

CITY OF ABBEVILLE
ETHICS POLICY

All employees will comply with state law regarding the code of governmental ethics for public officers and employees. Subject to the exceptions provided in La. R.S. 42:1123, the prohibitions found in La. R.S. 42:1111-1121 apply to all public employees and municipal elected officials, including the following:

- **42:1111(A)**—*Receipt of a thing of economic value from a source other than the governmental entity for the performance of official duties and responsibilities.*
- **42:1111(C)(1)(a)**—*Receipt of a thing of economic value for the performance of a service substantially related to public duties or which draws on nonpublic information.*
- **42:1111(C)(2)(d)**—*Receipt of a thing of economic value by a public servant for services rendered to or for the following:*
 - *persons who have or are seeking to obtain a contractual or other business or financial relationship with the public servant's agency;*
 - *persons who are regulated by the public employee's agency; or*
 - *persons who have substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duties.*
 - *These same restrictions apply to the public servant's spouse and to any legal entity in which the public servant exercises control or owns an interest in excess of 25%.*
- **42:1115** – *Elected officials and public employees are prohibited from soliciting or accepting a gift from the following persons:*
 - (1) persons who have or are seeking to obtain a contractual or other business or financial relationship with the public servant's agency; or*
 - (2) persons who are seeking, for compensation, to influence the passage or defeat of legislation by the public servant's agency.*

Public employees, not elected officials, are also prohibited from soliciting or accepting a gift from the following persons:

(1) persons who conduct operations or activities regulated by the public employee's agency; or

(2) persons who have substantial economic interests which may be substantially affected by the performance or nonperformance of the public employee's official duties.

The prohibition against soliciting or accepting a gift from certain persons, extends to officers, directors, agents, or employees of such person.

NOTE: *The gift prohibition does not prohibit food or drink consumed as the personal guest of the person providing the food or drink, including reasonable transportation and entertainment incidental thereto. The person providing the food and drink may not provide a public servant more than \$61 of food and drink per single event. The \$61 limit does not apply to a gathering held in conjunction with a meeting of a national or regional organization or a statewide organization of government officials or employees, or to a public servant of a post-secondary education attending a private fundraiser for the post-secondary institution. The gift prohibition does not prohibit the receipt of promotional items having no substantial resale value (i.e.: cups, hats, or pens with a company's logo).*

- **42:1111(E)** - *Receipt of a thing of economic value for assisting someone with a transaction with the agency of the public servant.*
- **42:1112** - *Participation by a public servant in a transaction involving the governmental entity in which any of the following persons have a substantial economic interest:*
 - (1) the public servant;*
 - (2) any member of his immediate family;*
 - (3) any person in which he has an ownership interest that is greater than the interest of a general class;*
 - (4) any person of which he is an officer, director, trustee, partner, or employee;*
 - (5) any person with whom he is negotiating or has an arrangement concerning prospective employment;*
 - (6) any person who is indebted to him or is a party to an existing contract with him and by reason thereof is in a position to affect directly his economic interests.*

An elected official *may participate in the debate and discussion of a matter which could violate this provision, but only if he discloses the nature of the conflict on the record of his agency prior to his participation in the debate and discussion, and prior to any vote taken on the matter. The elected official is not allowed to vote on the matter, and he must recuse himself. R.S. 42:1120.*

Appointed members of boards and commissions *may recuse themselves to avoid a violation of Section 1112. Unlike elected officials, they may not participate in the debate or discussion of the matter. They must recuse themselves from all participation. R.S. 42:1112D.*

Other public employees who are not sole decision makers can be disqualified from transactions that would violate this prohibition. A mechanism for disqualification is found in the rules promulgated by the Board. R.S. 42:1112C.

