

# ARKANSAS ETHICS COMMISSION

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## **ADVISORY OPINION NO. 99-EC-012** **Issued August 27, 1999**

### **ISSUE:**

Whether it is permissible for the Arkansas State Employees Association ("ASEA") to give a \$500.00 check to a state employee recognized by the ASEA as the outstanding state employee of the year?

### **BRIEF ANSWER:**

No. Pursuant to Ark. Code Ann. § 21-8-801(1), a public servant prohibited from receiving a gift or compensation for the performance of the duties and responsibilities of his or her office or position.

### **DISCUSSION:**

The ASEA is a non-profit organization formed for the purpose of improving state government and state employment. Membership in the ASEA is open to state employees, retired state employees and non-state employees.

Since 1984, the ASEA has annually recognized an outstanding state employee of the year. Eligibility is limited to persons permanently employed by the State of Arkansas on a full-time basis.

Nominations may be made by an ASEA member, a local ASEA chapter, or the head of a state agency or institution. Nominees are screened by the ASEA and the finalists are referred to an outside panel which selects the winner. It is permissible for (1) ASEA member to be a part of that panel.

There are six (6) criteria considered in selecting the ASEA outstanding employee of the year. Those criteria are as follows:

1. On the job experience and accomplishments;
2. Personal qualities;
3. Distinguished or outstanding non-job related service to the community;

4. Integrity and devotion to the welfare of Arkansas residents;
5. Other awards and recognition; and
6. Outstanding contributions to fellow state employees or state employer;


The person selected outstanding state employee receives a plaque, traveling trophy and a \$500.00 check. The question presented is whether receipt of the \$500.00 check by a public servant is prohibited by Ark. Code Ann. § 21-8-801(1).

The Commission recently issued Advisory Opinion No. 99-EC-007 which clarified the meaning of Ark. Code Ann. § 21-8-801(1). Briefly stated, it was the Commission's opinion that the statute in question prohibits a public servant from receiving a gift intended as a reward for doing his or her job or from receiving outside income for doing his or her governmental job.

In the instant case, two of the factors considered in selecting the ASEA outstanding state employee of the year are "[o]n the job experience and accomplishments" and "[o]utstanding contributions to...state employer." The Commission concludes that these factors are related to job performance. Accordingly, the person selected as the outstanding state employee of the year would be prohibited by Ark. Code Ann. § 21-8-801(1) from receiving the \$500.00 check.

This advisory opinion is issued by the Commission pursuant to Ark. Code Ann. § 7-6-217(g)(2).

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