



# University of North Alabama

## Employee Policy Manual and Handbook

### State Ethics Law

As employees of a state-supported institution, all employees of the University of North Alabama are subject to applicable Alabama state ethics laws. Below are highlights of some of the provisions that are applicable to UNA employees. The Ethics Commission website provides detailed information on all guidelines contained in the Ethics Act. Visit the website at: <http://ethics.alabama.gov/>

#### **1. Legal Duty to File Statement of Economic Interest**

Ala. Code § 36-25-14 requires all full-time public employees whose base pay is \$97,000 or higher, and/or every full-time public employee serving as a supervisor to file a Statement of Economic Interests no later than April 30. Each person who meets the necessary criteria, regardless of whether they retired the previous year or served/worked in the public position for any time (even a portion of one day) during the previous year, is required to file. The duty of an employee to comply with the Ethics Act, including the duty to file the Statement of Economic Interests, rests with the employee, not UNA. Employees who are required to file but fail to timely file a Statement of Economic Interests with the Ethics Commission may be fined \$10.00 per day not to exceed \$1,000.00 or be charged with a Class A misdemeanor for intentional failure to file [Ala. Code§6-25-14(d) & (e)].

#### **2. UNA Requirement to Timely Provide Proof of Training to Human Resources**

UNA requires all new employees to complete the ethics training (regardless of salary level). It is each new employee's responsibility to complete the training within 90 days of your hire date. You must print the certificate after you complete your training and email a copy of it to [humanresources@una.edu](mailto:humanresources@una.edu). The training is online at: <http://www.ethics.alabama.gov/training/>

#### **3. Criminal Act to Use Position for Personal Financial Gain/Rules for Contracts with UNA**

It is a violation of the State Ethics Code (felony or misdemeanor, depending on facts) for a UNA employee to use his/her position with UNA to obtain personal gain for himself/herself, a family member or any business with which the employee is associated. UNA/state property, including equipment, technology, supplies, tools, and building materials are to be used for conducting official business of UNA. As such, private or personal use of UNA/state property for personal gain is prohibited. Faculty and staff shall not make use of property, personnel, or students of UNA for the purpose of obtaining personal compensation from sources external to UNA or use the University's name in a way that would suggest that a personal activity or endeavor is sponsored or endorsed by UNA. (See Alabama Code § 36-25-5). Ala. Code §36-25-11 prevents any public official or public employee, or members of their households, or any businesses associated with these people from entering into a contract that will be paid for using government funds unless the contract has been awarded through a competitive bid process. The contract must then be filed with the Ethics Commission within ten (10) days of its execution.

**4. More Information on Amendments to Ethics Act & Gifts to Public Employees**

Employees are prohibited from soliciting or accepting any of the following “things of value” for the purpose of influencing official action: any gift, benefit, favor, service, gratuity, tickets or passes to an entertainment, social or sporting event, unsecured loan, other than those loans and forbearances made in the ordinary course of business, reward, promise of future employment, or honoraria or other item of monetary value. Furthermore, family members of public employees may not receive anything of value for the purpose of influencing official action. Excluded from the definition of “thing of value” (and thus are permitted to be received by employees) are:

- a. Greeting cards, and other items and services with little intrinsic value which are intrinsic value which are intended solely for presentation, such as plaques, certificates, and trophies, promotion items commonly distributed to the general public, and items or services of de minimum value.
- b. Loans from banks ad and other financial institutions on terms generally available to the public
- c. Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all government employees
- d. Rewards and prizes given to competitors in contests or events, including random drawings, which are open to the public.
- e. Anything for which the recipient pays full value.
- f. Hospitality, meals, and other food and beverages provided to a public official or public employee or the spouse of the public official or employee, as an integral part of an educational function, economic development function, work session, or widely attended events
- g. Meals and other food and beverages provided to the public employee not to exceed \$50 per meal with a limit of two hundred fifty dollars (\$250) per year.

*Additional information about gifts can be found here: <http://ethics.alabama.gov/law.aspx>. Convictions of intentional violations of Ethics Laws are class B felonies (2-20 years in prison & fines up to \$30,000).*

**5. Ethics Law Pertaining to UNA Employees Selling Textbooks**

Violations of the Ethics Act occur if a UNA employee sells an instructor edition or complimentary copy of a textbook or any related materials (study guides, test banks, supplementary CDs, etc.) to anyone, including a student, bookstore or online textbook reseller, unless the proceeds of that sale are retained by the University. For example, sale proceeds can be deposited into a departmental account to purchase office supplies or institutional purposes. Employees selling complimentary course materials are responsible for providing documentation showing that they have not personally profited.

**6. Criminal Act to Use Property/Human Labor for Personal Gain**

It is a violation of the State Ethics Code (felony or misdemeanor, depending on facts) for UNA employees to use or cause to be used equipment, facilities, time, materials, human labor, or other UNA/state property under their discretion or control for the private benefit or business benefit of that employee, except as otherwise provided by law or pursuant to a lawful employment agreement. It is also illegal for a person to solicit a UNA employee to do these things for that person's private or business benefit, except as otherwise provided by law. (See Alabama Code § 36-25-5). This includes using students and/or employees to perform personal errands or favors for non-work-related purposes.

## **7. Employment of Members of the Same Family**

Alabama law (§ 41-1-5) prohibits an employee of UNA from appointing (hiring) any person related to him/her within the fourth degree of affinity to any job with UNA. If this rule is violated, the appointment is deemed void and the person can be charged with a misdemeanor, fined up to \$500, and imprisoned for up to one year. The Employee Policy Manual and Handbook states that no employee is permitted to work within the chain of command when work responsibilities, salary, hours, career progress, benefits or other terms and conditions of one relative could be influenced by the other relative.

## **8. Selections From the Alabama Fair Campaign Practices Act – Candidate Filing Guide**

<https://www.sos.alabama.gov/alabama-votes/candidates/candidate-resources>.

Below are selected sections from the above-referenced resource.

- Rights of City, County, State Employees – Section 17-1-4: City, county, and state employees have the right to participate in city, county, or state political activities to the same extent as any other citizen of the state, including endorsing candidates and contributing to campaigns. City, county, and state employees also have the right to join political clubs and organizations and state and national political parties. They may also publicly support issues of public welfare.
- Improper Use of State Property, Time, Etc. for Political Activities – Section 17-17-5: No state, county, or city employee shall use public funds, property, or time for any political activity.

It is unlawful for any officer or public employee to solicit any type of political campaign contributions from other employees who work for the officer or employee in a subordinate capacity.

It is unlawful for an officer or public employee to coerce or attempt to coerce a subordinate employee to work in a political campaign or cause.

- Use of State-Owned Property – Sections 36-12-60 through 64: It is unlawful for any state officer or employee to use or to permit to be used any state-owned property including stationery, stamps, office equipment, office supplies, or automobiles for political activity.

State employees are also prohibited from transporting campaign literature either in a state vehicle or in a private vehicle while mileage is being paid for by the state.