

SUBJECT: RELATIONSHIPS OF PUBLIC EMPLOYEES WITH TEACHERS  
ASSOCIATION

SUMMARY:

School teachers and administrators are public employees for the purposes of the Ethics Reform Act. Employees of the State Department of Education who are directors of a teachers association are entitled to the same benefits as all other members, including school district employees.

QUESTION:

The Executive Director of the Palmetto State Teachers Association questions:

- (1) Are school teachers and administrators considered public officials and/or public employees?
- (2) If employees of the State Department of Education serve on PSTA's Board of Directors, are they to be treated differently from PSTA members who are school district employees?

DISCUSSION:

This opinion is rendered in response to a letter dated January 9, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

As to the first question, Section 8-13-100(25) defines public employee as:

"Public employee" means a person employed by the State, a county, a municipality, or a political subdivision thereof.

For the purposes of the Ethics Reform Act, school teachers and administrators are considered public employees.

With regard to the second question, the State Ethics Commission advised in Advisory Opinion SEC AO92-025 that a public member would not be prohibited from receiving meals or other benefits provided to all other members of a professional organization to which he belongs. The Commission would advise that employees of the State Department of Education who are directors of the Palmetto State Teachers Association should be treated the same as those members who are school district employees.