

ACCEPTING GIFTS, ENTERTAINMENT, 👉 MEALS, TIPS, AND TRAVEL 🗺️ 🍷

Every New York City public servant is subject to Chapter 68's **Valuable Gift Rule**. This means that, in general, you are not permitted to accept a gift worth \$50 or more (\$50 is the current definition of "valuable" for Chapter 68 purposes) from any person or firm that you know, or should know, does, or intends to do, business with the City.

Whose responsibility is it to find out if the person giving you a gift has or intends to do business with the City? Yours, although if the gift is being offered to you in connection with your City job, it's more likely than not that the giver has some sort of dealings with the City.

This rule is aggregate and cumulative, basically meaning that two or more gifts that individually are worth less than \$50 (such as a \$15 gift and a \$36 gift) would be counted together (as a gift valued at \$51) if you receive them within any twelve-month period from the same person, or relatives of the same person, or "affiliated" persons (like two employees of the same company).

When a City worker accepts a gift worth \$50 or more from someone who does business with the City, a conflicts of interest problem occurs. In some cases, it might even be a criminal violation. It doesn't matter whether the gift is in the form of money, a bottle of scotch, dinner at a local restaurant, tickets to a basketball game, a trip to Atlantic City, renovations on your house, or anything else.

THERE ARE SOME EXCEPTIONS



A gift customary on social occasions may be permitted as long as the reason for the gift is a close personal friendship that precedes any business relationship you have with the giver in question. It has to be clear, however, that the personal relationship is the motive for the gift. If the giver in question is an old friend, but now has matters directly under your consideration, the motive may not be so clear, and you may wish get an official opinion from the Board.

There are other exceptions to the Gift Rule, such as:

Plaques:

- Acceptance of awards and plaques presented in recognition of public service that have no substantial resale value.

Travel Expenses:

- Acceptance of travel-related expenses from a private entity as a gift to the City (rather than to you individually) when:
 - (1) the trip has been approved by your agency;
 - (2) the trip is for a City purpose and could therefore be paid for with City funds;
 - (3) the travel arrangements are appropriate for that purpose; and
 - (4) the trip is no longer than reasonably necessary to accomplish the business which is its purpose.

Example: You are sent by your agency to inspect equipment it is buying from a vendor in New Mexico. The vendor is paying for your flight and accommodations. As long as the trip is approved by your agency and is not longer or more extravagant than necessary (this means you fly coach, in case you're wondering), then this would be seen as an acceptable gift to the City, not to you. After all, if the vendor didn't pay for your ticket, the City would have to.

Tickets:

- It is okay with the City's Conflicts of Interest Law to accept a free ticket to:
 - (1) professional or educational programs as a guest of the sponsoring organization;
 - (2) ceremonies or functions sponsored or encouraged by the City as a matter of City policy;
 - (3) a public affair of an organization that is made up of representatives of business, labor, professions, or news media or organizations of a civic, charitable, or community nature as a guest of the sponsoring organization (unless it has a contract with your agency); or
 - (4) a function or occasion where your agency head has, in writing, approved your attendance as being in the interests of the City.

Example: You work at the Department of Cultural Affairs, in close contact with a number of theaters that receive money and materials from DCA. One of the theatres you work with is hosting a yearly gala event, where they will thank funders and show excerpts from a number of their projects. They have invited you to this gala. In this circumstance, if your agency head deems it in the City's interest to have you there as a DCA representative, in order to see how they have put DCA's assistance to use, this would be acceptable.

Exceptions of this nature are described in **Rules of the Board** available from the Conflicts of Interest Board. The Rules are also available on the Conflicts of Interest Board web site.

GIFTS BETWEEN TWO OR MORE PUBLIC SERVANTS

Since we're talking about gifts, you may be wondering about gifts within the office. Technically, the City's "Valuable Gifts Rule" only applies to gifts given to public servants by people who do business, or seek to do business with the City. There is no gifts-related rule that prohibits you from giving a valuable gift to, or receiving a valuable gift from, a colleague who is also a public servant. However, there are some things to think about if the gift-giving occurs between a superior and a subordinate, particularly if it is the subordinate giving a valuable gift to the superior. See our leaflet "Financial Relationships between Co-workers", or click [here](#) for a copy.

GIFTS VERSUS TIPS:

The conflicts of interest law prohibits you from accepting anything of value from anyone for performing your City job. This is what is referred to as an “illegal gratuity.” You are also not allowed to accept any gratuity from any person whose interests may be affected by your actions as a City employee. Even with the best of intentions, the acceptance of such gratuities creates an overall perception that a gratuity is **required** to obtain services that New Yorkers already pay for with their taxes. When it comes to tips there is **no** dollar amount that is permissible: not \$50, not \$5, not 50 cents.

In general, public servants should be careful of any offers of gifts or gratuities, as the person offering may be attempting a bribe. (A bribe is something offered to you with the understanding that it will influence your official conduct. Bribes are illegal whatever the amount offered.) You should immediately report the **offer** of a gratuity or gift or bribe to the Inspector General of your agency or to the Department of Investigation.

Example: A private resident has put his discarded couch on the curb for collection by the Sanitation Department. To show his appreciation for the Sanitation workers who collected his couch, he gives them each \$10. This is an illegal gratuity under the Conflicts of Interest Law.

“What about flowers or chocolates, or other perishables?”

Ah, yes, the holiday gifts, the cookies, the flowers, the coffee mugs. Let’s break that answer up into three parts on the next page:

(1): Things like chocolates, flowers, and the like, that come to you directly from someone as a result of you doing something in your official capacity for them.

These are gratuities, and are normally restricted by the Conflicts of Interest Law. However, small tokens of appreciation, which as a practical matter cannot be returned, may sometimes be accepted as a gift to the City and placed in a common area for everyone to enjoy. So, flowers or a box of chocolates from a senior citizen whom you helped may be accepted and enjoyed by the entire office. (This way it's not **you** who's accepted the token of appreciation, but rather your agency.) Other, more sizeable gratuities, such as a radio or a TV, and any money, must be returned, as they are typically more difficult to share, and the value of the gratuity and the problems their acceptance creates begins to trump the hassle of sending it back.

(2): Things that come to you from City vendors during the holidays or for your birthday, etc.

These normally would be considered gifts under the Conflicts of Interest Law, and hence the "Valuable Gifts" Rule would apply in these cases. These might include fruit baskets, flowers, and similar fare. These items, if they are not returned, should be treated as "gifts to the agency" and not to you personally. This means, as with part one above, that you keep them in the office and share them, avoiding the problem of wondering if the fruit basket is valued at \$42 or \$53.

(3): Promotional "schwag," like pens, mugs, pins, hats, etc.

Most of this stuff is of such trivial value, it is not worth mentioning, even in a "Valuable Gifts" context. However there are exceptions to everything: the pen that's made of gold, the hat that's made of fur, the mug that's signed by a sports star, etc. Normal promotional items, however, that are of no substantial resale value can usually be accepted and used.

Keep in mind, however, that even the unreturnable gifts, like flowers or edibles, should be reported to your agency's Inspector General (you probably don't have to

report promotional schwag, although you may wish to check with your Inspector General on this point, as agencies tend to differ on how to handle these kinds of items.)

As mentioned in the Introduction, your own agency may have rules that are stricter than Chapter 68's. For example, some agencies prohibit their employees from accepting **any** gifts from any firm that does business with that agency. Why? Each agency has a different business relationship with outside vendors, clients, and other City agencies, so employees in some agencies are more strictly regulated than in other agencies. Public servants must obey these stricter rules.