

ADVISORY OPINION NO. 98-15

Issued on June 4, 1998 by the

WEST VIRGINIA ETHICS COMMISSION

PUBLIC SERVANT SEEKING OPINION

Director of State Agency

OPINION SOUGHT

May a State Agency subsidize a portion of the parking costs for its employees?

FACTS RELIED UPON BY THE COMMISSION

State employees who work at the Capitol may obtain a parking space for fifteen dollars (\$15) per month. However, the requester's State Agency is located outside the State Capitol complex and parking in the area costs approximately fifty-five dollars (\$55) per month. An employee for the requesting Agency has asked her employer to subsidize her parking expenses by paying the difference between the State Capitol rate and the private rate in the area downtown.

The Agency is concerned to establish whether it would violate any provision of the Ethics Act if it pays for a portion of the parking expenses of its employees.

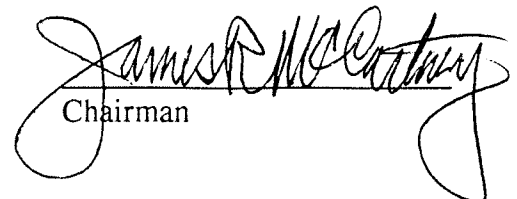
PERTINENT STATUTORY PROVISIONS RELIED UPON BY THE COMMISSION

West Virginia Code 6B-2-5(b)(1) states in pertinent part that...a public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

ADVISORY OPINION

Subject to any applicable State laws or regulations regarding expenditures and personnel, agencies are free to establish salaries and working conditions of their employees.

In reviewing this request, the Commission finds that the Agency would not violate any provision of the Ethics Act's code of conduct if it chooses to subsidize any portion of its employees' parking expenses.


Chairman