

**Subject:** GIFTS

**Date:** March 14, 2012

**Pages:** 1 of 2

**Replaces Policy Dated:** December 15, 1999

**PURPOSE:** To establish a policy that prohibits employees from accepting any gifts or favors that may lead toward favoritism or the appearance of favoritism. Similarly, Arizona law prohibits County employees and members of boards, committees and commissions from receiving anything of value or compensation other than their normal salary for any service rendered in connection with that person's duties with Pinal County (*A.R.S. §38-505*). As a general rule, an employee should refuse any gift or favor which may reasonably be interpreted to be offered in order to influence a County decision.

**STATEMENT OF POLICY:** County Elected Officials, officers, and employees must manage business and personal affairs so as to avoid situations that might lead to conflict, or the appearance of conflict, between self-interest and public duty.

**GIFTS:**

- a. No public employee shall accept any gift, directly or indirectly, if he or she knows or reasonably should have known that the gift was given with the intent to reward or influence him or her in the performance or nonperformance of his or her public duties.
- b. No public employee shall participate in the selection of a vendor or the approval of a contract if that employee has received a gift, directly or indirectly, from someone representing the vendor or a contracting party. Furthermore, no public servant shall participate in permitting or inspection decisions if that employee has received a gift from the permit or inspection applicant/potential recipient or the applicant/potential recipient's principal.
- c. No public employee, purchasing agent or any person acting on behalf of a public employee, individual or purchasing agent may knowingly accept, directly or indirectly, any gift from a political action committee or from a lobbyist who lobbies the reporting individual's or purchasing agent's agency. However, such a gift may be accepted on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.
- d. The following persons are prohibited from giving gifts to a public employee, purchasing agent or any person acting on behalf of a public employee or purchasing agent:
  1. A political action committee,
  2. A lobbyist who lobbies the public employee or purchasing agent's agency; and
  3. A partner, firm, employer or principal of a lobbyist or any person acting on behalf of a partner, firm, employer or principal of a lobbyist.
- e. Notwithstanding the provisions of this paragraph, a person otherwise prohibited under this paragraph from giving or receiving a gift may give a gift to a public employee or procurement employee, who may receive the same, if the gift is intended to be transferred to a government entity or a charitable organization.
- f. This section does not prohibit public employees from participating in fundraising activities for charitable purposes.

**GIFTS**  
**Page 2**

- g. The following language has been approved by the Board of Supervisors to be included in every contract or memorandum of understanding.

"It is improper for any employee to solicit or accept consideration in any form from a bidder/proposer/potential vendor with the implication, suggestion or statement that the consideration may secure more favorable treatment in the award of this contract/memorandum of agreement/understanding. A bidder/proposer/vendor shall not offer or give, either directly or through an intermediary, consideration in any form, to a county employee for the purpose of securing favorable treatment with respect to the award of a contract and shall immediately report any attempt by an employee to solicit improper consideration. Among other items, such improper consideration may take the form of cash, discounts, services, the provision of travel or entertainment, or tangible gifts."

**EXCEPTIONS**

The following are examples of gifts that are permissible:

- a. A personal gift from a friend or family member
- b. Winning or receiving a promotional gift from a community business, where the opportunity to win/receive the gift is open to the community in general.
- c. Items of nominal value, such as greeting cards, baseball caps, t-shirts, mugs or pens.
- d. Normal and customary hospitality in a social/professional setting, including food, beverages and/or entertainment under \$100 per event.
- e. Items or discounts given, or available to the public.
- f. Lawful campaign contributions.
- g. Honorary recognition plaques.

**COMPLAINTS**

Any complaint originating under this policy regarding an elected official shall be forwarded without comment or action to the appropriate state agency for such action as deemed necessary by that agency. Any complaint originating under this policy regarding any county employee or county managerial employee shall be referred to the agency that employs said employee for such action as deemed necessary by that agency and/or the County's Employee Fraud Hotline at 877-874-8416 (<https://pinalcounty.alertline.com>).