12. AGENCIES’ NOTIFICATION TO EMPLOYEES OF EMPLOYEE DISCLOSURE OF BENEFITS REQUIREMENTS

A. NOTICE TO EMPLOYEES. Each agency shall provide written notice to all fulltime and part-time employees of the Employee Disclosure Requirements contained in Ark. Code Ann. § 19-11-706, along with the civil and administrative remedies provided in Ark. Code Ann. §19-11-712, which may be imposed upon employees who breach these disclosure requirements, and the criminal penalties provided in Ark. Code Ann. § 19-11-702, upon conviction of a knowing violation of the disclosure requirements. The required Employee Disclosure Requirements/Restrictions Notice is located on Pages 28 and 29 of the Regulations.

B. DISCLOSURE OF BENEFIT RECEIVED FROM CONTRACT. All employees are required to report to the Director of the Department of Finance and Administration any benefit from any state contract with a business in which the employee has a financial interest, including:

(1) Ownership of any interest or involvement in any business relationship from which, or as a result of which, a person within the past year has received, or is presently in or the future entitled to receive, more than one thousand dollars ($1,000) per year, or its equivalent;

(2) Ownership of more than a five percent (5%) interest in any business or holding any position of management.

For purposes of the reporting requirements of this section, “Employee” and “State agency,” as defined in Ark. Code Ann. § 19-11-702, are defined as follows. “Employee” includes an individual drawing a salary from a state agency, whether elected or not, and any nonregistered individual performing personal services for any state agency. “State agency” includes any office, department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other establishment or official of the executive, judicial, or legislative branch of this state.

Reports shall be made in writing addressed to Director, Department of Finance and Administration, P. O. Box 3278, Little Rock, Arkansas 72203-3278. Reports shall be considered complete if made on the Employee Disclosure Requirements Form or if the report contains all of the information required on the Employee Disclosure Requirements Form. All reports made pursuant to this section by present state employees shall be transmitted to the Director no later than 30 days following the receipt of the benefit by the employee or employee provided, however, only one report is required for each contract pursuant to which a state employee is paid in installments, which report shall be transmitted no later than 30 days following the receipt of the first installment payment. All reports made pursuant to this section by a person who has a benefit from a state contract at the time that person becomes a state employee shall be transmitted to the Director no later than 30 days following the first day of state employment.

C. FAILURE TO DISCLOSE. If any agency determines that an employee knew or should have known of a benefit from any state contract with a business in which the employee has a financial interest, but such employee failed to disclose such benefit to the Director of the Department of Finance and Administration, the agency shall immediately report the violation to the Director of the Department of Finance and Administration.

D. REMEDIES AGAINST EMPLOYEES

(1) In addition to civil and administrative remedies, the Director of the Department of Finance and Administration may impose, after notice and an opportunity for a hearing, any one (1) or more of the following for failure of the employee to disclose:

(a) Oral or written warnings or reprimands;

(b) Forfeiture of pay without suspension;

(c) Suspension with or without pay for specified periods of time; and

(d) Termination of employment.

(2) The value of anything received by an employee in breach of these restrictions shall be recoverable by the State.

E. CRIMINAL PENALTIES

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

13. AGENCIES’ NOTIFICATION OF RESTRICTIONS ON EMPLOYMENT OF PRESENT AND FORMER EMPLOYEES

A. NOTICE TO EMPLOYEES. Each agency shall provide written notice to all full-time and part-time employees of the restrictions on employment of present and former employees contained in Ark. Code Ann. § 19-11-702, along with the civil and administrative remedies provided in Ark. Code Ann. §19-11-712, which may be imposed upon employees who breach these restrictions, and the criminal penalties provided in Ark. Code Ann. § 19-11-702, upon conviction of a knowing violation of the restrictions. The required Employee Disclosure Requirements/Restrictions Notice is located on Pages 28 and 29 of the Regulations.

(1) The Employee Disclosure Requirements/Restrictions Notice shall be considered to be part of the application, and the application shall be deemed incomplete until the acknowledgment is signed and returned by the applicant.

(2) Agencies shall maintain the employee’s acknowledgment of receipt of the Disclosure Requirements/Restrictions Notice in the employee’s personnel file.

(3) Agencies shall post a copy of Section 13 of the Regulations in a conspicuous place that is accessible to all employees, along with a sample reporting of benefits form (Employee Disclosure Requirements Form) and a notice that informs employees from whom in the agency they may obtain copies of the Employee Disclosure Requirements Form.

B. AGENCIES’ NOTIFICATION OF RESTRICTIONS ON EMPLOYMENT OF PRESENT AND FORMER EMPLOYEES

C. RESTRICTIONS ON FORMER EMPLOYEES IN MATTERS CONNECTED WITH THEIR FORMER DUTIES

(1) If any agency determines that an employee has violated these Employment Restrictions, such Agency shall immediately report to the Director of the Department of Finance and Administration any benefit from any state contract with a business in which the employee has a financial interest, including:

(a) Ownership of any interest or involvement in any business relationship from which, or as a result of which, a person within the past year has received, or is presently in or the future entitled to receive, more than one thousand dollars ($1,000) per year, or its equivalent;

(b) Ownership of more than a five percent (5%) interest in any business or holding any position of management.

For purposes of the reporting requirements of this section, “Employee” and “State agency,” as defined in Ark. Code Ann. § 19-11-702, are defined as follows. “Employee” includes an individual drawing a salary from a state agency, whether elected or not, and any nonregistered individual performing personal services for any state agency. “State agency” includes any office, department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other establishment or official of the executive, judicial, or legislative branch of this state.

Reports shall be made in writing addressed to Director, Department of Finance and Administration, P. O. Box 3278, Little Rock, Arkansas 72203-3278. Reports shall be considered complete if made on the Employee Disclosure Requirements Form or if the report contains all of the information required on the Employee Disclosure Requirements Form. All reports made pursuant to this section by present state employees shall be transmitted to the Director no later than 30 days following the receipt of the benefit by the employee or employee provided, however, only one report is required for each contract pursuant to which a state employee is paid in installments, which report shall be transmitted no later than 30 days following the receipt of the first installment payment. All reports made pursuant to this section by a person who has a benefit from a state contract at the time that person becomes a state employee shall be transmitted to the Director no later than 30 days following the first day of state employment.

C. FAILURE TO DISCLOSE. If any agency determines that an employee knew or should have known of a benefit from any state contract with a business in which the employee has a financial interest, but such employee failed to disclose such benefit to the Director of the Department of Finance and Administration, the agency shall immediately report the violation to the Director of the Department of Finance and Administration.

D. REMEDIES AGAINST EMPLOYEES

(1) In addition to civil and administrative remedies, the Director of the Department of Finance and Administration may impose, after notice and an opportunity for a hearing, any one (1) or more of the following for breach of the employment restrictions:

(a) Oral or written warnings or reprimands;

(b) Forfeiture of pay without suspension;

(c) Suspension with or without pay for specified periods of time; and

(d) Termination of employment.

(2) The value of anything received by an employee in breach of these restrictions shall be recoverable by the State.

E. CRIMINAL PENALTIES

Pursuant to Ark. Code Ann. § 19-11-702, any employee or non-employee who knowingly violates these employment 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 be imprisoned not less than one (1) nor more than five (5) years, or shall be punished by both.

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:

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. Such reports may be submitted by the finalist.

This employee disclosure form shall be maintained where the employee is employed.

Employee Name:

Employee’s Signature

Date

This Form May Be Obtained for the Purposes of Disclosure From:

LOCATION: