

ADVISORY OPINION NO. 2001-36

Issued On January 3, 2002 By The

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A **State Employee** asks whether he may accept compensation for jury duty.

FACTS RELIED UPON BY THE COMMISSION

In accordance with the administrative rules of the State Division of Personnel, the Employee was given time off from work, without loss of pay or charge to annual leave, to respond to a summons for jury duty. The Employee has served as a juror and he will be paid by the court for his mileage and a per diem reimbursement for his required attendance at sessions of the court. He asks if he may accept this compensation for his jury duty, in addition to his state pay.

CODE PROVISIONS RELIED UPON BY COMMISSION

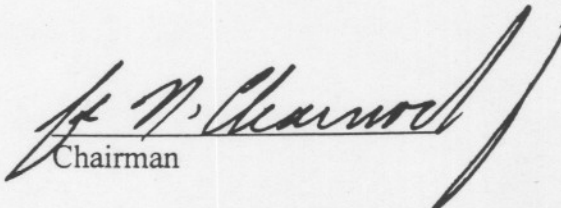
WV Code 6B-2-5(k) *Certain expenses prohibited.* -- No public official or public employee shall knowingly request or accept from any governmental entity compensation or reimbursement for any expenses actually paid by a lobbyist and required by the provisions of this chapter to be reported, or actually paid by any other person.

ADVISORY OPINION

The Ethics Act prohibits public servants from being paid by any governmental entity for work which has actually been paid for by any other person. The prohibition is aimed at what is generally referred to as double dipping, being paid twice for the same work.

State Personnel rules give State employees time off from their governmental job to perform jury service, without reducing their pay or charging their annual leave account. The rules do not require employees to relinquish their jury service pay.

The Commission finds that the Ethics Act's prohibition against double dipping does not apply to a State employee's jury service when performed in conformance with established personnel rules and it would not be a violation for the Employee to accept jury service compensation in addition to his State pay.


Chairman