STATE OF ARKANSAS
Department of Finance and Administration

EMPLOYEE
Disclosure/Certification
and Employment of Family Members Form
August 2012
Executive Order 98–04

- Effective 1999
- Every finalist for a position must complete the Disclosure Form prior to offer of the position
  - This would include applicants for:
    - temporary
    - regular employment
    - student workers
    - faculty positions
    - Post Doc
  - Exception:
    - Residents
STATE OF ARKANSAS
Department of Finance and Administration

EMPLOYEE DISCLOSURE/CERTIFICATION AND EMPLOYMENT OF FAMILY MEMBERS FOR

This form is to be completed by all interviewed applicants for a position.

Definitions for the symbols in questions 1 – 9 below. Please read before continuing.

A  State Employee: any employee of any state agency employed in a regular salary position or extra-help position not to include contract labor.
B  Former: defined as within the last 24 months.
C  Constitutional Officer: Governor, Lt. Governor, Secretary of State, Attorney General, Auditor, Treasurer, Land Commissioner, General Assembly member.
D  General Assembly member: member of the Arkansas Senate or the Arkansas House of Representatives.
E  Relative includes: husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, sister, brother, stepsister, stepsbrother, half-brother, sister-in-law, brother-in-law, daughter, son, stepdaughter, stepson, daughter-in-law, son-in-law, aunt, uncle, first cousin, or nephew.
F  Public Official: constitutional officers; members of the Arkansas General Assembly; the executive head of any agency, department, board, commission, institution, bureau, or council of the state.
G  Agency or State Agency: every agency, board, commission, department, division, institution, and other office of state government located in the executive branch of government and under the control of the Governor.

1. ☐ Yes ☐ No Are you a current state employee? ▲
2. ☐ Yes ☐ No Are you a former state employee? ▲
3. ☐ Yes ☐ No Are you a current Constitutional Officer? ▲
3a. ☐ Yes ☐ No If “Yes”, were you employed prior to your election into office?
3b. ► If “Yes,” give date elected __________
4. ☐ Yes ☐ No Are you the spouse of a current Constitutional Officer? ▲
4a. ► If “Yes,” give spouse’s name ____________________________
    position/office ____________________________
4b. ☐ Yes ☐ No If “Yes”, is your expected salary above $37,649?
5. ☐ Yes ☐ No Are you the spouse of a former Constitutional Officer? ▲
5a. ► If “Yes,” give spouse’s name ____________________________
    position/office ____________________________
6. ☐ Yes ☐ No Are you or your spouse a former General Assembly member? ▲
6a. ► If “Yes,” give spouse’s name ____________________________
    position/office ____________________________
6b. ☐ Yes ☐ No If “Yes”, within the 24 months prior to your leaving office or your spouse leaving office, was the position which you are being considered created by legislative action, or if the maximum salary level increased more than 15%, was this authorized by legislative action?
7. ☐ Yes ☐ No Are you a relative of the Public Official in charge of the agency in which you are applying? ▲
7a. ► If “Yes,” give relative’s name ____________________________
    position/office ____________________________
8. ☐ Yes ☐ No Are you a relative of a state employee, state board or commission member or are you a relative (other than the spouse) of a Constitutional Officer or an Arkansas General Assembly member? ▲
8a. ► If “Yes,” give relative’s name ____________________________
    position/office ____________________________
9. ☐ Yes ☐ No If you checked “Yes” in #8 above, does this relative work within the state agency in which applying?
9a. ☐ Yes ☐ No If “Yes”, is the position for which you are applying in the direct line of supervision of your relative’s position be a supervisory employee of the relative.

I understand to be eligible for employment with the State of Arkansas, I must comply with Governor’s Executive Order 98-04, ACA §21-1-401 ACA §25-15-1001-1007. I also understand that as an employee of the State of Arkansas I am restricted from supervising or being supervised by a relative specifically under ACA §25-15-1002. If I am hired and it can be proven I falsely disclosed or failed to disclose information I could be denied, civil and/or administrative remedies. I assert that I have answered the above questions to the best of my knowledge.
STATE OF ARKANSAS
Department of Finance and Administration

EMPLOYEE DISCLOSURE/CERTIFICATION AND EMPLOYMENT OF FAMILY MEMBERS FOR

INSTRUCTIONS FOR HIRING OFFICIAL:

Please check each table below with the disclosure statement and proceed accordingly for the position finalist(s) prior offer.

