

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 295

This is an advisory opinion in response to your letter requesting advice from the Ethics Commission as to whether the Standards of Conduct were violated when certain employees were released to attend a meeting at which political campaign activity occurred.

The Commission understands the facts relative to your inquiry to be as follows:

By letter on August 17, 1998, the Hawaii Government Employees Association [HGEA], requested of a City officer ("A") that its City employees be released to attend an informational meeting [IM] on August 27, 1998, from 2:30-4:30 p.m. It was scheduled for the State Capitol grounds in conjunction with the Governor's proclamation declaring that date to be Workers Appreciation Day [WAD]. By letter on August 18, 1998, the United Public Workers [UPW] requested essentially the same thing, except that UPW workers were to attend the IM between the hours of 2:00-4:00 p.m. The UPW letter did not specifically mention WAD.

Because four IMs are permitted by law each year, A first checked A's records to determine if either union had exceeded that number. Upon ascertaining that neither had done so, A issued a memo notifying all department and agency heads that the IM was scheduled and that members could be released for the WAD event, "provided that operations are not adversely affected."

In keeping with A's normal procedure, A did not ask either HGEA or UPW what the agenda for the IM would be, since A believed that would constitute management interference in the affairs of a public employee union. A's position is consistent with that held by A's counterparts in the other three counties and at the state level.

At the WAD event, the Governor stated that if he were re-elected, he would "get funding for negotiated raises for public workers that the Legislature did not include in the budget." Gary Rodrigues, UPW State Director, spoke at the IM in support of the re-election of Gov. Cayetano and the defeat of Republican candidate Linda Lingle.

The ethical question presented is whether A used A's official position to give an advantage to Governor Cayetano over other candidates for governor.

The general rule in relation to your question is found in the Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-104, which states as follows:

Elected or appointed officers or employees shall not use their official positions to secure or grant special consideration, treatment, advantage, privilege or exemption to themselves or any person beyond that which is available to every other person.

Based on the evidence presented, the Commission finds that A did not violate the Standards of

Conduct, since it could not reasonably be expected that A would know that the IM would include political campaign activity.

Dated: December 17, 1998

LINDA A. REVILLA
Vice-chair, Ethics Commission