

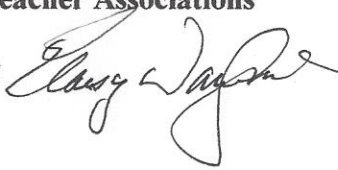
E. Casey Wardynski, Ph.D.
Superintendent



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To: HCS Employees, Parents & Parent Teacher Associations

From: E. Casey Wardynski, Superintendent 

Date: December 19, 2012

Re: Gifts to Teachers (updated) under State of Alabama Ethics Act

I recently sent a notification to all teachers reminding them of the state laws regarding ethical restrictions against employees receiving gifts. However, since then, I've been made aware of changes to the law which expand what teachers (and other public employees) may receive. Since many parents have expressed an interest in showing appreciation to their children's teachers by giving gift cards, etc., I wanted to get the word out quickly to clarify the change in the law and how it applies.

Teachers are public employees within the meaning of the State of Alabama Ethics Act. The act prohibits any public employee from receiving anything for himself or herself or a family member, given for the purpose of corruptly influencing official action. "Corruptly", under the Act, means "to act voluntarily, deliberately or dishonestly to either accomplish an unlawful end or result or to use an unlawful method or means to accomplish an otherwise unlawful end or result.

Prior to the Special Session of 2010, the Ethics Law contained a specific exception dealing with seasonal gifts. During the 2010 Special Session, however, that exception was removed from the law and replaced with a provision which states: "the term a 'thing of value' does not include 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."

In 2012, the following definition of "de minimis" was added by Act No. 2012-433:
"(11) De Minimis. A value twenty-five dollars (\$25) or less per occasion and an aggregate of fifty dollars (\$50) or less in a calendar year from any single provider..."

In short, with the passage of the Act, public officials, including school employees, are allowed to receive gifts (including gift cards) valuing \$25 or less per occasion, but not to exceed \$50 in a calendar year from a single provider. We welcome any support of our teachers in their continuing dedicated efforts as long as they conform with the parameters outlined above.

Any questions regarding this clarification can be directed to our Compliance Director, Ms. Belinda Williams, at 256-428-6836.

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