### No Approval Required

<table>
<thead>
<tr>
<th>Question 1</th>
<th>Question 2</th>
<th>Answered “Yes”</th>
<th>Answered “No”</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 and/or 2</td>
<td>1-9a</td>
<td>Answered “Yes”</td>
<td>Answered “No”</td>
</tr>
</tbody>
</table>

*Hiring Official must complete information below and forward with hire packet to HR.

### Approval by HR Manager Only

<table>
<thead>
<tr>
<th>Question 4</th>
<th>Question 5</th>
<th>Question 6</th>
<th>Question 8</th>
<th>Question 9</th>
<th>Answered “Yes”</th>
<th>Answered “No”</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 and 4b</td>
<td>1</td>
<td>6b</td>
<td></td>
<td>9a</td>
<td>Answered “Yes”</td>
<td>Answered “No”</td>
</tr>
</tbody>
</table>

*Submit the form to your agency Human Resource Manager for approval with the hire packet.

### Approval by appropriate Legislative Branch and Governor

<table>
<thead>
<tr>
<th>Question 3</th>
<th>Question 4</th>
<th>Question 5</th>
<th>Answered “Yes”</th>
<th>Answered “No”</th>
</tr>
</thead>
<tbody>
<tr>
<td>3a</td>
<td>4b</td>
<td>1</td>
<td>Answered “Yes”</td>
<td>Answered “No”</td>
</tr>
</tbody>
</table>

*Submit the form to the Office of Personnel Management (OPM) for review and submission to the Governor, and if approved, to the Personnel Subcommittee.

### Cannot be Hired

<table>
<thead>
<tr>
<th>Question 3</th>
<th>Question 6</th>
<th>Question 7</th>
<th>Question 9</th>
<th>Answered “Yes”</th>
<th>Answered “No”</th>
</tr>
</thead>
<tbody>
<tr>
<td>3a</td>
<td>6b</td>
<td>7</td>
<td>9a</td>
<td>Answered “Yes”</td>
<td>Answered “No”</td>
</tr>
</tbody>
</table>

*The applicant cannot be hired if one or more of the items above apply.

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This form must be completed by the Hiring Official (Supervisor) for the position finalist(s) prior to a job offer.

<table>
<thead>
<tr>
<th>Agency/Institution</th>
<th>Hiring Official</th>
</tr>
</thead>
<tbody>
<tr>
<td>Position Applied for</td>
<td>Position #</td>
</tr>
</tbody>
</table>

I certify that the applicant meets the education and experience qualifications required to perform the duties of the position for which they are being considered.

<table>
<thead>
<tr>
<th>Signature of Agency/Institution Hiring Official</th>
<th>Date</th>
<th>Phone Number</th>
</tr>
</thead>
</table>

### Approval/Disapproval

<table>
<thead>
<tr>
<th>Approved</th>
<th>Disapproved</th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature of Agency/Institution Human Resource Manager</td>
<td>Agency Number</td>
</tr>
</tbody>
</table>
STATE OF ARKANSAS  
Department of Finance and Administration

Employee Disclosure Requirements/Restrictions Notice

Employee Disclosure Requirements Notice
Employees must report any benefit obtained from a state contract by a business in which the employee has a financial interest. Ark. Code Ann. § 19-11-708. The employee must report this benefit to the Director of the Department of Finance and Administration.

A state employee has a “financial interest” in a business if he/she:
- has received within the past year, or is presently or in the future entitled to receive, more than one thousand dollars ($1000) per year, as a result of ownership of any part of the business or any involvement in the business; or
- owns more than a five percent (5%) interest in the business; or
- holds a position in the business such as an officer, director, trustee, partner, employee, or the like, or holds any position of management.

Any employee who knows or should have known of such benefit and fails to report the benefit to the director is in breach of the ethical standards of Ark. Code Ann. § 19-11-706.

Employee Disclosure Restriction Notice
State employees are restricted from employment under certain conditions, both during the time they are employed by the state and after they leave state employment. Ark. Code Ann. § 19-11-709. These restrictions include:

- employment of a current state employee involved in procurement by any party contracting with the state;
- former employees from representing anyone other than the state under certain conditions in matters which the employee participated personally and substantially or which were within the former employee’s official responsibility;
- partners of a current or former state employee from representing anyone other than the state under certain conditions;
- selling to the state after termination of employment under certain conditions.

