

ARKANSAS ETHICS COMMISSION

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ADVISORY OPINION NO. 2001-EC-003 Issued June 15, 2001

ISSUE #1:

Whether it would be permissible for a mayor to hire his wife for a city job?

ANSWER:

Yes. Although Ark. Code Ann. § 21-8-304(a) prohibits a public official from using "his position to secure special privileges or exemptions for himself, [or] his spouse," there is no blanket prohibition against a public official hiring a family member for a city job. As long as the mayor's wife is the most qualified applicant or is the only applicant, the mayor would not be prohibited from hiring his wife for a city job.

ISSUE #2:

If so, whether it would be permissible for the mayor's wife to leave her city job for a seasonal bookkeeping job and then return to her city job which has been filled in her absence?

ANSWER:

Under the facts presented in this case, the mayor's wife was hired for a part-time job with the city. Some time later, she wanted to leave her job for seasonal employment. A replacement for her was hired with the understanding that when the mayor's wife returned, the job would revert to her. In order to ascertain if the mayor's actions in rehiring his wife were prohibited, a decision has to be made as to whether or not the privilege of leaving a city job for other employment and then later returning to the city job is available to other city employees. If the act of re-hiring is a special privilege afforded only to the mayor's wife, then it is not permissible. However, if other employees of the city are able to leave city employment for other jobs and return to their previous jobs, then it would be permissible.

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

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