

SUBJECT: WORKERS' COMPENSATION COMMISSIONERS BEING REIMBURSED TO PARTICIPATE IN CONFERENCE PROGRAM

SUMMARY:

Workers' Compensation Commissioners may be reimbursed reasonable and necessary expenses for participation in educational programs at a conference sponsored by the Defense Trial Attorneys' Association and the Claims Managers Association.

QUESTION:

The President of the SC Defense Trial Attorneys' Association is requesting an opinion concerning a joint meeting held with the Claims Managers Association. In the past, one or more of the Commissioners from the Workers' Compensation Commission have been invited to participate in educational programs presented to program participants. The Association has paid expenses for Commissioners who attend and participate as a speaker. The President questions whether Commissioners may be invited to attend the conference with their expenses paid by the Association.

DISCUSSION:

This opinion is rendered in response to a letter dated February 25, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-715 provides:

A public official, public member, or public employee acting in an official capacity may not receive anything of value for speaking before a public or private group. Notwithstanding the limitations of Section 2-17-90, a public official or public member may receive payment or reimbursement for actual expenses incurred for a speaking engagement. The expenses must be reasonable and must be incurred in a reasonable time and manner in which to accomplish the purpose of the engagement. If the expenses are incurred out of state, the public official or public member incurring the expenses must receive prior written approval for the payment or reimbursement from:

- (1) the Governor, in the case of a public official of a state agency who is not listed in an item in this section;
- (2) a statewide constitutional officer, in the case of himself;
- (3) the President Pro Tempore of the Senate, in the case of a member of the Senate;
- (4) the Speaker of the House, in the case of a member of the House of

Representatives; or

(5) the chief executive of the governmental entity in all other cases.

The State Ethics Commission notes that the Commissioners of the Workers' Compensation Commission are public officials as defined in Section 8-13-100(27) which provides in part as follows:

'Public official' means an elected or appointed official of the State, a county, a municipality, or a political subdivision thereof, including candidates for the office...

A Commissioner of the Workers' Compensation Commission may receive reimbursement or payment of expenses for reasonable and necessary expenses incurred in traveling to and from the conference, meals and lodging during the time period necessary to be present for the conference speaking engagement if approved by the Governor in advance in writing.