Any current or former state employee who violates any of these employment restrictions is in breach of the ethical standards of Ark. Code Ann. § 19-11-709.

Penalties for Non-Compliance with Ark. Code Ann. § 19-11-706 or § 19-11-709
In addition to civil and administrative remedies, Ark. Code Ann. § 19-11-712 allows the Director of the Department of Finance and Administration to impose against any employee who fails to comply with Ark. Code Ann. § 19-11-700 or § 19-11-709, after notice and an opportunity for a hearing, any one or more of the following:

- oral or written warnings or reprimands;
- forfeiture of pay without suspension;
- suspension with or without pay for specified periods of time; and
- termination of employment.

Pursuant to Arkansas Code Annotated § 19-11-702, any employee who shall knowingly violate either of these restrictions shall be guilty of a felony and upon conviction shall be fined in any sum not to exceed ten thousand dollars ($10,000) or shall be imprisoned not less than one (1) nor more than five (5) years, or shall be punished by both.

I certify that I have read this Notice and the Ark. Code Ann. §§ 19-11-706, 19-11-708, 19-11-709 and 19-11-712 on the reverse side. The Rule promulgated to enforce Executive Order 58-06 contain additional information regarding this reporting requirement at Section 13 & 14, posted by the agency in a conspicuous place. I understand that it is my responsibility to comply with the requirement to report as explained in Ark. Code Ann §§ 19-11-706 & 19-11-709, this Notice and the rule.

Agency Name

Name of Employee (Please Print)

Last 4 digits of Social Security Number or App Number

Signature of Employee

Date

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EXCERPTS FROM ARKANSAS CODE ANNOTATED §19-11-702. Penalties.

Any employee or nonemployee who shall knowingly violate any of the provisions of this subchapter shall be guilty of a felony and upon conviction shall be fined in any sum not to exceed ten thousand dollars ($10,000) or shall be imprisoned not less than one (1) nor more than five (5) years, or shall be punished by both.

19-11-708. Employee disclosure requirements.

(a) Disclosure of Benefit Received from Contract. Any employee who has or obtains any benefit from any state contract with a business in which the employee has a financial interest shall report such benefit to the Director of the Department of Finance and Administration. However, this section shall not apply to a contract with a business where the employee's interest in the business has been placed in a disclosed blind trust.

(b) Failure to Disclose Benefit Received. Any employee who knows or should have known of such benefit and fails to report the benefit to the director is in breach of the ethical standards of this section.

19-11-709. Restrictions on employment of present and former employees.

(a) Contemporaneous Employment Prohibited. It shall be a breach of ethical standards for any employee who is involved in procurement to become or be, while such an employee, the employee of any party contracting with the state agency by which the employee is employed.

(b) Restrictions on Former Employees in Matters Connected with Their Former Duties.

(1) Permanent Disqualification of Former Employee Personally Involved in a Particular Matter. It shall be a breach of ethical standards for any former employee knowingly to act as a principal or as an agent for anyone other than the state in connection with any:

(A) Judicial or other proceeding, application, request for a ruling, or other determination;

(B) Contract;

(C) Claim, or

(D) Charge or controversy in which the employee participated personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise while an employee, where the state is a party or has a direct and substantial interest.

(2) One-Year Representation Restriction Regarding Matters for Which a Former Employee Was Officially Responsible. It shall be a breach of ethical standards for any former employee, within one (1) year after cessation of the former employee's official responsibility in connection with any:

(A) Judicial or other proceeding, application, request for a ruling, or other determination;

(B) Contract;

(C) Claim, or

(D) Charge or controversy knowingly to act as a principal or as an agent for anyone other than the state in matters which were within the former employee's official responsibility, where the state is a party or has a direct or substantial interest.

(c) Disqualification of Partners.

(1) When Partner Is a State Employee. It shall be a breach of ethical standards for a person who is a partner of an employee knowingly to act as a principal or as an agent for anyone other than the state in connection with any:

(A) Judicial or other proceeding, application, request for a ruling, or other determination;

(B) Contract;

(C) Claim, or

(D) Charge or controversy in which the employee either participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, or which is the subject of the employee's official responsibility, where the state is a party or has a direct and substantial interest.

