

SUBJECT: DEFINITION OF EXECUTIVE AND ADMINISTRATIVE PERSONNEL

SUMMARY:

For the purposes of the Ethics Reform Act, executive and administrative personnel is defined as individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibilities.

QUESTION:

The Attorney for Southern Bell has requested advice as to the definition of "executive and administrative personnel" as referred to in Section 8-13-1332(3).

DISCUSSION:

This opinion is rendered in response to a letter dated January 28, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Section 8-13-1332 provides in part as follows:

It is unlawful for:

* * *

(3) a corporation or committee of a corporation to solicit contributions to the corporation or committee from a person other than its shareholders, directors, executive or administrative personnel, and their families;

The phrase "executive or administrative personnel" is not defined in the Ethics Reform Act. The State Ethics Commission notes that Section 441b(b)(7) of the Federal Election Campaign Law defines executive or administrative personnel as:

(7) For purposes of this section, the term "executive or administrative personnel" means individuals employed by a corporation who are paid on a salary, rather than hourly, basis and who have policymaking, managerial, professional, or supervisory responsibilities.

The State Ethics Commission, therefore, advises that definition shall be utilized for the purposes of the Ethics Reform Act to define administrative and administrative personnel.