



To All County Officials and County Employees A 2020 Holiday Message about GIFTS



2020 has been a year unlike any other! There have been many firsts this year, and we have all adapted to new ways of making things work. A couple things which have not changed, though, are: one, the wonderful way that people love to celebrate the holidays through gift-giving and two, the County Ethics Code rules about gifts. And as a County official or employee, these rules apply to you, and you can inadvertently violate the Ethics Code -- even with the best of intentions -- by giving or receiving gifts, any time of the year.

Let's look at some real-life scenarios which may seem Code-compliant but may not be....

#1: Your co-worker gives you a \$5 Wawa gift card, to spread a little holiday joy.

#2: You work in a County office with, say, 10 people, and 4 of you each pitch in \$10 toward a \$40 holiday gift for your boss.

#3: A member of the public who comes to you for service because of what you do as a County employee gives you a gift basket of mini muffins, to show you their sincere gratitude to you this year for all of your help.

If you think that any of the above scenarios are ok, you need to quickly get some guidance from the Ethics Commission. Because #1 and #2 are Ethics Code violations and are never acceptable, and #3 is technically a Code violation but may be allowed in certain circumstances.

And what about documentation – do you know where your departmental gift log is and how to use it? Only the Ethics Commission has the authority to determine whether a gift is allowed under the Code. And figuring out how the Ethics Code handles gifts is complicated. Please read on for more information on gifts and gift logs....

**THE ETHICS CODE DISCOURAGES
ALL GIFTS
TO COUNTY OFFICIALS AND EMPLOYEES**

Why are gifts discouraged? Every government in the US grapples with the difficult issues surrounding gifts. Gifts muddy the waters when it comes to creating and maintaining the confidence of the public in government without favoritism. When County officials or employees are – or appear to be – influenced by those who give them things, people lose faith in the impartiality of their government. Do not let yourself be put in a potentially adverse situation; contact the Ethics Commission on how a gift should be handled, check with a supervisor, and document everything. And keep in mind that not all gifts, per the Ethics Code, are things which are wrapped in pretty paper and a bow. This time of year, most gifts are, but do not assume that something is not a gift just because it does not look like a present.



What to do about gifts:

1. Contact the Ethics Commission for advice so that you do not violate the Ethics Code.
2. Politely refuse the gift and explain that the County Code prohibits your acceptance of it.
3. If you are not there to refuse the gift, return the gift and then record the gift, and that you returned it, in your departmental gift log.
4. If, in the rare situation that returning the gift is not possible, donate the gift to charity and record that in your departmental gift log.
5. If your refusal of the gift would be so upsetting to the gift-giver that an interruption of County services would result, accept the gift but make it politely clear to the gift-giver that you cannot do this again because you are a County official/employee and acceptance of the gift may violate the Code, and log this in your departmental gift log.
6. If the gift is sent to the County at the end of a work period, and it is perishable, such that these factors make it impractical or overly burdensome to return it or to donate it, then place it in an area where the most people possible may take part in it and record it in your department gift log.
7. Attend the next training session offered on the Ethics Code to learn/review the rules on gifts.*

Gifts which are NEVER ok:



1. Cash or cash-like equivalents (gift cards, checks, securities) of ANY value whatsoever.
2. Anything given to you from County vendors, persons/companies who do business with the County, or persons/companies which are regulated by the County that is worth \$25 or more.
3. Gifts from people you supervise (unless it is a group gift where the contribution toward the gift was voluntary, under \$25 per person, and the gift is presented from the entire group supervised by that person with no disclosure of the names of individuals who did not contribute to the group gift.)

Gifts which MAY be ok:



1. Gifts with no marketable value.
2. Refreshments valued at \$25 or under per person which are volunteered by a County vendor or someone regulated by the County if they are offered at a time and place where your purchase of refreshments is not reasonably available.
3. Refreshments offered at a meeting of official business valued at \$25 or under per person which are offered to everyone at the meeting so that the work-related purpose of the meeting may reasonably continue.
4. Invitations or tickets to an event of a non-profit organization, civic or government group, which is open to the public and which is valued in excess of \$101.
5. Training expenses from a government body or an association of government bodies if your attendance is approved by your manager.
6. Gifts given to an official or employee by a government or an association of government bodies.
7. Gifts given publicly in honor of performance of public service and valued under \$50.

8. A gift given to your supervisor from a subordinate if presented on an infrequently occurring milestone.

9. A group gift to a supervisor where the contribution is voluntary and under \$25 per person and where the names of the individual donors is not revealed.

10. Gifts given to you under circumstances which clearly have nothing to do with County business, such as an engagement ring, or wedding or anniversary present.



Arm yourself with knowledge so that you do not get caught in an Ethics Code violation which could have been avoided. Contact the Ethics Commission as early as possible. The Commission is here to assist you. The Commission's website has helpful information. **The best way to contact the Commission is by contacting Ethics Counsel, Julie Sebring, Esquire, by email at jsebringec@comcast.net or by calling or texting at (302) 932-8719; or by emailing the Commission at ethics@comcast.net. All communications are confidential per the Ethics Code.**

**To learn more about the Ethics Code and how it applies to you, the Commission is offering Ethics Code training sessions for all County officials and County employees on:*

☞ *Wednesday, January 27, 2021, from 1 pm to 3 pm;*

☞ *Thursday, February 25, 2021 from 10 am to 12 pm; and*

☞ *Wednesday, March 24, 2021 from 1 pm to 3 pm.*

These training sessions are being held via Zoom. For all three sessions, the meeting ID is 302 932 8719 and the passcode is EthicsCode. Please contact Alison Lewis, the Commission's Confidential Assistant, at aglewis4@comcast.net with any questions.

Happy holidays!