(2) When a Partner Is a Former State Employee. It shall be a breach of ethical standards for a partner of a former employee knowingly to act as a principal or as an agent for anyone other than the state where such former employee is barred under subsection (6) of this section.

(d) (1) Selling to State After Termination of Employment is Prohibited. It shall be a breach of ethical standards for any former employee, unless the former employee's last annual salary did not exceed ten thousand five hundred dollars ($10,500), to engage in selling or attempting to sell commodities or services to the state for one (1) year following the date employment ceased.

(2) The term "sell", as used in this subsection, means signing a bid, proposal, or contract; negotiating a contract; contacting any employee for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settling disputes concerning performance of a contract; or any other liaison activity with a view toward the ultimate consummation of a sale although the actual contract therefore is subsequently negotiated by another person.

(e) (1) This section is not intended to preclude a former employee from accepting employment with private industry solely because his employer is a contractor with this state.

(2) This section is not intended to preclude an employee, a former employee, or a partner of an employee or former employee from filing an action as a taxpayer for alleged violations of this subchapter.

19-11-712. Civil and administrative remedies against employees who breach ethical standards.

(a) Existing Remedies Not Impaired. Civil and administrative remedies against employees which are in existence on July 1, 1979, shall not be impaired.

(b) Supplemental Remedies. In addition to existing remedies for breach of the ethical standards of this subchapter, or regulations promulgated thereunder, the Director of the Department of Finance and Administration may impose any one (1) or more of the following:

(1) Oral or written warnings or reprimands;

(2) Forfeiture of pay without suspension;

(3) Suspension with or without pay for specified periods of time; &

(4) Termination of employment.

(c) Right to Recover from Employee Value Received in Breach of Ethical Standards. The value of anything received by an employee in breach of the ethical standards of this subchapter, or regulations promulgated thereunder, shall be recoverable by the state as provided in § 19-11-714, which refers to recovery of value transferred or received in breach of ethical standards.

(d) Due Process. Notice and an opportunity for a hearing shall be provided prior to imposition of any of the remedies set forth in subsection (b) of this section.
STATE OF ARKANSAS
Department of Finance and Administration

Employee Disclosure Requirements

In Compliance with Governor’s Executive Order 98-04
Arkansas Code Annotated § 19-11-706

Pursuant to Arkansas Code Annotated § 19-11-706, employees are required to disclose any benefit received from any state contract. Specifically:

(a) Any employee who has or obtains any benefit from any state contract with a business in which the employee has a financial interest shall report such benefit to the Director of the Department of Finance and Administration. However, this section shall not apply to a contract with a business where the employee’s interest in the business has been placed in a disclosed blind trust.

(b) Any employee who knows or should have known of such benefit and fails to report the benefit to the director is in breach of the ethical standards of this section.

This employee disclosure shall be made within 30 days after the employee has actual or constructive notice of a benefit received or to be received. Such disclosure shall be made by completing this Employee Disclosure Requirements form and forwarding this completed form to:

Director
Department of Finance and Administration
P. O. Box 3278
Little Rock, AR 72203-3278

__________________________
Employee Name:

__________________________
Agency Name/ Division where employed:

__________________________
Name of Person/Business involved with State Contract:

__________________________
Name of Government Body with which the Business has a Contract:

__________________________
Dollar Amount and Nature of Contract:

__________________________
Nature and extent of the benefit received or to be received:

__________________________

Employee’s Signature Date

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DISCLOSURE REQUIREMENTS

Governor's Executive Order 98-04, Governor's Policy Directive #8, and ACA §21-8-304 require that the following information be disclosed to be considered for employment with the State of Arkansas.

1. Are you one of the following:
   - current member of the AR General Assembly?
   - current constitutional officer?
   - current state employee?
   - former member of the AR General Assembly?
   - former constitutional officer?
   - former state employee?

2. Are any of your relatives one of the following: (Relative is defined as husband, wife, mother, father, stepmother, stepfather, mother-in-law, father-in-law, brother, sister, stepbrother, stepsister, half-brother, half-sister, brother-in-law, sister-in-law, daughter, son, stepsister, stepsister, daughter-in-law, son-in-law, uncle, aunt, first cousin, nephew, or niece)
   - current member of the AR General Assembly?
   - current constitutional officer?
   - current state employee?
   - former member of the AR General Assembly?
   - former constitutional officer?
   - former state employee?

