

SUBJECT: TRAVEL EXPENSE REIMBURSEMENT FOR BOARD SERVICE

SUMMARY: Employees who also serve on a statewide board or committee may be reimbursed directly by that board or committee on which they serve.

QUESTION: The Deputy Director of Administration for the Department of Archives and History requests a reevaluation of Advisory Opinion SEC AO92-061. The Deputy Director advises that the Department sponsors several boards and commissions which aid in the development of policy effecting retention and disposition of historical records and documents. The State Ethics Commission advised in Advisory Opinion SEC AO92-061 that "Payment of expenses for providing speeches or service to other organizations should be reimbursed to the employee's agency for reimbursement to the employee". He advises that this doubles the amount of paperwork involved in providing travel and other payments associated with service on those boards or committees. He requests reevaluation as it applies to appointments to statewide committees where actions have general effect on state government; approval by the employee's agency management to serve; and travel reimbursement is the only expense involved.

DISCUSSION:

This opinion is rendered in response to a letter dated April 16, 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.

In Advisory Opinion SEC AO92-061, the State Ethics Commission advised that employees who provide speeches or services to other organizations should be reimbursed by their employing agency. That agency may seek reimbursement from the other organization for costs associated with the provision of speeches or services.

The State Ethics Commission does not believe that appointment to a statewide board or commission falls within the restrictions of Section 8-13-715 which provides in part as follows:

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.

Such board or committee service is not a speaking engagement, therefore, employees who also serve on a statewide board or committee may be reimbursed directly by the agency on whose board or committee they serve.

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