



## **HOLIDAY GREETINGS WITHOUT GIFTS**

Most people associate gift giving with goodwill, especially during the holiday season. However, public officials and employees may never accept gifts intended to influence their official actions or decisions. Gift regulations help government workers maintain their independence of judgment and treat all citizens impartially. Even lawful, well intentioned gifts can create an appearance of impropriety and contribute to the erosion of the public's trust.

Below are questions public employees frequently ask about accepting gifts. The Miami-Dade Conflict of Interest and Code of Ethics Ordinance applies to all county as well as municipal officials and employees. If you have additional concerns, please contact the Miami-Dade Commission on Ethics.

### **What is a gift?**

A gift is something of value that you've been given and haven't paid for.

### **What are some examples of gifts?**

In the office, gifts may include holiday baskets, flowers, or food trays. At conferences and meetings, gifts of travel, lodging, meals, beverages, or souvenirs may be offered. Tickets or passes to parks, sporting events, entertainment performances, and charitable galas are also gifts. Rebates or discounts may qualify as gifts, too, but not when the rebate or discount is made in the regular course of business to any member of the public.

### **As a County or municipal employee, may I accept a gift?**

You may *never* accept a gift intended to influence you in making an official decision or in taking an official action. You may *never* accept a tip or gratuity for performing your public duties. If a citizen is pleased with your service, the citizen may write a letter of commendation to your supervisor.

Even if no influence is intended, accepting a gift may create the appearance of impropriety.

### **What is the best way to prevent an appearance of impropriety regarding gifts?**

Many individuals and departments donate gifts they receive to nonprofit organizations and then send letters to the donors stating how they've disposed of the gifts.

### **May my department accept a holiday food basket intended to be shared?**

If the gift is sent with no intent to influence official actions, some departments allow food baskets to be shared among workers. Check first with your department supervisor to be sure that no specific restrictions apply to your department. Again, donating the gift to a charity is always a good option.

**Are any gifts absolutely not allowed?**

Yes, gifts from County vendors related to travel may not be accepted. This means that a County or municipal vendor may not pay for your transportation, lodging, meals, registration fees, or incidental expenses associated with travel. The prohibition does not apply to travel expenses paid by other governmental entities or by organizations that the government body has joined, if the travel is related to membership in the organization.

**Is the value of the gift important to know?**

Yes, gifts valued at more than \$100 must be disclosed on a gift disclosure form. The form can be found at [http://ethics.miamidade.gov/library/forms/gift\\_form.pdf](http://ethics.miamidade.gov/library/forms/gift_form.pdf)

**Are there any situations when a gift need not be reported, regardless of its value?**

Yes, the following is a list of gifts that are not required to be disclosed:

- Political contributions specifically authorized by state law
- Gifts from relatives or members of one's household
- Awards for professional or civic achievement
- Materials such as books, reports, periodicals, or pamphlets that are solely informational or promotional in nature
- Gifts solicited for use solely in conducting official County business

**May I ask for or accept a gift to be used solely by the County?**

Yes, you may ask for or accept gifts if they will be used solely for conducting official County business.

**As a public employee, may I ask for a gift to benefit a good cause?**

Only the mayor, commissioners or councilmembers and their respective staffs may solicit gifts on behalf of nonprofit organizations. The gift must be used solely by that organization and neither the elected official nor any member of his or her staff may receive any compensation as a result of the solicitation.