



Gifts and Honoraria

—Introduction—

Q. Why is there a law regarding gift-giving to City employees?

- A. The law was written to prevent a public servant from:**
- Using his or her office for private gain.
 - Giving preferential treatment to any person or firm.
 - Losing independence or impartiality in making official decisions.
 - Even creating the appearance that any of the above have occurred.

Q. I heard that it's okay to take a gift valued at less than \$50. Is that true?

- A. Yes, but only technically. The gift rule provides that no public servant may accept a valuable gift (i.e. one worth \$50 or more) from a person or firm doing business with the City. Accepting two or more gifts totaling \$50 or more that are given by the same person or firm within a twelve-month period also violates the gift rule. However, when a gift of *any* value is offered to you it may have some strings attached that are not immediately recognizable. Any gift may create an appearance of impropriety, and accepting a gift, no matter how innocently, may send the wrong signals to the gift-giver and in some cases may violate the law. Your agency may have stricter rules regarding gifts. Check with your agency's code of conduct or agency counsel to be sure.**

—Coworkers, Supervisors, and Gifts—

Q. Is it okay to exchange gifts during holidays with my co-workers and my supervisor?

- A. Gift giving among co-workers, during the holidays, for example, is fine but between superiors and subordinates it will be a problem unless the gifts are very inexpensive. And some agencies have even stricter rules.**

—Gifts to Your Agency—

Q. With my agency's budget restrictions gifts from private companies would be helpful. Are they acceptable?

A. In certain cases an agency may accept such gifts from the private sector, but check with the Board first, in order to ensure that the acceptance of a gift does not create the appearance of favoritism or a *quid pro quo*.

—Gratuities—

Q. Sometimes I am offered a tip from firms I do business with as part of my City job. Is it a violation to accept such a gratuity?

A. Yes. Even if the tip is a small one and is given after your work with the firm is completed, it is a violation to accept any compensation or gratuity for performing any official duty from any person or firm other than the City.

—Meals—

Q. Does the Gift Rule cover a free meal or discounted meal at a restaurant?

A. A "free" meal is rarely just that, and meals are considered gifts. There may be exceptions, for example, where the meal is part of a function (e.g., a conference) where you represent the City or is offered during a meeting you are attending for official reasons, particularly at an out-of-the-way location. But check with the Board or your agency counsel.

—Perishables—

Q. What if I get a gift from a vendor that deals with my City agency and, though I don't really feel I can keep the gift, it wouldn't be practical to return it?

A. Some gifts, especially things like flowers or chocolate, don't last very long, and may be impractical to return. Rather than returning this kind of gift you may usually accept it as a gift to the City, as long as it is made available for the enjoyment of everyone at the office. As with all gifts, items such as flowers and chocolates received from a vendor should be reported to your agency's Inspector General.

—The Social Exception—

Q. I will be getting married soon and will invite friends who work for various firms that do business with the City to my wedding. Can I accept gifts from them?

A. Customary gifts, for social occasions, such as a wedding, are generally okay. This goes for gifts between co-workers and between City employees and friends at firms doing business with the City. The gift must be a reasonable one and it must be clear that the reason for the gift is the friendship, and not the business relationship.

—Speaking Engagements—

Q. What about honoraria for speaking engagements?

A. Generally, City workers may accept honoraria for speaking engagements, but there are a few restrictions to keep in mind:

- The speaking engagement must not be done on City time
- While a City worker may be paid to speak about his or her general area of expertise, he or she may not be paid to teach his or her specific City job. In other words, while it would probably be OK for a DOE principal to give a speech about administering schools in general, she could not accept an honorarium to speak about the budgeting process at DOE schools. Call the Board's Legal Advice Unit if you have particular questions about this issue.
- City managers face additional restrictions in accepting honoraria, such as not accepting honoraria or expenses if it would appear that the organization would receive more favorable treatment as a result. Generally, a City manager should not accept requests for paid speaking engagements so often that he or she may be neglecting his or her official duties, and no honorarium should be accepted if a manager speaks to a group on a matter related to the operations of his or her agency.

—Travel—

Q. As part of my City job, I have to travel to the offices of a firm with which my agency is doing business. The firm wants to pay for my plane fare and hotel. Is this a problem?

- A. All travel arrangements such as these require prior approval from your agency head, and any meals accepted during the stay should be reported to your agency head. Of course, any approved trip must have a definite City purpose, such as evaluating supplies or equipment to be purchased by the City. In addition, the airfare and accommodations must be reasonable and generally not luxurious. The trip should only last as long as it takes to conduct whatever business must be performed. A good rule of thumb is this: if you couldn't charge something to the City (like tickets to the theater), you may not accept it from the private firm.

FOR ADDITIONAL INFORMATION, CONTACT

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