

**ETHICS INTERPRETATION EI-1992-001
ISSUED JUNE 11, 1992**

The Ethics Commission met in regular meeting on June 11, 1992, to discuss your request for an ethics interpretation as to the following:

Must a state employee, "classified" under the Oklahoma Merit Protection laws, give up his or her job in order to run for public office even if he or she takes a leave of absence during this time?

Title 74 O.S. 1991 § 4242 of the Ethics Commission Act provides:

Classified employees -- prohibited acts

A. No classified employee shall:

* * *

3. Become a candidate for an elective public office in a partisan election;

* * *

Even if on a leave of absence, a classified employee continues to have property rights in his or her job. Such persons remain employees of the state even if they are on inactive status. This view would be consistent with the definition portion of Title 74 which defines a "classified employee" as, "a state employee or a **state employee on leave from employment** who is under the jurisdiction of the Merit System of Personnel Administration..." [74 O.S. 1991, § 4202 (6)]

It is, therefore, the ethics interpretation of the Commission, as voted on at its regular meeting on June 11, 1992, that a classified employee, even if on leave of absence, should not become a candidate for elective office in a partisan election unless and until he or she has terminated employment with the state.

The foregoing addresses the classified employee situation only. No such prohibition exists for unclassified employees. Also, elections which are non-partisan [i.e. school boards, municipalities, etc.] do not come within this provision.

Please be advised that Ethics Interpretations by law will be published by this Commission without identifying petitioners.