.

In Advisory Opinion 93-21 to which you refer in your letters, the Commission stated that it believed to use state time or equipment and supplies to pursue a grievance, appeal or complaint is to use one's official position to secure "treatment" for the state employee and, further, that such use of one's official position is in derogation of the public interest at large.

The Commission believes that an employee may use state resources to inquire regarding his rights and responsibilities pursuant to the Americans with Disabilities Act. However, at the point, the inquiry escalates to a grievance, appeal or complaint, then the employee must pursue the matter on his own time using his own equipment and supplies.

Sincerely,

EXECUTIVE BRANCH ETHICS COMMISSION

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BY CHAIR: Don A. Wimberly

April 10, 2008

Ms. Pamela E. Sapp  
2186 Tamarack Road  
Owensboro, Kentucky 42301

*Reference:* 060899.13

Dear Ms. Sapp:

At its June 8, 1999, meeting, the Executive Branch Ethics Commission took up your request, dated May 7, 1999, in which you ask whether an employee may use state time and equipment to pursue a grievance.

The enclosed Advisory Opinion 99-24 is issued in response to your inquiry.

Sincerely,

Jill LeMaster, Executive Director

Enclosure: AO 99-24