

SUBJECT: PUBLIC EMPLOYEE'S VOLUNTEER SERVICE ON A UNITED WAY AGENCY BOARD OF DIRECTORS

SUMMARY:

A public employee would not be prohibited from serving on Board of Directors for a United Way Regional Agency, supplemented in part with state funds; however, he would be required to follow the procedures of Section 8-13-700(B) on matters affecting the agency in his capacity as a public employee.

QUESTION:

A research analyst for the Senate Finance Committee requests an opinion concerning his volunteer service on the Board of Directors of a regional Rape Crisis Network. The Rape Crisis Network is a United Way Agency. Less than 17% of the agency's operating budget is supplemented with state funds. The Department of Health and Environmental Control appropriates the state funds which the agency receives. The employee neither staffs the subcommittee which handles DHEC nor receives compensation for his service on the Board.

DISCUSSION:

This opinion is rendered in response to a letter dated July 24, 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.

The State Ethics Commission knows of no reason precluding the public employee's service on the Rape Crisis Network's Board of Directors. The employee is reminded that if required to take action as a public employee which will affect the economic interests of the agency, he must comply with the requirements of Section 8-13-700(B) which provides in part as follows:

(B) No public official, public member, or public employee may make, participate in making, or in any way attempt to use his office, membership, or employment to influence a governmental decision in which he, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated has an economic interest. A public official, public member, or public employee who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated shall:

(1) prepare a written statement describing the matter requiring action or decisions

and the nature of his potential conflict of interest with respect to the action or decision;

Based on the facts submitted, a research analyst for the Senate Finance Committee may serve on the Board of Directors for the regional Rape Crisis Network as long as he follows the procedures described in Section 8-13-700(B).