

State Financial Disclosure Requirement Broadened

The Alabama Ethics Act has, from the beginning, included a provision requiring certain public officials to file an annual “statement of economic interests” with the Alabama Ethics Commission. The principal purpose of the Ethics law, generally, is to prevent “conflicts of interest,” that is, a situation in which there is a conflict between a public official’s private interests and his/her official duties. See *Rampey v. State*, 415 So.2d 1184 (Ala. Crim. App. 1982). Requiring the disclosure of the private financial interests of public officials with designated decision-making authority is an important element of this statutory scheme.

The filing requirement has applied to any public employee whose annual base pay equals \$50,000 or more and, in addition, to public employees (regardless of base pay) with certain designated duties or authority. The latter includes employees with the authority to invest public funds, police chiefs, purchasing or procurement agents with the authority to make purchases, chief financial and accounting officials, and chief grant coordinators. Forms are made available in the Spring of each year by the Ethics Commission for employees to complete and return to the Ethics Commission. They are due on or before of April 30 each year and encompass the preceding calendar year.

During the 2012 legislative session, the Alabama legislature amended this part of the Ethics law in several important respects. First, the minimum base pay or salary amount that will trigger the duty to file the statement of economic interests has been increased to \$75,000. §36-25-14(a)(2), *Alabama Code* (1975). That amount will be subject to adjustment annually based on changes in the Consumer Price Index. Secondly, a new category of public employees has been added: “Every full-time public employee serving as a supervisor.” §36-25-14(a)(25), *Code*. The Ethics Act already has a definition of the key term “supervisor”:

Any person having authority to hire, transfer, suspend, lay off, recall, promote, discharge, assign, or discipline other public employees, or any person responsible to direct them, or to adjust their grievances, or to recommend personnel action, if, in connection with the foregoing, the exercise of the authority is not of a merely routing or clerical nature but requires the use of independent judgment.

Section 36-25-1(30), *Code*.

The Human Resources office at the University will make a determination, based on job descriptions, regarding those positions that are “supervisory” within the language of this amendment. A list of those positions, along with other positions falling within the filing mandate of this section, will be provided by the Human Resources office to the Ethics Commission, which will send the Statement of Economics Interest form to the incumbent in each position. Human Resources will also send an e-mail to all affected employees in early 2013 informing and reminding them about the need to file this form in a timely manner.