

Ethics lights the way  
to good government

# The Ethical Times

A Publication of the New York City Conflicts of Interest Board  
Clare Wiseman, Editor



## Ask the City Ethicist *Gifts*

by  
**Wayne G. 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. This means that a “thank you” gift from a member of the public in any amount cannot be accepted.

**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

**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:

The gift should be placed in a common area for everyone’s enjoyment or consumption, and you must notify agency leadership.

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. Supervisors should exercise caution before accepting any gift from a subordinate. Supervisors may accept only token holiday gifts from their subordinates. On special occasions, such as a wedding or the birth of a child, a supervisor may accept a gift from a subordinate that is of the type and value customary to the occasion.

**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 the 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 special occasions, such as weddings, are generally okay. This includes gifts among City employees, so long as the gift is not significantly more extravagant than a customary wedding gift. In contrast, wedding gifts from friends that work for City vendors are generally not permissible.

**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 prior to your travel, the vendor may pay for your reasonable

travel expenses, that is, it can pay for expenses that the City could cover. This means flying coach, and standard business accommodations and meals, but no steak-and-scotch dinners or tickets to ball-games. It also means that, just like the City won't, the vendor can't pay for you to spend a couple of extra days lying by the pool.

**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.

*Wayne G. Hawley is the  
General Counsel of the Conflicts of  
Interest Board.*

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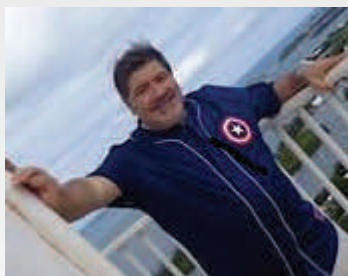
**Congratulations!** to the winner of the Conflict of Interest Board's November Public Service Puzzler contest:

**Louis La Porte**, a Computer Systems Manager M2 at the Department of Finance

Find out more about Mr. La Porte below.

### **November Puzzler Winner!**

*Louis La Porte*



**Q:** *What do you do in your job?*

**A:** Informatica Administrator for Department of Finance - CPRR.

**Q:** *How long have you been working for the City?*

**A:** Three years.

**Q:** *Name a special interest or hobby!*

**A:** Golf and Music (guitar player).

**Q:** *What's your favorite thing about City service?*

**A:** The people .



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