



BOARD OF ETHICS

PLAIN LANGUAGE GUIDE TO GIFTS, FAVORS AND TIPS

The holiday season is a time of giving. This plain language guide is offered to remind you of the rules that apply to gifts so that you may enjoy the holidays without the risk of unintended ethics violations. This plain language guide does not replace the applicable laws, portions of which follow. You can request confidential ethics advice or submit an ethics complaint on the Board of Ethics website: EthicsBoard@westchestercountyny.gov.

Rules for all County Officers and Employees, whether paid or unpaid:

- You may not accept any gift worth \$75 or more, and you may not accept multiple gifts during a 12 month period that have a combined value of \$75 or more, if it would appear that the gift was intended to either influence you in the performance of your official duties, or reward you for an official act.
- You may not accept a gift or tip of any value that is given as a reward for doing your job.
- You must comply with the gift policies adopted by your department, if any.

Exceptions:

- You may accept gifts from your family member or friend.
- You may accept customary gifts given on non-recurring special occasions, such as marriage, illness, or retirement, which are reasonable and customary;
- You may accept an award given by a charity.
- If you are authorized by law to perform wedding ceremonies, you may receive a gift in an amount authorized by the Code of Ethics for ceremonies performed off-site on your own time.

WESTCHESTER COUNTY CODE OF ETHICS

Section 883.214. Gifts, Tips and other Benefits.

- a. No County officer or employee shall solicit, accept or agree to accept any gift, tip or other benefit for having engaged in official conduct which he or she was required or authorized to perform, and for which he or she was not entitled to any special or additional compensation.
- b. No County officer or employee shall accept or receive any gift or other benefit, or multiple gifts or other benefits from the same donor in a twelve month period, having an aggregate value of seventy-five dollars or more when:
 - (1) the gift or other benefit would reasonably appear to be intended to influence the officer or employee in the exercise or performance of his or her official duties;
 - (2) the gift or other benefit would reasonably be expected to influence the officer or employee in the exercise or performance of his or her official duties; or
 - (3) the gift or other benefit would reasonably appear to be intended as a reward for any official action on the part of the officer or employee.
- c. For purposes of this Section, the terms “gift”, “tip” and “other benefit” include anything of value, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form. The value of a gift, tip or other benefit is its fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater.
- d. Notwithstanding the foregoing, this Section shall not prohibit:
 - (1) Gifts made to the County;
 - (2) Gifts from a person with a family or personal relationship with the officer or employee when it is reasonable to conclude that the personal relationship, rather than the recipient’s status as a County officer or employee, is the primary motivating factor for the gift;
 - (3) Gifts given on non-recurring special occasions, such as marriage, illness, or retirement, which are reasonable and customary;
 - (4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads, and calendars;
 - (5) Awards and plaques having a value of seventy-five dollars or less which are publicly presented in recognition of service as a County officer or employee, or other service to the community; or
 - (6) Incidental meals and refreshments provided when a county officer or employee is a speaker or participant at a job-related professional, charitable, educational, or community conference, program or event;
 - (7) Gifts or benefits having a value of one hundred (\$100.00) dollars or less that are received by a County officer or employee serving in a capacity listed in Section 11 of the Domestic Relations Law for the solemnization of a marriage by the officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.
 - (8) Contributions made in accordance with federal or state election law.

NYS GENERAL MUNICIPAL LAW

No County municipal officer or employee shall directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part.

Notwithstanding any statute, law or rule to the contrary, no public officer listed in section eleven of the domestic relations law shall be prohibited from accepting any fee or compensation having a value of one hundred dollars or less, whether in the form of money, property, services or entertainment, for the solemnization of a marriage by such public officer at a time and place other than the public officer's normal public place of business, during normal hours of business. For the purpose of this section, a town or village judge's normal hours of business shall mean those hours only which are officially scheduled by the court for the performing of the judicial function.

PENAL LAW

A public servant is guilty of receiving unlawful gratuities when he solicits, accepts or agrees to accept any benefit for having engaged in official conduct which he was required or authorized to perform, and for which he was not entitled to any special or additional compensation. Receiving unlawful gratuities is a class A misdemeanor.