

POLICY NAME:	205.01: Nepotism: Statute
EFFECTIVE:	12-14-2016
SUPERSEDES:	
SOURCE:	<i>Code of Alabama Section 41-1-5</i>
CROSS REFERENCE:	

The Nepotism Statute (*Code of Alabama Section 41-1-5*) takes precedent over all Alabama Community College System Board policies regarding employment.

1. No officer or employee of the state or of any state department, board, bureau, committee, commission, institution, corporation, authority, or other agency of the state shall appoint, or enter a personal service contract with, any person related to him or her within the fourth degree of affinity or consanguinity to any job, position, or office of profit with the state or with any of its agencies.
2. Any person within the fourth degree of affinity or consanguinity of the agency head or appointing authority, the appointing authority's designee, deputy director, assistant director, or associate director shall be ineligible to serve in any capacity with the state under authority of such an appointment, and any appointment so attempted shall be void. The provisions of this section shall not prohibit the continued employment of any person who is employed as a public employee as of August 1, 2013, nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements under the state Merit System for the employee.
3. Any person within the fourth degree of affinity or consanguinity of a public employee shall not be the immediate supervisor for or in the chain of command of, or participate in the hiring, evaluation, reassignment, promotion, or discipline of, the public employee within any state department, board, bureau, committee, commission, institution, corporation, authority, or other agency of the state.
4. Whoever violates this section is guilty of a misdemeanor and shall be punished by a fine not to exceed five hundred dollars (\$500) or by imprisonment not to exceed one year, or both. A willful violation of this section shall subject the public employee and the person or persons within the fourth degree of affinity or consanguinity of the public employee to disciplinary action, up to and including separation from state service.
5. This section shall not apply to any city or county board of education.

(Acts 1963, No. 588, p. 1285; Act 2013-242, p. 588, §1; Act 2015-486, §1.)