

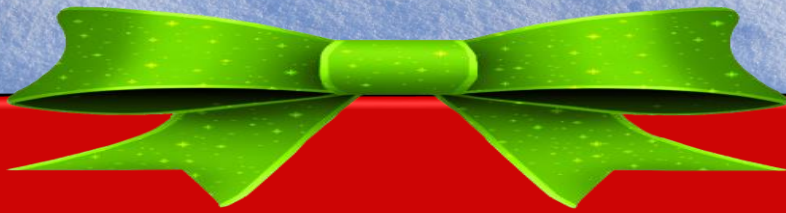
Code of Ethics: Gifts

Indiana Office of Inspector General

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Guidelines for the holiday season

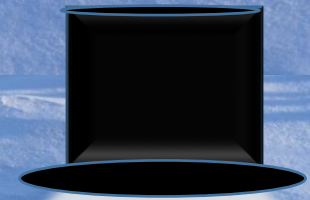
As the holiday season approaches, we thought a reminder about the Gifts and Donor restrictions rules would be helpful. Below are a few important points to keep in mind when considering accepting or giving gifts.



Gifts (42 IAC 1-5-1)

A state employee or special state appointee, or the spouse or unemancipated child of a state employee or special state appointee, shall not knowingly solicit, accept, or receive any: **gift, favor, service, entertainment, food, drink, travel expenses, or registration fees** from a person who:

- has a business relationship with the employee/appointee's agency; or
- is seeking to influence an action by the employee/appointee in his or her official capacity.



"Person" means an individual, proprietorship, partnership, unincorporated association, trust, business trust, group, limited liability company, or corporation, whether or not operated for profit, or a governmental agency or political subdivision.

Donor restrictions (42 IAC 1-5-2)

The donor restrictions rule prohibits a person who has a business relationship with an employee's or special state appointee's agency from providing any gifts, favors, services, entertainment, food, drink, travel expenses or registration fees to the employee if the employee would not be permitted to accept the item under 42 IAC 1-5-1.

"Business relationship" means the

- Dealings of a *person*
- Seeking, obtaining, establishing, maintaining or implementing:
 - A pecuniary interest in a contract or purchase; or
 - A license or permit requiring the exercise of judgment or discretion; or
- The relationship of a lobbyist, including an unregistered lobbyist

FAQs related to the Gifts rule

Can I accept a holiday gift from one of my agency's vendors?

No, unless the gift falls under one of the exceptions in the Gifts rule, you would be prohibited from accepting such a gift.

What should I do if a vendor sends food items or other perishable items to my office?

You should first attempt to return such items to the sender with a note of thanks, but clarifying that the State's ethics rules prohibit you from accepting such gifts and the donor restrictions rule prohibits them from offering these gifts to you. When it is not feasible to return the gift, we recommend you donate it to a charitable cause. As a last resort, if it is not feasible to return or donate the gift, it would be acceptable for the office to leave it in a common area for general consumption. However, you should send a note to the vendor reminding them about the gift and donor restrictions.

Can I give a holiday gift to a co-worker?

Yes, the Gifts rule prohibits accepting gifts from those who have a business relationship with your agency or who are otherwise attempting to influence you in your official duties; it does not restrict state employees/appointees from giving gifts.

Is it acceptable for members of our office to participate in a "Secret Santa" or similar gift exchange?

Yes, so long as employees refrain from using state resources or time while participating in the exchange (i.e. you cannot buy gifts on state time) or accept gifts from those who have a business relationship with their agency (including contractors). You may wish to confirm whether your agency has additional policies in place for these types of activities.

A vendor has invited me to their office holiday party at which food and drink will be provided. Can I attend and partake of the offerings?

No, you would not be able to accept food, drink, or entertainment from anyone who has a business relationship with your agency unless acceptance falls under one of the exceptions in 42 IAC 1-5-1 (b).


A vendor wants you to attend their year-end conference and offers to pay your registration fees and travel expenses so that you can do so at no cost to yourself or the State. Can you accept their offer to pay these expenses for you?


No, you would not be able to accept any registration fees or travel expenses from the vendor if they have a contract (business relationship) with your agency. You should consult your agency's Ethics Officer about the possibility of a gift waiver if attending the conference will be useful and beneficial to you as a state employee. There is also the possibility that the vendor could reimburse the State (through the Treasurer's Office, not your agency) directly. Again, it is recommended that you discuss such situations with your Ethics Officer. To ensure you are in compliance with all applicable rules and policies.


BOTTOM LINE

Before you accept a gift:

- ✓ Review the Code of Ethics, especially the rules above
- ✓ Check with your Ethics Officer regarding any applicable agency policies
- ✓ Request a confidential informal advisory opinion from the OIG if you have questions or concerns about how the rules would apply to your specific circumstances

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