

VI. Code of Ethics

A. Ethical Conduct Approved 04/02/13, 04/07/26

It is the policy of Baldwin County Commission to uphold, promote and demand the highest standards of ethics from all employees and officials, whether elected or appointed. Accordingly, all County employees should maintain the utmost standards of personal integrity, truthfulness, honesty, and fairness in carrying out their public duties; avoid any improprieties in their roles as public servants; and never use their county position or powers for improper personal gain.

Every employee of the Baldwin County Commission is a “public employee”. The taxpayers of this County entrust every employee with the responsibility of carrying on business beneficial to the taxpayer.

Employees of the Baldwin County Commission are subject to the provision of the Alabama Ethics Law (codified at §§36-25-1, et.seq., Code of Alabama 1975, as amended from time to time) (sometimes referred to as the “Alabama Ethics Law” or the “Ethics Law”) and the decisions and enforcement of the Alabama Ethics Commission. Employees may visit the Ethics Commission’s website to acquire further information of interest at www.ethics.alabama.gov.

Employees cannot:

1. Use your official position to obtain personal gain for yourself or family member or any business with which you are associated. Section 36-25-5(a)
2. Use or cause the use of equipment, facilities, time, materials, human labor, or other public property under your discretion or control for the private benefit or business benefit of you, any other person, which would materially affect your financial interest. Section 36-25-5(c)
3. Solicit or receive anything for yourself or a family member for the purpose of corruptly influencing official action. Section 36-25-7(b)
4. Use or disclose confidential information gained in the course of or by reason of your position in any way that could result in financial gain, other than your regular salary, for yourself, a member of your family, or any other person or business. Section 36-25-8
5. Accept a gift valued at more than \$32, or \$64 cumulatively (per person), in a calendar year from any single provider.
6. Solicit a "thing of value" from a subordinate or person or business with whom you directly inspect, regulate, or supervise in your official capacity other than in the ordinary course of business. Section 36-25-5(e)
 - a. A “thing of value” is defined as any gift, benefit, favor, service, gratuity, tickets or passes to an entertainment, social or sporting event, unsecured loan, other than those loans and forbearances made in the ordinary course of business, reward, promise of future employment, or honoraria or other item of monetary value."

What is NOT a Thing of Value?

Section 36-25-1(33) states: "b. The term, thing of value, does not include any of the following, provided that no particular course of action is required as a condition to the receipt thereof:

1. Anything given by a family member of the recipient under circumstances which makes it clear that it is motivated by a family relationship.
2. Anything given by a friend of the recipient under circumstances which makes it clear that it is motivated by a friendship and not given because of the recipient's official position. Relevant factors include whether the friendship preexisted the recipient's status as a public employee, public official, or candidate and whether gifts have been previously exchanged between them.
3. Greeting cards, items, services with little intrinsic value which are intended solely for presentation such as plaques, certificates, and trophies, promotional items commonly distributed to the general public, and items or services of de minimis value.
4. Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all government employees.
5. Rewards and prizes that are given to competitors in contests or events including random drawings, which are open to the public.
6. Anything for which the recipient pays full value.
7. Compensation and other benefits earned from a non-government employer, vendor, client, prospective employer, or other business relationship in the ordinary course of employment or non-governmental business activities under circumstances which make it clear that the thing is provided for reasons unrelated to the recipient's public service as a public official or public employee.
8. Hospitality, meals, and other food and beverages provided to a public official or public employee, and the spouse of the public official or public employee, as an integral part of an educational function, economic development function, work session, or widely attended event, such as a luncheon, banquet, or reception hosted by a civic club, chamber of commerce, charitable or educational organization, or trade or professional association.

B. Solicitation and Donations Approved 04/07/26

In order to preserve the transparency, fairness, and public trust of Baldwin County Commission operations and prevent the appearance or risk of undue influence, employees are prohibited from soliciting donations, financial or in-kind, for his or herself, their individual department, and/or department employees. Soliciting donations from vendors can create pressure, intentional or perceived, and may compromise or appear to compromise fair procurement practices. This applies to individual departments, their employees, managers, volunteers, contractors, and any individuals acting on behalf of a department within the County. Solicitation includes verbal, written, or implied requests.

Departments are prohibited from soliciting donations from:

1. Vendors or contractors that currently hold an active contract with the County.
2. Businesses or individuals actively bidding on a contract or procurement opportunity.
3. Entities that have a known or reasonably foreseeable interest in doing business with the County.

This prohibition applies to all types of donations or contributions, including but not limited to monetary donations, sponsorships, goods or services, event support or participation, gifts, prizes, or promotional items.

