

CITY of AUSTIN Administrative Bulletin

Title **Gifts or Favors: Acceptance and Solicitation;
Games of Chance**

Administrative Bulletin No. 14-03

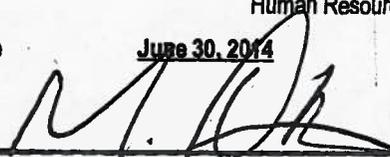
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Manager's
Approval



PURPOSE

This Bulletin defines the City's policy and procedures concerning acceptance or solicitation of Gifts or Favors by Employees.

POLICY

Recognizing the critical importance of public trust inherent in employment with the City, it is the policy of the City that:

- A. Employees cannot accept or solicit Gifts or Favors, and may not participate in Games of Chance, except as permitted by this Bulletin.
- B. Employees comply with all applicable federal, state, and municipal law requirements concerning receipt or Solicitation of Gifts and Favors.
- C. Employees in violation of this Bulletin may be subject to disciplinary action up to and including termination of employment.

DEFINITIONS

- A. **Business Purpose** means a reason or purpose related to the business or activities of the City.
- B. **City Manager** means the City Manager or designee.
- C. **Department Director** means the head of any established Department or Office of the City (or their designee), and includes the Deputy City Manager and Assistant City Managers.
- D. **Employee** for purposes of this Bulletin means all persons employed by the City.
- E. **Game of Chance** means any game or contest in which the outcome depends on chance, regardless of whether there is a cost to participate. Examples include raffles, lotteries, sports pools, all gambling games, or random drawings.
- F. **Gift** means any tangible thing of value, such as cash, negotiable instruments, gift cards, meals, lodging, trips, transportation, jewelry, merchandise, a loan or rebate of

funds, or the use of facilities or property. A Gift does not include any tangible thing of value received by an Employee under circumstances where there is no connection with the Employee's Job Duties.

- G. **Favor** means taking an action or refraining from taking an action in a manner advantageous to an Employee, such as waiving charges or fees, or providing non-public information an Employee could use for financial gain. A Favor does not include any action toward an Employee that is unrelated to the Employee's Job Duties.
- H. **Job Duties** means an Employee's job responsibilities and the tasks the employee performs in their job position.
- I. **Person** means an individual or organization.
- J. **Single Source** means the same Person, or different Persons acting on behalf of the same individual or organization.
- K. **Solicit and Solicitation** means any form of direct or indirect request for a Gift or Favor.
- L. **Ticket** means any complementary or discounted admission to an event or activity that is not a City-sponsored event or activity.

ROLES AND RESPONSIBILITIES

- A. **Department Directors** are responsible for administering this Bulletin within their Departments, including the establishment of appropriate controls which shall include procedures and communication to ensure that:
 - 1. Employees are aware of the requirements set out in this Bulletin and the procedures for accepting and soliciting Gifts, Favors, and the prohibition regarding Games of Chance;
 - 2. Supervisors actively monitor and manage Gifts, Favors, and the prohibition regarding Games of Chance involving Employees whom they supervise; and
 - 3. Violations, of the requirements set out in this Bulletin, are addressed through appropriate disciplinary action.
- B. **Employees** are responsible under this Bulletin for:
 - 1. Compliance with the City policies and the procedures as stated in this Bulletin.
 - 2. Reporting Gifts or Favors in accordance with the requirements of this Bulletin.
 - 3. Refraining from participating in Games of Chance.

CORRESPONDING PROCEDURES

The following procedures govern how the City policies in this Bulletin will be applied and administered:

- A. **Acceptance of Gifts and Favors – In General**
 - 1. Employees shall not accept Gifts of cash, negotiable instruments, gift cards, or other items that can be used to make purchases.
 - 2. Employees are prohibited from accepting any Gifts or Favors of any kind, if:
 - a. The Gift or Favor would reasonably tend to influence the employee in the discharge of official duties;
 - b. The employee knows or should know the gift or favor has been offered with the intent to influence or reward official conduct;
 - c. The Gifts or Favors from a Single Source during a 12-month period have an aggregate annual value of \$50.00 or more; or
 - d. The Gift or Favor is received in the form of cash or a negotiable instrument of any dollar value.
 - 3. Gifts or Favors from a Single Source during any 12-month period are considered together for purposes of Part 2 of this Section V, A, 2).

