

USE OF OFFICE FOR PERSONAL GAIN OR GIFTS TO PERSONNEL

All Board personnel are public employees and are expected to comply with the Alabama Ethics Law prohibiting use of the employee's official position or office to obtain personal gain for himself or herself or family member unless the use or gain is otherwise specifically authorized by law.

Public employees may accept occasional gifts from students and other members of the public if the gifts are in accordance with the Alabama Ethics Law and other applicable law. Employees shall not solicit any gift, directly or indirectly, or participate in the collection of any donations toward any gift to be given to or received by the employee. For example, no teacher can solicit gifts from students in their class or their parents, or initiate the idea of gift giving, which would be a use of official position for personal gain. No public employee or public official can solicit or receive anything at all from anybody for the purpose of corruptly influencing official action (for example, a teacher may not receive a gift in exchange for a better test grade).

Subject to the above restrictions, occasional or seasonal gifts to teachers or other public employees may be given and received. Likewise, for example, teachers and other public employees may receive gifts or gift cards purchased from pooled donations within a class, team, or other school organization or given by employees, etc. Absent additional facts indicating otherwise, gifts with a value of twenty-five dollars (\$25.00) or less per occasion (or an aggregate of \$50 or less in a calendar year) are presumed not to be a violation of the law by the Alabama Ethics Commission as such gifts are deemed to be *de minimis* and are presumed not to be given for the purpose of influencing official action. Donors who choose to coordinate pooled donations to make a larger gift from a group, should request that all individual donations be made in an amount of twenty-five dollars (\$25.00) or less in order to safeguard against such donations violating the Ethics Law or being financially burdensome.

Public employees may not use school funds to purchase gifts for other public employees. Public employees may accept gifts from other public employees when they are given on a voluntary basis, but only to the extent permitted by the Alabama Ethics Law. Under no circumstances should an employee with administrative/supervisory authority over another employee solicit a personal gift, honorarium, etc. from said person.

Public employees shall not accept personal gifts from outside agencies or individuals that are a result of or a precondition to business transactions between the school system and said agency or individual. Gifts or rewards given by business agencies as a result of school-related business transactions shall become the property of the school or school system.

This policy is intended to be compliant with the provisions of the Alabama Ethics Law. To the extent that the Alabama Ethics Law is amended or the Ethics Commission issues additional guidance that may be in conflict with this policy, employees are expected to give

precedence to compliance with applicable law and Ethics Commission advisory opinions. Nothing in this policy should be construed to create restrictions on gifts beyond those that are specifically provided for by law or to allow conduct specifically prohibited by law.

SOURCE: Athens City Board of Education, Athens, AL

ADOPTED: August 15, 1994; REVISED: June 5, 2008; REVISED: December 12, 2017

LEGAL REF.: Ala. Code § 16-11-9 (1975); Ala. Code §36-25-1, *et seq.* (1975); Alabama Ethics Comm'n Op. 2016-34.