

POLICY NAME:	220.01: Elected State Officials: Employment Prohibited
EFFECTIVE:	February 29, 2008
SUPERSEDES:	
SOURCE:	<i>Code of Alabama</i> 16-60-111.4
CROSS REFERENCE:	<i>Code of Alabama</i> Section 17-1-4; Section 17-17-5

1. DEFINITIONS

- A. **Elected State Official.** A person elected to a statewide office by a vote of the people and any member of the State Legislature. The term also includes any person appointed to any of these offices to fill a vacancy.
- B. **Employee.** Faculty, staff, and administration personnel, including officers, directors, and supervisors, of the Department of Postsecondary Education or any institution, agency, department, or other entity of the Alabama Community College System.
- C. **Employing Authorities.** The Alabama State Board of Education, the Chancellor of the Alabama Department of Postsecondary Education, a President of an Alabama Community College System institution, a Director of any other Alabama Community College System agency, entity, or department, and any person authorized to enter into contracts on behalf of the Department or any Alabama Community College System institution, agency, department, or other entity.

2. EMPLOYMENT OF ELECTED STATE OFFICIALS PROHIBITED

Employing authorities may not employ any elected state official. However, an elected state official who was actively employed as of the effective date of this policy may be continued in the same position of employment until the expiration of his or her term of office then in effect. In such case, the elected state official shall not be eligible for promotion, advancement, or any non-statutory pay raise or bonus during his or her term of office.

3. CERTAIN CONTRACTS WITH ELECTED STATE OFFICIALS PROHIBITED

Employing authorities may not enter into any personal or professional services contract under which services are to be performed by an elected state official.

Employing authorities may not enter into any other type of contract or business relationship with any corporation, partnership, company, joint venture, or other business entity in which any elected state official holds a financial interest of five percent (5%) or more.

Notwithstanding the foregoing, any contract of the kind described above which is in existence as of the effective date of this policy need not be immediately terminated but shall be terminated on the earliest date for which the contract may be terminated without penalty, and no such contract may be renewed, extended, or amended to expand the term or alter the termination procedure or penalties.

All new contracts of the kind described above shall contain a provision providing for the automatic cancellation of the contract upon the taking of elected state office by any person whose election would have prohibited the contract under the provisions of this policy if the person were to have been elected prior to the formation of the contract.

4. EMPLOYEE'S OBLIGATION UPON ELECTION TO STATE OFFICE

An employee who is elected or re-elected to an elected state office after the effective date of this policy must submit his or her resignation effective on or before taking office. Nothing in this policy shall be construed to restrict or limit an employee's right to campaign for elected state office, provided that campaign-related activities are conducted while **on approved leave or on personal time before or after work and on holidays**, consistent with state law.