

Selected Guidance from Ethics Commission In 2011 and 2012

- School board members and other school employees may gain free admission to school events or plays, sporting events, etc. in their local school district, as employees are considered to be employees of that school district, and not of the individual school.
- Public officials, public employees, including school teachers and other school employees, may accept gifts of any value, when the gift is based on a friendship that transcends the public sector, as exemplified by a pre-existing friendship.
- A school board attorney or other vendors and individuals may give gift baskets, cheese trays and other consumable items to the school office for enjoyment by the staff.
- The Ethics Law does not make a distinction between legislators, county commissioners, school teachers, etc. The law allows gifts, regardless of the source, to be of a **de minimis** value only.
- Vendors may only provide gifts to teachers, retired school employees or other school employees, of a **de minimis** value.
- School boards may enact a policy which allows students to contribute a **de minimis** amount towards a gift card from the class, provided the policy is reasonable, done in good faith and complies with the de minimis requirements in the Alabama Ethics Law.

*“...Therefore, in determining what is and what is not de minimis, one must look at whether or not the item has intrinsic value, i.e., can the item be sold for a profit?...As a general rule, gifts such as hams, turkeys, or gift cards with a specific monetary value are not permissible....The following list, while not all inclusive, sets out some types of gifts that are acceptable for school teachers to receive: 1) Fruit baskets, homemade cookies, etc. 2) Christmas ornaments of little intrinsic value. 3) Coffee mugs filled with candy or of a holiday nature. 4) Any item that the teacher may use to assist him/her in performing his or her functions as a teacher, such as notebooks, school supplies, etc. 5) CDs or books of a nominal value, scarves, etc....**It should be pointed out that gift cards may be given at any time, not just during the holidays, to teachers or to schools to allow the teacher or school to purchase items for the benefit of the class....Apparently in many school systems, it is common practice for the PTA or classroom mother to collect a small amount of money from each student and pool toward the purchase of one gift card... Allowing this would allow the class to give a little more substantial gift to the teacher, while maintaining the de minimis value of each specific contribution from the students...To allow this, however, the school board must have a policy setting this out. It should be noted that the school board cannot enact a policy that loosens up the Ethics Law. Any policy must, therefore, comply with the de minimis standard set out in the Ethics Law... In other words, the policy must be enacted in good faith, be reasonable and consistent with the Alabama Ethics Law.**”*

Act No. 2012-433 defines **DE MINIMUS**: “A value of 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...”