B. Conferences and Events / Awards

1. The provision of discounted or complimentary attendance, meals, or lodging at a conference or event to an Employee who is participating at that conference or event is not considered a Gift under this Bulletin.
2. Resource materials or other tangible items of value received by an Employee, who is attending a conference on behalf of the City, or at City expense, are the property of the City. Department Directors may determine the appropriate disposition of such items.
3. A professional award or recognition given to an Employee that does not result from a Game of Chance is the property of the Employee and is not considered a Gift under this Bulletin.

C. Games of Chance

1. An Employee who is representing the City at a conference or event, or is attending the conference or event at City expense, cannot accept a prize or award from a Game of Chance drawing associated with that conference or event.
2. Part 1 of this Section does not apply to prizes or awards received by an Employee that are associated with a City function or event. An Employee may accept prizes or awards associated with such events. (V. C. 1)

D. Solicitation and Acceptance of Tickets

1. Any Ticket received by an Employee as a result of their City employment is the property of the City, and shall be used in accordance with this Bulletin.
2. Employees are required to report all Tickets received to their immediate supervisors within two (2) business days of receipt. Failure to report the receipt of a Ticket may result in disciplinary action up to and including termination of employment.
3. Department Directors shall review the facts and circumstances concerning Tickets received by their Departments, and shall designate the appropriate disposition of the Tickets based on the standards in this Bulletin. Such designation may include attendance by Employees for whom the event is relevant to their job duties or use as part of the Department's Awards and Recognition program.
4. Department Directors may solicit tickets or discounted admissions to events if there is a Business Purpose for a City representative to attend the event, and may designate how such tickets may be used.
5. Department Directors should make every effort to include appropriate event admission in related city contracts to minimize the need to solicit or accept donated tickets.
6. Any solicitation and acceptance of tickets must also comply with Administrative Bulletin 07-08, "Acceptance and Use of Admission or Tickets."

E. Solicitation of Gifts and Favors by Employees

1. Employees can never solicit Gifts or Favors for their own benefit from a City vendor or any person regulated by the City, even if the Employee is not directly involved in the regulation of or a contract with the vendor or person solicited.
2. Department Directors may authorize the solicitation of Gifts or Favors by Employees on behalf of the City under the following conditions:
 - a. The solicitation must be for the benefit of the City only, and no Employee or other person shall receive any direct benefit from the solicitation; and
 - b. The Department Director shall provide the City Manager with assurance that the proposed solicitation will serve an important municipal purpose, and report to the City Manager on any matters that the Persons to be solicited have pending before the City; and
 - c. The City Manager or designee must approve the solicitation in writing.

3. Any Gift or Favor received by an Employee resulting from a solicitation on behalf of the City is the property of the City. Employees shall report all such Gifts or Favors received to their Department Director within two (2) business days of receipt. Department Directors shall promptly report to the City Manager all such Gifts or Favors received.
4. Gift or Favors received by the City from an authorized solicitation under this Bulletin shall be subject to the City's policies concerning inventory control, use of City property, disposal of surplus property, accounting, budgeting, appropriation, and cash handling.
5. Any solicitation of Gifts or Favors must also comply with Administrative Bulletin 07-06, "Solicitation of Gifts, Contributions, or Items of Value by City Employees."

F. Reporting of Gifts and Favors

1. Per City Code 2-7-72(G), employees are required to deliver a completed Notification of Receipt of Gift or Favor Form that reports the receipt of all Gifts or Favors and the receipt of any materials from a conference or event as described in Part B, to their immediate supervisors within two (2) business days of receipt.
2. Department Directors (or their designees) shall review the facts and circumstances concerning Gifts or Favors received by their Departments, and shall decide the appropriate disposition based on the standards in this Bulletin.
3. Failure to report a Gift may result in disciplinary action up to and including termination of employment.

ATTACHMENTS

Notification of Receipt of Gift or Favor Form

Corresponding Procedures and Policies

- City Code, Section 2-7-62 (G), Standards of Conduct
- City Code, Section 2-7-72 (I), Reports
- Personnel Policy, Solicitation and Acceptance of Gifts
- Personnel Policy, Use of City Resources
- Administrative Bulletin 92-02, Cash Handling Policy
- Administrative Bulletin 07-06, Solicitation of Gifts, Contributions, or items of Value by City of Austin Employees
- Acceptance and Use of Admission or Tickets, 07-08
- City Manager's Gift Memo, 12-04-02
- City and Departmental Controls
- Texas Penal Code, Chapters 36 (Bribery and Corrupt Influence) and 39 (Abuse of Office)