3. None of the above applies.

4. Certain family or business relationships may prohibit an agency from hiring you. If any block is checked in #1 or #2 above, you will be required to disclose additional information if you are selected for interview to determine whether your employment would be prohibited or would require approval. I understand, should I become an employee of the State of Arkansas, that I may be reprimanded or terminated for failing to disclose the required information or disclosing incorrect information.

I understand that, should I become an employee of the State of Arkansas, I will be required to disclose any benefit obtained from a state contract by a business in which I have a financial interest, pursuant to ACA §19-11-708, and will be subject to civil, criminal, and/or administrative remedies if I fail to report such benefits.

I understand that, should I become an employee of the State of Arkansas, I will be restricted both during and after state employment from certain activities concerning procurement and selling to the state, pursuant to ACA §18-11-709, and will be subject to civil, criminal, and/or administrative remedies if I violate any of these restrictions.

I also understand that as an employee of the State of Arkansas I am restricted from supervising or being supervised by a relative. If I am hired and it can be proven that I falsely disclosed information in gaining employment that I could be subject to criminal or civil penalties under ACA § 25-16-1004 or § 25-16-1005.
1. Does each applicant have to do this form?

A. No. Only the person to whom the offer of employment is to be made, has to complete this form.

Residents are not required to complete the form because of the National Match program.
2. What is the expected turnaround time for forms requiring approval?

A. HR approval – if applicable – 1 to 2 business days.
Legislative approval – if applicable – could take 6–8 weeks.

3. Where do I send the completed form for the person I hire?

A. Send the completed form to slot 564 or AskHRRec@uams.edu
4. What must be attached to the appointment paperwork, if approved?

A. Nothing, because the form is required to be sent in before the offer of employment is made.

5. Does this include promotions, transfers, new hires and rehires?

A. Yes. If there was any kind of selection process the form must be completed, with the exception of residents.
6. Can we proceed with the hire as long as the HR or Legislative approvals are not required?

A. Yes

7. What happens when a current UAMS employee applies for a new UAMS position but answers to questions in a manner that makes them fall into the “Cannot Be Hired” category?

A. They cannot be hired for the new position.
8. Will the type of employee, mentioned in question 7, be able to stay in their current position or will the institution be required to terminate the employee?

A. This will be determined at the time of discovery.

9. Must those requiring HR or higher approval be approved prior to an offer being made or can an offer be made contingent upon approval?

A. All must be approved prior to the offer of employment.
10. Will this document be added to the online application to ensure it is completed as well as to ensure we are not scheduling interviews with individuals that we are unable to offer a job to?

A. Only a few questions will be placed on the application, however, that does not replace the need for the applicant, the hiring manager/supervisor and HR designee to complete the form at the time of the employment offer.
On the disclosure form make sure the following is done:

All questions are answered on page one and that the applicant signs page one

Page 2 or F–3/F–4 the hiring/official supervisor checks the appropriate box and initials and signs accordingly at the bottom of the page.

- Box one does not need OHR approval (Follow your dept/division protocol on form submission to OHR)

- Box two needs OHR approval if question 8 is marked yes. But if 8 is marked no then the form must be sent to the college, institute or division HR designee and approved prior to the employee starting.

- Box three needs to be sent to OHR and will be sent to OPM and the appropriate Legislative Branch

- Box four cannot be hired.
Make sure the hiring official/supervisor always initials to the right of the appropriate block and signs off on the bottom filling all the vacant spaces.

In the very bottom signature block, OHR will sign the form if it needs approval.

Page 3 or F–5/F–6 the “Employee Disclosure Requirements/Restrictions Notice” applicants needs to complete and sign the form.

Page 4 needs to only be read.

Page 5 or F–7 needs to be completed and signed by the applicant.
Page F–8 is a list of questions that will be placed on the application and requires no action.

Once completed make sure the four (4) pages requiring signatures are submitted to OHR.

The completed form can be sent to slot 564 or scanned to AskHRREC@uams.edu.

Currently there are three people who can approve the form Pam Anderson, Kim Finne and Becky Goins.

Make sure you follow all departmental and internal protocols for this form.

The non paid interns or medical students do not have to complete this form.

Foreign nationals must have this form completed at the departmental level then forwarded to OHR.
If you have any additional questions, please feel free to contact
Pam Anderson 501–686–7075
or
Kim Finne 501–603–1303