

SUBJECT: COMMUNITY ORIENTED NON-PROFIT ORGANIZATION AWARDING LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS MONETARY AWARDS IN RECOGNITION FOR OUTSTANDING SERVICE TO THE COMMUNITY RESULTING IN SERVICE RELATED INJURIES PERMITTED.

SUMMARY:

A community oriented non-profit organization may award law enforcement officers and firefighters who are injured in the line of duty with plaques and monetary awards if the decision to do so is made by an impartial selection committee from a qualified pool of candidates.

QUESTION:

An attorney for the Charleston Exchange Club asks if the Club may implement an awards program to honor law enforcement officers and firefighters who are wounded or injured in the line of duty. The award would consist of a plaque and a monetary award not to exceed one thousand (\$1,000.00) dollars.

DISCUSSION:

This opinion is rendered in response to a letter dated January 31, 1997, requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the State Ethics Act, S.C. Code §2-17-10; 8-13-100 (Supp. 1995). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

The Ethics Reform Act states that:

No person may offer or pay to a public official, public member, or public employee and no public official, public member, or public employee may solicit or receive money in addition to that received by the public official, public member, or public employee in his official capacity for advice or assistance given in the course of his employment as a public official, public member, or public employee.

S.C. Code §8-13-720 (Supp. 1995).

In SEC 79-033 the inquiry was whether a police officer could accept reward money from the U.S. Postal Service for apprehending an offender attempting to rob a post office. The police officer's position responsibilities included enforcement of law at all times. The apprehension of an offender attempting to rob a post office appeared to be within the position responsibilities of the police

officer. Thus, the Commission found the employee should not accept any reward generated by such an arrest.

Conversely, in SEC 87-016, this Commission found that a city fireman could accept a reward for providing information gained through off-duty employment regarding a matter of arson since his position responsibilities did not include the investigation or apprehension of arson matters.

However, with regard to recognizing outstanding employees, the Commission found in SEC 90-005 that state employees could accept cash awards given by retired state employees since the recipients were selected by an impartial committee and there was no appearance of an attempt to influence the outstanding employees in their work or to pay them based on advice or assistance rendered in the course of their employment. Following that decision the Commission approved the Division of Motor Vehicles of the Department of Highways recognition of outstanding employees by awarding cash awards given by the SC Automobile and Truck Dealers Association. SEC 90-030. However, the Commission held that the recipients of the award must be selected by an impartial committee.

In order to approve an award's program, the program must meet a two part test. There must be an impartial selection committee composed of individuals not associated with the donor organization which will make the employee selection on a competitive basis. And, the award¹ must not be given for any specific advice or assistance rendered in the course of the employee's position responsibilities.

Assuming the Charleston Exchange Club implements an award program within the parameters discussed above, the Commission would find that the Charleston Exchange Club may give, and the selected employees may accept, a cash award to honor law enforcement officers and/or firefighters injured in the line of duty.

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¹ The Ethics Reform Act excludes from the definition of things of value a "personalized plaque or trophy with a value that does not exceed one hundred fifty dollars". S.C. Code §8-13-100 (1) (b) (Supp. 1995). Thus, giving a plaque valued at less than one hundred fifty dollars is permitted under the Act.