

Subject :

In the matter of the query of the Act on Recusal of Public Servants Due to Conflicts of Interest in governing the employment of teachers to assume position as a tutor or a supervisor by the principals of public schools where the aforementioned teachers are relatives to the principals.

Description :

If related parties are involved in the pursuit of personnel administration by principals of schools at all levels such as the employment of teachers, voluntary recusal and the prohibition of foul use of authority to seek private interest under the Act on Recusal of Public Servants Due to Conflicts of Interest shall be in effect. If the principals select and determine the employment of a particular teacher to assume office as a tutor at the same time, there is still room for the principal to exercise discretion, hence it shall be construed as conflict of interest. If a related party is involved in the procedure, it is obvious that the conflict of interest is substantiated. Accordingly, the principal concerned shall recuse themselves and prohibit any foul use of authority seeking private interest. If the review and decision of employment was made by a selection committee or a body performing the same function before the principal acts to employ the teacher, it should be construed as the voluntary recusal of the principal from the review and decision. There is also no foul use of authority or the function assigned with an attempt to seek private interest thereby there is no violation of the law.