You ask whether an employee of a community college whose duties include administering a
training program as part of an agreement between the college and a private corporation may
accept a cash bonus from the private corporation for exemplary services rendered over a period
of several years.

You relate that a community college is party to an agreement with the private corporation by
which the college provides extensive training services to the corporation. You state that the
private corporation does not provide any services to the community college. You also state that
the college employee coordinates and manages this project, selects and supervises the staff for
the project, and develops the budgets for the activities of the project. You further state that in
recognition of this employee's exemplary services, the corporation seeks to award the employee
a cash bonus. You inquire whether such an award would violate the State and Local Government
Conflict of Interests Act (the "Act").

The community college employee is an "employee" of a "governmental agency," subject to the
Act's prohibitions and restrictions. Section 2.1-639.4(1) of the Code of Virginia, a portion of the
Act, provides that no employee of a state governmental agency shall

> solicit or accept money or other thing of value for services
performed within the scope of his official duties, except the
compensation, expenses or other remuneration paid by the
agency of which he is an ... employee. This prohibition shall not
apply to the acceptance of special benefits which may be
authorized by law.[]

The express legislative intent of the Act is to assure the citizens of the Commonwealth that "the
cjudgment of public officers and employees will not be compromised or affected by inappropriate
conflicts." To further this end, the Act identifies certain prohibited and unlawful conduct on the
part of public employees including the conduct described in § 2.1-639.4. The Act provides that it
"shall be unlawful" for any state government employee to "accept money ... for services
performed within the scope of his official duties, except the [amounts] paid by the agency of which
he is an ... employee." The use of the word "shall" indicates that the General Assembly intends
the terms of § 2.1-639.4 to be mandatory. Additionally, under well-accepted principles of
statutory construction, when the language of a statute is plain and unambiguous and its meaning
clear and definite, it must be given effect.

Under the facts you present, the responsibilities of the employee of the community college
include administering the training program, and the employee is paid by the community college
for performing these duties. The plain, unambiguous, and mandatory language of § 2.1-639.4(1)
prohibits a public employee from accepting money for services performed within the scope of his
official duties beyond the "compensation, expenses or other remuneration" paid by the college.
The General Assembly has clearly placed restrictions on public employees with regard to that

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which they may accept resulting from the performance of their official duties. Accordingly, it is my opinion that the community college employee may not accept an additional cash bonus from the private corporation for the performance of such duties.

1 For the purposes of this opinion, I shall assume that the employee is a full-time, salaried employee of the community college.


3 See § 2.1-639.2 (defining "employee," "governmental agency").

4 Section 2.1-639.1.

5 Section 2.1-639.3 (emphasis added).

6 Section 2.1-639.4(1).
