



3-20 POLICY ON GIFTS

In accordance with the State Officials and Employees Ethics Act, no employee and no spouse of or immediate family member living with an employee shall solicit or accept any gift from any prohibited source which is otherwise prohibited by law or ordinance and no prohibited source shall intentionally offer or make a gift that violates this Act.

Gift means any gratuity, discount, entertainment, hospitality, loan, forbearance, or other tangible or intangible item having monetary value including, but not limited to cash, food and drink, honoraria for speaking engagements related to or attributable to government employment or the official position of the employee.

Prohibited source means any person or entity who is seeking official action, or does business or seeks to do business, or conducts activities regulated by an officer, and employee, or by the officer or another employee directing that employee; or has interests that may be substantially affected by the performance or non-performance of the official duties of the officer or the employee.

The exceptions to the Act are:

- (1) Opportunities, benefits, and services which are available on the same conditions as for the general public
- (2) Anything for which the employee or his or her spouse or immediate family member pays fair market value
- (3) Any contribution that is lawfully made under the Election Code or activities associated with a fundraising event in support of a political organization or candidate
- (4) Educational material and missions
- (5) Travel expenses for a meeting to discuss business
- (6) A gift from a relative, meaning those people related to the individual as father, mother, son, daughter, brother, sister, uncle, aunt, great aunt, great uncle, first cousin, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, and including the father, mother grandfather, or grandmother of the individual's spouse and the individual's fiancé or fiancé



(7) Anything provided by an individual on the basis of a personal friendship unless the recipient has reason to believe that, under the circumstances, the gift was provided because of the official position or employment of the recipient or his or her spouse or immediate family member and not because of the personal friendship. In determining whether a gift is provided on the basis of personal friendship, the recipient shall consider the circumstances under which the gift was offered, such as: (i) the history of the relationship between the individual giving the gift and the recipient of the gift, including any previous exchange of gifts between those individuals; (ii) whether to the actual knowledge of the recipient the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift; and (iii) whether to the actual knowledge of the recipient the individual who gave the gift also at the same time gave the same or similar gifts to other officers or employees, or their spouses or immediate family members.

(8) Food or refreshments not exceeding \$75 per person in value on a single calendar day; provided that the food or refreshments are (i) consumed on the premises from which they were purchased or prepared or (ii) catered. Catered means food or refreshments that are purchased ready to consume which are delivered by any means.

(9) Food, refreshments, lodging, transportation, and other benefits resulting from outside business or employment activities (or outside activities that are not connected to the official duties of the employee), if the benefits have not been offered or enhanced because of the official position or employment of the employee and are customarily provided to others in similar circumstances.

(10) Intra-governmental and inter-governmental gifts. Intra-governmental gift means any gift given to an employee from another officer or employee, and inter-governmental means any gift given to an employee by an officer or employee of another governmental entity.

(11) Bequests, inheritances, and other transfers at death.

(12) Any item or items from any one prohibited source during any calendar year having a cumulative total value of less than \$100. Each of the exceptions listed above is mutually exclusive and independent of every other.

In the event that someone offers an employee a gift as a result of his or her position, the employee should report it to the Executive Director. The Executive Director will determine whether the gift is in violation of the act. If so, the employee will be asked to take reasonable action to return a gift from the prohibited source or give the gift or an amount equal to its value to an appropriate charity that is exempt from income taxation under Section 501 (c)(3) of the Internal Revenue Code.



Retention of any gifts will be conditional upon approval of the Executive Director. Failure to properly report a gift, gratuity or reward may subject you to disciplinary action up to and including dismissal.

Adopted on:

Revised on: October 2021

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