Exceptions include:

1. Vendors that offer unsolicited, voluntary donations. These offers must be truly vendor initiated. Any such offer shall be immediately forwarded to the County Administrator for review and written approval before acceptance.
 - a. All correspondence concerning donations must be kept and documented for auditing purposes. This includes the original request from the department, all communication from the vendor, the County Administrator's written approval, a brief description of what was donated and the value if known, and the event or purpose it was tied to.
 - b. If donation is a financial transaction or an asset (cash, equipment, materials, etc.) then all information shall be forwarded to the Finance and Accounting Department.
2. Vendor participation or non-participation shall not have any influence on current or future dealings or interactions with the County.
3. Donations may be solicited and/or accepted for County sponsored events that are open to the citizens of the County.
4. Donations may be solicited and/or accepted for County sponsored events that are for all employees of the County.

“County sponsored event” is an event formally approved, funded, or coordinated by the County and open to the public or to all county employees, not limited to a single department. The department employee designated to solicit donations must be pre-approved by the County Administrator or County Engineer.

Prohibited donations received in error should be declined and/or returned to the vendor.

All solicitations and donations must follow the guidelines of the Code of Alabama Section 36-25-1 to 36-25-30.

C. Statement of Economic Interests Approved 04/02/13

Some employees will have to complete an annual questionnaire for the Alabama Ethics Commission. The Personnel Department will provide these employees with the required forms, upon request. These employees are responsible for filing the reports in a timely manner. Section

36-25-4.2 states that “[a]ll public employees required to file the Statement of Economic Interests required by Section 36-25-14, shall participate in an online educational review of the Alabama Ethics Law provided on the official website of the commission. Employees hired after January 1, 2011, shall have 90 days to comply with this subsection.”

D. Political Activity Approved 04/02/13

Employees may individually exercise their right to vote and privately express their views as a citizen, including becoming a candidate for public office. However, an employee shall not engage in political activities during his or her work time. Without limitation, Baldwin County expressly prohibits employees from soliciting political financial contributions, distributing political literature, wearing political buttons or similar insignia during their work time. Employees who are issued uniforms by Baldwin County are prohibited from wearing their uniforms while engaging in political activities.

Baldwin County also prohibits employees from distributing political literature or printed or other material of any kind in working areas at any time. Employees may not use any equipment owned by Baldwin County, including but not limited to, copiers and fax machines, to engage in political activities.

This prohibition against soliciting other employees for political purposes covers Baldwin County’s telephonic and computer equipment. Thus, no employee is permitted to use Baldwin County’s electronic mail, the internet, voicemail, telephones, computers or other related equipment for the purpose of soliciting others for political activities or for preparing, duplicating or distributing political literature or other material to other employees or non-employees.

The Personnel Director is available to answer any questions regarding proper employee political activity. This policy does not authorize a county employee to engage in political activity in violation of federal or state law.

E. Secondary Employment Approved 04/02/13

Baldwin County Commission employees shall not engage in any outside employment which adversely affects his or her work performance as an employee of the County or creates a conflict of interest.

If an employee engages in other employment, he or she must notify his or her supervisor in writing stating the name of the employer, the nature of work or business, specific duties, and hours worked per week. The supervisor will send a copy of these statements to the Personnel Director for placement in the employee’s personnel file. If the supervisor believes there may be a potential incompatibility between the outside employment and County employment due to either the number of work hours or nature of work or scheduling requirements, he or she shall submit appropriate recommendations to the Personnel Director. The final decision will be made jointly by the Personnel Director and the Appointing Authority or Appointed Department Head.

The employee shall at all times give first priority to the performance of his or her Baldwin County Commission job. County work schedules will not be adjusted to accommodate non-County work schedules.

F. Nepotism Approved 04/02/13

Relatives of employees will be eligible for employment, but they must compete for jobs on the same terms and conditions as other applicants.

Employees are not permitted to directly supervise a relative. Direct or immediate supervision includes, but is not limited to, any participation in the hiring decision, promotional decision, work assignment decision, shift assignment decision, disciplinary decision or the evaluation process of another employee.

For purposes of this section of the Employee Handbook, “relatives” is defined as a spouse, child, parent, brother, sister, parent-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, aunt, uncle, niece, nephew and first cousin of current employees.

G. Reporting Arrests Approved 04/02/13

Any employee of the County who has been arrested for any reason must report the arrest and surrounding circumstances to his or her immediate supervisor within one (1) day of returning to work. Failure to comply with this policy may result in disciplinary action. Supervisors are required to forward the information to the Appointing Authority, Appointed Department Head and Personnel Director.