

Gifts and Honoraria

—Introduction—

Q. Why is there a law regarding gift-giving to City employees?

A. The law was written to prevent a public servant from:

- Using his or her office for private gain.
- Giving preferential treatment to any person or firm.
- Losing independence or impartiality in making official decisions.
- Even creating the appearance that any of the above have occurred.

Q. I heard that it's okay to take a gift valued at less than \$50. Is that true?

A. Yes, but only technically. The gift rule provides that no public servant may accept a valuable gift (i.e. one worth \$50 or more) from a person or firm doing business with the City. Accepting two or more gifts totaling \$50 or more that are given by the same person or firm within a twelve-month period also violates the gift rule. However, when a gift of *any* value is offered to you it may have some strings attached that are not immediately recognizable. Any gift may create an appearance of impropriety, and accepting a gift, no matter how innocently, may send the wrong signals to the gift-giver and in some cases may violate the law. Your agency may have stricter rules regarding gifts. Check with your agency's code of conduct or agency counsel to be sure.

—*Coworkers, Supervisors, and Gifts*—

Q. Is it okay to exchange gifts during holidays with my co-workers and my supervisor?

A. The short answer to this question is “yes, usually.” Gifts between people on the same level in the chain of command are almost always OK. It’s gifts between superiors and subordinates that can be a problem, especially when the receiver is a superior and the giver is a subordinate. A superior should not accept a gift of much more than token value from a subordinate. Accepting an expensive gift from a subordinate creates at least the appearance that the superior has misused his or her position.

—*Gifts to Your Agency*—

Q. With all the City budget problems, gifts from private companies to my agency would be helpful. Are they acceptable?

A. In certain cases an agency may accept such gifts from the private sector, but check with the Board first, in order to ensure that the acceptance of a gift does not create the appearance of favoritism or a *quid pro quo*.

—*Gratuities*—

Q. Sometimes I am offered a tip from firms I do business with as part of my City job. Is it a violation to accept such a gratuity?

A. Yes. Even if the tip is a small one and is given after your work with the firm is completed, it is a violation to accept any compensation or gratuity for performing any official duty from any person or firm other than the City.

—Meals—

Q. Does the Gift Rule cover a free meal or discounted meal at a restaurant?

A. A “free” meal is rarely just that, and meals are considered gifts. There may be exceptions, for example, where the meal is part of a function (e.g., a conference) where you represent the City. But check with the Board or your agency counsel.

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—Perishables—

Q. What if I get a gift from a vendor that deals with my City agency and, though I know I can’t keep keep the gift, it wouldn’t be practical to return it?

A. Some gifts, especially things like flowers or chocolate, don’t last very long, and may be impractical to return. Rather than returning this kind of gift you may usually accept it as a gift to the City, as long as it is made available for the enjoyment of everyone at the office. As with all gifts, items such as flowers and chocolates received from a vendor should be reported to your agency’s Inspector General.

—Plaques—

Q. I am being offered an award by a local good government group, in recognition of my accomplishments in public service. The good government group deals with the City on a pretty regular basis. May I accept it.

A. Yes. Public servants may accept such awards and plaques, provided they are of no substantial resale value, and are publicly presented.

—The Social Exception—

Q. What about accepting gifts from long-time friends who happen to be working for private companies that do business with the City? Can they continue to give me a gift on birthday? What if my friend has traditionally given me a birthday gift worth over \$50?

A. There is a narrow social exception to the Gifts Rule. In order for the exception to apply it's got to be crystal clear that the ONLY reason you are receiving the gift is because of a relationship you have with that person that **precedes** any City connection with him or her. This also means they are giving you something similar to what they have always given you.

If that old friend has a City matter on your desk, please be extra careful. In general, before accepting a gift from an old friend who had matters before your agency, you would want to make a quick confidential call to the Board for legal advice.

—Speaking Engagements—

Q. What about honoraria for speaking engagements?

A. Generally, City workers may not accept honoraria for speaking on topics related to their City jobs. Before accepting an honorarium for a speech, you should first check with the Board.

—Travel—

Q. As part of my City job, I have to travel to the offices of a firm with which my agency is doing business. The firm wants to pay for my plane fare and hotel. Is this a problem?

A. All travel arrangements such as these require prior approval from your agency head, and any meals accepted during the stay should be reported to your agency head. Of course, any approved trip must have a definite City purpose, such as evaluating supplies or equipment to be

purchased by the City. In addition, the airfare and accommodations must be reasonable and generally not luxurious. The trip should only last as long as it takes to conduct whatever business must be performed. A good rule of thumb is this: if you couldn't charge something to the City (like tickets to the theater), you may not accept it from the private firm.

FOR ADDITIONAL INFORMATION, CONTACT

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