SB146

147257-1

By Senators Orr, Holtzclaw, Scofield, Ward, Williams, Blackwell, Whatley, Marsh and Bussman

RFD: Judiciary

First Read: 06-FEB-13
SYNOPSIS: This bill would prohibit nepotism within state government.

A BILL
TO BE ENTITLED
AN ACT

To amend Section 41-1-5, Code of Alabama 1975, relating to nepotism within state government.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 41-1-5, Code of Alabama 1975, is amended to read as follows:

"§41-1-5.

(a) 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 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.
"(b) Any person related to within the fourth degree of affinity or consanguinity of the agency head or appointing authority, within the prohibited degree 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 the effective date of the act adding this amendatory language, nor shall it be construed to hinder, alter, or in any way affect normal promotional advancements under the state Merit System for the employee.

"(c) 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.

"(d) Whoever violates this section is guilty of a misdemeanor and shall be punished by a fine not to exceed $500.00 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. This section shall not apply, however, in the case of
an appointment of a person to a position in the classified
service of the state made from the register of persons
eligible as certified by the State Director of Personnel.

"The provisions of this section shall not apply to
any individual or individuals employed as of September 16,
1963, in any branch, department or bureau of the state or the
reappointment of any individuals employed on September 16,
1963."

Section 2. This act shall become effective on the
first day of the third month following its passage and
approval by the Governor, or its otherwise becoming law.