

Holiday Gift Advice *from the New Castle County Ethics Commission¹*



It's that time again (already!?!?) – the time of year to share joy and happiness for holidays in December. Few things can spoil the holiday spirit, however, like a notice letter telling you that an Ethics Code complaint has been filed about you. To keep that from happening, read this memo carefully. And contact the Ethics Commission with any questions.

First, let's go through some gift scenarios. Are they ok per the Ethics Code?

#1: You work in a County office with 11 other people, and 5 of you each pitch in \$15 toward a \$75 holiday gift for your boss and you list only the names the people in your office who contributed toward the gift on the card.

#2: You regularly provide in-person service to members of the public, and one of the people you serve gives you a holiday cookies platter, to celebrate the holidays and to show you their sincere gratitude to you this year for all of your help.

#3: Your co-worker gives you a \$10 Royal Farms gift card, to spread a little holiday joy.

If you think that any of the above scenarios are ok, please think again. Because #1 and #3 are Ethics Code violations and are never acceptable, and #2 is technically a Code violation but may be allowed in certain circumstances. Get Ethics Commission guidance about gifts because the gift rules may not agree with what your gut tells you is right or wrong.



¹ Everything in this memo, and in the Ethics Code, applies to gifts all year-round....not just during the holidays.

THE ETHICS CODE DISCOURAGES ALL GIFTS TO COUNTY OFFICIALS AND EMPLOYEES

Why are gifts discouraged? Every government across the US grapples with what to do about gifts. Because most people enjoy giving and receiving gifts, including public officials and employees. But gifts can 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.* Don't let some gift situation place you in an Ethics Code dilemma. Believe me -- it's not worth it. If you find yourself in a gift situation, stop and think about whether placing your employment in jeopardy is worth it. Check with a supervisor, document it in the gift log, and check with the Ethics Commission (preferably before accepting the gift.) *Note: if you return a gift unopened/unused within 30 days of the documented receipt of the gift, then you never received that gift as far as the Ethics Code is concerned.* (This gives you some time to contact the Commission to get some advice.)

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 (yes, we really mean NEVER):



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 ncc.ethics@comcast.net. All communications are confidential per the Ethics Code.**

**Happy Holidays from the
New Castle County Ethics Commission!!!**