

CAUTION: The following advice may be based on a rule that has been revised since the opinion was first issued. Consequently, the analysis reflected in the opinion may be outdated.

40 IAC 2-1-7 Appearances, activities and expenses

A DOE employee who represented his agency on a committee involved with the implementation of the Indiana Career Information Delivery System sought advice on whether it was permissible for him to accept an all-expenses-paid meeting with a software company that provided a career program to the State. SEC found it was permissible for the employee to attend the meeting with all expenses being paid by the software company.

**91-I-8: Appearances, Travel
Indiana State Ethics Commission
Official Advisory Opinion
(Decision March 14, 1991)**

FACT SITUATION

An employee with responsibilities for guidance and counseling in vocational education in the Department of Education wanted to know if he could accept travel expenses to attend a four-day meeting in Tampa, Florida, with all expenses paid by a software company that provided a career program to the state of Indiana. The employee did not provide career information in his state employment directly to students; this was done through the schools. The employee did not make decisions regarding purchase of the career software that the state supports.

The employee served on a committee involved with the implementation of the Indiana Career Information Delivery System (ICIDS). The Indiana Occupational Information Coordinating Committee (INDOICC) is a statutory agency, appointed by the Governor, with representatives from the Commission on Vocational and Technical Education, Department of Employment and Training Services, the Department of Human Services, the State Council on Vocational Education, the Job Training Coordinating Council, and the Department of Commerce. INDOICC has two missions -- one was to provide an occupational information system to the citizens of the state, and the second was to provide career information.

INDOICC established an operations committee inviting different individuals from out in the field, as well as from some state agencies, to advise INDOICC on the career information delivery system. The employee was asked by the Superintendent of Public Instruction and the Manager of the Vocational Education Section to be part of this operations committee.

A little over a year prior, INDOICC had issued requests for proposals and selected Choices, a software program produced by Careerware, as the state supported (with federal funds) career information program. Careerware had provided three versions of software -- one targeted to junior high/middle school students, one for high school students, and one primarily for adults. The contract the state entered into with Careerware for the Choices software provided for a National Advisory Committee on which the state had a representative. The National Advisory Committee was for the purpose of getting information from users as to the kind of changes desired and to provide information back to the users.

The National Advisory Committee met in Tampa, Florida, on two days in April. Careerware, STM Systems Corp., had offered to pay the travel expenses for the Indiana representative on the National Advisory Committee. The employee of the Department of Education was asked to attend to represent the state on this Committee.

QUESTION

Is an employee of the Department of Education serving on a committee involved with the implementation of the Indiana Career Information Delivery System permitted to accept travel expenses to attend a four-day meeting in Tampa, Florida, with all expenses being paid by the

software company that provides a career program to the state of Indiana?

OPINION

The Commission's opinion was that it was permissible for an employee of the Department of Education (DOE) who represents DOE on a committee involved with the implementation of the Indiana Career Information Delivery System (ICIDS) and who attends a software update and information sharing meeting as a representative of the state at the request of the Indiana Occupational Information Coordinating Committee to accept all travel expenses being paid by the software company that provides the software for ICIDS.

The relevant rules are as follows:

40 IAC 2-1-7, on Appearances, activities and expenses provides, "(A) There are many coincidental activities which a state officer or employee may or may not perform or participate in which frequently are invitational in nature. Such activities include, but are not limited to, personal appearances, participation in conferences, conventions, seminars and public meetings. Such activities enhance the accessibility by the public to state officers and employees and are therefore, to be encouraged if compatible with the performance of one's official duties.

(B) However, state officers and employees should exercise due care that such occasions or events are of a nature and in a setting that may not be reasonably construed by the public as improper.

(C) State employees should utilize the normal state policy and procedures concerning travel expense and allowance provisions when attending events concerning state business. However, there may be instances where state employees may be considered in compliance with the letter and spirit of the Code (40 IAC) even if expenses are directly assumed by a sponsor. The Ethics Commission may review such event for any improprieties. Each case shall be evaluated on its individual merits.

(D) Amounts assumed by a sponsor for a state officer or an employee for reasonable expenses in attendance at a sponsored activity shall not be deemed as compensation, a gift or a gratuity."