

POLICY NAME:	205.03: Employment of Relatives
EFFECTIVE:	12-14-2016
SUPERSEDES:	
SOURCE:	Code of Alabama Section 36-25-5 ; Section 41-1-5 ; Section 16-60-111.4
CROSS REFERENCE:	Code of Alabama Section 36-25-5 ; Section 41-1-5

1. This policy shall not apply to persons actively employed as of January 1, 2007, so long as they occupy the position occupied as of January 1, 2007. Should an employee who began service prior to January 1, 2007 change positions, the employee is subject to all rules and requirements of this policy. Should an employee's circumstances change due to election results, marriage, etc., the employee is subject to these rules and requirements, and any accommodation of unusual circumstances shall be determined by the Board of Trustees.
2. The Nepotism Statute ([Code of Alabama Section 41-1-5](#)) takes precedent over all ACCS Board policies regarding employment. However, The Nepotism Statute applies specifically to relatives of any member of the Board of Trustees only for the positions in the Alabama Community College System in which the Board makes the employment decision, namely the chancellor, the college presidents, and the directors of applicable System entities such as the Alabama Technology Network.
3. The Ethics Statute ([Code of Alabama Section 36-25-5](#)) states: "(a) No public official or public employee shall use or cause to be used his or her official position or office to obtain personal gain for himself or herself, or family member of the public employee or family member of the public official, or any business with which the person is associated unless the use and gain are otherwise specifically authorized by law. Personal gain is achieved when the public official, public employee, or a family member thereof receives, obtains, exerts control over, or otherwise converts to personal use the object constituting such personal gain."
4. **DEFINITIONS**
 - A. **Employing Authority.** For the purposes of this policy, Employing Authority includes: the Chancellor of the Alabama Community College System, a member of the Board of Trustees, a President of an Alabama Community College System college, a System-level Director of any other Alabama Community College System agency, entity, or System office and Alabama Technology Network.
 - B. **Relative.** For the purposes of this policy, Relative includes any person related 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.
 - C. **Term of Service.** For the purposes of this policy, Term of Service commences with the date upon which the Chancellor of the Alabama Community College System or of any member of the Board of Trustees is appointed to the position and ends with the date upon which the successor to the Chancellor or Board of Trustee member is appointed to the position.

5. **HIRING**

Relatives of the Chancellor of the Alabama Community College System or of any member of the Board of Trustees can be hired for, or appointed to, positions within the Alabama Community College System or any of its entities, institutions or System office during their terms of service only as specified below.

6. **CHANCELLOR, PRESIDENTS AND DIRECTORS**

No relative of a member of the Board of Trustees or the Chancellor, may be hired or appointed as Chancellor, a college president or corresponding level during their respective term of office.

7. **ALL OTHER POSITIONS**

The members of the Board of Trustees and the Chancellor shall not advocate or attempt to influence the employment of any relative.

Any employment in violation of this policy shall be void.

When it is discovered that a relative of the Chancellor of the Alabama Community College System or of any member of the Board of Trustees has applied for a position, the employing authority must appoint a screening committee of which the majority of members must be employed outside the Alabama Community College System. The committee membership must also meet any other standards for composition. Upon completion of its task, including recommending three applicants for consideration by the employing authority, the committee members must each sign a statement verifying that no undue or inappropriate influence was applied in the employment process or submit a statement acknowledging what undue or inappropriate influence was applied.

If a relative is identified after the process has commenced and a screening committee has been appointed, the process must be terminated and reinstated following the steps above. No such relative may be appointed to a temporary or interim position.

The Employing Authority may select only from the three candidates recommended by the screening committee or must end the process and re-advertise the position. If a relative of a Chancellor or Board member is selected for the position, the Employing Authority must disclose the employment to the Chancellor within 15 calendar days of the appointment. The disclosure must include documentation of qualifications and merit and a statement verifying that no undue or inappropriate influence was applied.

The Chancellor shall provide a notice of such disclosure to the members of the Board of Trustees on a monthly basis.