

ASK THE CITY ETHICIST

Gifts

By
Wayne Hawley

Question: *What are the rules about gifts to City employees?*

Answer: There are two important rules:

Rule 1. You may not take a tip or gratuity of **any value** for doing your City job.

Rule 2. You may not accept **any sort** of gift worth \$50.00 or more from any person or company doing business with any City agency. The \$50.00 amount is cumulative. This means that you may not accept over any 12-month period a series of gifts from the same source worth \$50.00 in total. So, five lunches worth \$10.00 each over a year's time, from the same City vendor, will violate the law. Also, be very careful even of taking gifts worth less than \$50.00 from a vendor you are personally dealing with in your City job. If there is any hint that you are getting the gift because of your work with the vendor, you could be in trouble.



Question: *OK, I understand those rules, but what about the flowers or chocolates that some vendors deliver to the office during the holidays?*

Answer: Where returning a gift is impractical, as it may be for perishable items, and where its value appears not to be excessive, you may accept it as a gift to the City, with two conditions:

1. The gift should be placed in a common area for everyone's enjoyment or consumption, and
2. You must notify agency leadership and the agency's inspector general. Also, if you get a gift from a vendor at home, even if it is just" flowers, watch out! This is not an innocent publicly offered gift. You should return it and should also immediately notify your supervisor and the Department of Investigation ("DOI").

Question: *Speaking of the holidays, how about gifts exchanged between co-workers?*

Answer: Token gifts are fine, like the \$5-\$10 holiday grab-bag or "Secret Santa." But watch out for larger gifts, especially between supervisors and subordinates. How "voluntary" is a \$75.00 scarf or necktie for the boss? What if I give the boss an expensive

tie, but you don't give the boss anything, and I am the one promoted? Supervisors should exercise caution before accepting a gift from a subordinate.

Question: *What about holiday parties? One of the firms that works with my City agency invites everyone in my office to its holiday party. It is a pretty nice event. I think it is important for me to attend.*

Answer: It may be important for you to attend, but that is not your call to make. In fact, if the party is worth \$50.00 or more per person (as most nice events will be), you will be in violation of the law if you attend, **unless** your agency head certifies in writing that it is in City's interest for you to be there. So, your Commissioner decides who from your agency, if anyone, should attend.

Question: *Are wedding gifts okay?*

Answer: Gifts that are customary on social occasions, such as weddings, are generally okay. This includes gifts between co-workers as well as gifts between City employees and friends who work at companies doing business with the City, so long as the gift is not significantly more extravagant than other gifts for that wedding. But if you are inviting your City subordinates or friends from a vendor to your wedding, the better practice may be to tell them "no gifts, please."

Question: *As part of my job, I need to travel to inspect the equipment that a vendor is trying to sell to my City agency. Can the vendor pay for my travel expenses?*

Answer: With the approval of your agency head, the vendor may pay for your reasonable travel expenses, that is, it can pay for expenses that the City would cover. This means flying coach, and standard business accommodations and meals, but no steak and scotch dinners or tickets to ballgames. It also means that, just like the City wouldn't, the vendor can't pay for you to spend a couple of extra days lying by the pool. If the City wouldn't pay for something, you can't take it from the vendor either.

Question: *What if I have any more questions about accepting a gift?*

Answer: If you have any doubt at all about accepting a gift, call the Conflicts of Interest Board at 212-442-1400 and ask for the attorney of the day. You can also email us through our website (<http://www.nyc.gov/ethics>) by clicking on "Contact COIB." All calls and emails are confidential, and you may contact us anonymously.

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