

# ETHICS REMINDERS

## 'TIS THE SEASON TO... Remember the Gift Rules

As the holiday season gets underway, you may be wondering whether you can accept a gift or an invitation to a holiday party from one of your agency's vendors. The Public Officers Law and JCOPE regulations generally prohibit a State employee from accepting any gift (including things like money, services, travel, lodging, meals, refreshments, entertainment, or a discount) exceeding \$15 in value, where it would be reasonable to believe that the gift is intended to influence that employee's performance of their official duties, or to reward them for taking or withholding an official action. Several types of items are excluded from the definition of a gift and, therefore, can generally be accepted. Below you'll find some commonly asked questions and answers related to circumstances that may arise this holiday season.

### CAN I ACCEPT THE FOLLOWING GIFTS OR PARTY INVITATIONS FROM A VENDOR?

- **Promotional items with no substantial resale value – Yes**

Mugs, pens, paperweights, calendars, and other similar items that display an entity's name, logo, or message are examples of acceptable promotional items.

- **Party Invitations from an Interested Source – Most Likely No**

Most holiday party invitations from a vendor or other interested source would be considered an impermissible gift, especially if you do business with or regulate the entity as part of your official duties. However, you may be able to accept an invitation to a holiday party from a person or company that has dealings with your agency if the party is considered a "widely attended event," a "bona fide charitable event," or a "bona fide political event," terms that are described in JCOPE's gift regulations. Check with your Ethics Officer if you think the event may fit into one of these gift exclusions. The Comprehensive Ethics Training Course (CETC) is your primary training obligation and must be completed within two years of becoming an FDS filer. This course can be taken at your agency from your agency Ethics Officer, or you can register for a CETC course hosted by JCOPE. JCOPE currently provides the CETC online via WebEx.

- **Items worth more than \$15 (including fruit baskets and other perishable items) – No**

A perishable gift must be either returned to the sender, donated to charity, or placed in a common area of the office where it is available to all employees. Non-perishable gifts (including items like gift cards that have a discernable monetary value) must be returned to the sender. In either case, you should send a letter to the vendor explaining that conflict of interest rules prohibit the acceptance or receipt of gifts.

### CAN I JUST GIVE AWAY A GIFT THAT I'M NOT ALLOWED TO ACCEPT?

- **No.** With the sole exception of perishable items, such as food, which will spoil quickly and, therefore, may be donated to a charity or placed in a common area of the office for use by all employees, prohibited gifts cannot be regifted or donated by the recipient and must be returned to the sender.

While the rules above apply in most situations, there may be certain circumstances that warrant different results. Contact your Ethics Officer or JCOPE's Attorney of the Day to help you navigate these issues and other gift questions as they arise.

*The JCOPE Gift Regulations can be found on the JCOPE website at <https://jcope.ny.gov/>. From the homepage, select > Laws > Ethics Law and Regulations > 19 NYCRR Part 933 - Gift Regulations for Public Officers.*



The Joint Commission on Public Ethics periodically releases Ethics Reminders. Each reminder is a synopsis of the laws and rules under the Commission's jurisdiction. Ethics Reminders are issued to assist those who are subject to the Commission's jurisdiction in understanding and complying with their obligations under the law.