

# THE ANNUAL GRUMPY-GRINCHY-SCROOGEY HOLIDAY GIFT REMINDER FROM THE BOARD OF ETHICS—2019 VERSION

It's that wonderful time of the year ... we know you've been waiting for this season, and for our annual holiday cheer message.

We are, as City government personnel, subject to restrictions on what gifts we can receive, whether during the annual holiday season, or any other time.

This brief guide explains them. Violations of these rules could lead to employment sanctions, removal from office, fines, and public shaming.

**No gift is worth that.**



Remember also to check your own department's or office's gift rules, because they may be stricter than those in the City's Governmental Ethics Ordinance. Ask your departmental ethics officer!



○ You can't solicit or accept any cash or gift card in any amount, unless it falls into one of the exceptions listed below.

○ You can't solicit or accept any single non-cash, non-gift card gift, or combination of gifts, worth more than \$50 from a single source in a calendar year, unless it falls into one of the exceptions below.

○ You can't accept any anonymous gift, unless it falls into one of the limited exceptions below.

○ You can't solicit or accept anything based on an understanding that your City decisions, actions or judgments will be affected by it—no exceptions to this rule at all.

○ You can't accept a complimentary invitation for a vendor's holiday party unless: i) you and your department head believe that your attendance is related to your City responsibilities; and ii) you report it to the Board of Ethics within 10 days. You can, of course, pay your own way. And we recommend that you do. You are not prohibited from socializing with vendors or others! [The law is strict but not ridiculous!]

○ These rules also apply to gifts offered to or accepted by your spouse or domestic partner, and immediate family members living in the same residence as you.

## **THE LIMITED EXCEPTIONS:**

You may solicit or accept:

- Gifts from your relatives, including cash or gift cards, in any amount;
- Gifts from a personal friend, unless you have reason to believe that your friend offered you the gifts because of your City position (we advise that “business friends” are not personal friends – a personal friend is someone you know independently of your City position);
- Anything for which you pay fair market value;
- Anything offered to members of the public on the same terms, like sales promotions or discount tickets;



- Gifts you accept on the City's behalf, but: i) you must report them in writing to us, the Board of Ethics, and to City Comptroller; and ii) they must be useable for City business purposes or displayed or put out for the public's enjoyment – like candy or Poinsettias; and
- Gifts offered to you or your family members because of your or their outside, non-City business, employment, or community activity.

**NOTE:** You won't violate the law if you promptly take reasonable action to return a prohibited gift or transfer any tangible or perishable gift to a tax-exempt charity.

## **GIFTS FROM OTHER CITY PERSONNEL, OFFICE PARTIES**

- ▶ City employees may give any gift to co-worker(s) at their level or at a lower pay rate.
- ▶ However, they may not give their official superior(s) any holiday gift other than a non-cash item or gift card worth \$10 or less
- ▶ City employees may not solicit co-workers for a holiday gift to any official superior.
- ▶ Gifts for “white elephant,” “Secret Santa,” or grab-bag parties must be worth \$10 or less and cannot be cash in any amount.
- ▶ Official superiors may never coerce their subordinates into giving or contributing to a gift.
- ▶ For in-office holiday parties, employees may contribute any amount toward food or drinks to be shared in the office among co-workers.



**NOTE:** “Official superior” means any other City employee(s), including your immediate supervisor(s), whose official responsibilities include directing or evaluating your performance—and the Mayor herself.

**REMEMBER:** The Board of Ethics can help you figure out whether a gift or specific party plan is acceptable.



Before accepting any gift, always consider not only whether the law allows you to keep it, but whether your acceptance may create the perception that your independent judgment or integrity could be compromised. When in doubt, just say “no thanks.”

*Please call The Board of Ethics in advance for confidential advice or guidance. There’s no such thing as a silly question. One of our attorneys will gladly advise you.*



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