- **42:1113(A)** – For public servants, other than legislators or appointed members of boards and commission, bidding on or entering into any contract, subcontract or other transaction under the supervision or jurisdiction of the public servant’s agency. This restriction also applies to the immediate family members of the public servant and to legal entities in which the public servant and/or his family members own an interest in excess of 25%.
 - 1113(B) - Appointed members of boards and commissions are not only prohibited from bidding on or entering into such contracts, subcontracts or transactions under the supervision or jurisdiction of their board, but also being “in any way interested” in them. Also, the restriction applies to their immediate family members and legal entities in which they or their immediate family members have a “substantial economic interest.”
 - 1113(C) – Legislators are prohibited from bidding on, entering into or being in any way interested in contract, subcontracts or other transactions that are under the supervision or jurisdiction of the legislative branch of government. This restriction also applies to the immediate family members of the legislator and to legal entities in which the legislator and/or his family members own an interest in excess of 25%.
 - 1113(D) - Additional prohibition applicable to legislators, certain executive branch officials, their spouses or legal entities in which either owns an interest in excess of 5% from entering into a contract with any branch, agency, department or institution 6 of state government, with a few exceptions.
- **42:1116** - A public servant’s use of the authority of his office to compel or coerce a person to provide himself or someone else with a thing of economic value that they are not entitled to by law or the use of the authority of his office to compel or coerce a person to engage in political activity. Also, a regulatory employee is prohibited from participating in any way in the sale of goods or services to persons regulated by his agency, if a member of his immediate family or if a business enterprise in which the regulatory employee or members of his immediate family own in excess of 25%, receives or will receive a thing of economic value by virtue of the sale.
- **42:1117** - It is prohibited for a public servant or other person to make a payment, give, loan, transfer, or deliver or offer to give, loan, transfer or deliver a thing of economic value to a public servant when the public servant is prohibited by the Ethics Code from receiving such a thing of economic value.

- **42:1119 - Nepotism**

(1) Members of the immediate family of an agency head may not be employed in the agency.

(2) Members of the immediate family of a member of a governing authority or the chief executive of a governmental entity may not be employed in the governmental entity. The term "governing authority" includes parish councils, police juries, school boards, town councils, boards of aldermen, etc.

(3) Note that the application of this restriction is not affected by whether the agency head, chief executive or governing authority member has authority over or actually participates in the hiring decision - such family members are simply ineligible for employment.

(4) Exceptions: (a) persons employed in violation of this rule continuously since April 1, 1980; (b) a person employed for one year prior to their family member becoming an agency head; (c) employment of a school teacher who is a member of the immediate family of the superintendent or a school board member as long as the family member is certified to teach or is temporarily authorized to teach while pursuing certification. Annual disclosure is required, and forms are available from the Ethics Administration Program office. If the required disclosure is not timely filed, a late fee assessment of \$50 per day, with a maximum penalty of \$1,500, may be imposed; (d) employment as a health care provider, of an immediate family member of a hospital service district board member or of a public trust authority board member, as long as the family member is a licensed physician, allied health professional, or a registered nurse. Annual disclosure is required, and forms are available from the Ethics Administration Program office. If the required disclosure is not timely filed, a late fee assessment of \$50 per day may be imposed, with a maximum penalty of \$1,500; or (e) persons employed as volunteer firefighters.

- **42:1121- Post Employment**

(1) During the two-year period following the termination of public service as an agency head or elected official, these individuals may not assist another for compensation, in a transaction, or in an appearance in connection with any transaction involving their former agency nor may they render any service on a contractual basis to or for their former agency. (2) During the two-year period following the termination of public service as a board or commission member, these individuals may not contract with, be employed in any capacity by, or be appointed to any position by that board or commission. The Board has interpreted "board or commission" to include a collective body that shares responsibility for its actions. This would include school boards, police juries, boards of aldermen, a group of selectmen, a council, etc.

(3) During the two year period following the termination of public service as a public employee, these individuals may not assist another for compensation, in a transaction, or in an appearance in connection with a transaction involving the agency in which the former public employee participated while employed by the agency nor may the former public employee provide on a contractual basis to his former public employer, any service he provided while employed there.

Existing employees will complete “Ethics for Public Servants” training, either in person or online, offered by the Louisiana Board of Ethics no later than December 15th of each year.

All employees, including elected officials, must turn in a signed copy of the ethics policy with their training certificates verifying that they read and understand the *City of Abbeville Ethics Policy*.

Each employee is responsible to report ethics violations.

Any person who wishes to make a complaint to the Louisiana Board of Ethics may do so by sending the complaint to: Louisiana Ethics Administration Program, P.O. Box 4368, Baton Rouge, LA, 70821 or call the Board office at (225) 219-5600

It is a violation of the Code for any public employee to be disciplined or otherwise subjected to acts of reprisal for reporting to his agency head, the Board, or any person of competent authority or jurisdiction, information which he reasonably believes is in violation of any law, order, rule, or regulation within the Board’s jurisdiction or any other alleged acts of impropriety within any governmental entity. A person who is a public employee because of a contractual arrangement with a governmental entity or agency, whose contract is wrongfully suspended, reduced, or terminated as an act of reprisal for reporting an alleged act of impropriety, shall be entitled to reinstatement of his contract and receipt of any lost compensation under the terms of the contract (R.S. 42:1169)