

NEW CASTLE COUNTY

PERSONNEL POLICY

NUMBER 5.04

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DATE 08/27/07

SUBJECT: GIFTS AND GRATUITIES

APPROVED:



OBJECTIVE: To set forth the policy of New Castle County with respect to the acceptance of gifts and gratuities.

STATEMENT: New Castle County recognizes the responsibility imposed in the New Castle County Code for all County employees to disclose and to avoid any actual or potential conflict of interest and the appearance of impropriety in conducting the public business. Consistent with the New Castle County Code, Division 2.03.100, Code of Ethics (in its entirety), New Castle County hereby recognizes that all County employees or County officials shall abide by the Code of Ethics as adopted by New Castle County Council and approved by the County Executive.

Definition of Gift or Gratuity:

A gift is anything received without providing equal or greater value in return, with the exception of political contributions reported according to state law. Any gift of more than de minimus value accepted by a County official or employee, or by his or her spouse or dependent child because of the official or employee's holding public office or employment, must be promptly recorded in a public gift log as a recordable gift by the employee or official. Any gift of more than *negligible* value accepted by such persons from an entity regulated by or doing business with New Castle County (or reasonably foreseen to be doing so) must be approved in advance by the Ethics Commission and promptly recorded in a public gift log by the employee or official.

Definition of De Minimus Value and Negligible Value:

A de minimus value is defined as an economic consequence which has a cost or value less than fifty dollars (\$50.00). Negligible value is defined as having an economic consequence which has a cost or value less than twenty-five dollars (\$25.00).

Policy:

1. In accordance with the Code of Ethics, New Castle County discourages the acceptance of gifts from the public by County employees or County officials to avoid any actual or potential conflict of interest and appearance of impropriety in conducting the public business. Employees are to refer to the New Castle County Ethics Commission Summary of New Castle County Gift Law & Solicitation Rules brochure for details.
2. Regardless of value, any gift which creates an appearance that it is intended to or does influence the vote, official action, or judgment of an official or employee shall not be accepted.
3. No gift of cash shall be accepted.

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4. No gift shall be accepted as an incentive for or for performing official duty other than that described in the Code of Ethics.
5. When, according to the Code of Ethics or the Ethics Commission, it is permissible to accept a gift of greater than de minimus value, or greater than negligible value in the case of a donor regulated by or doing business with the County, the gift must promptly be recorded in a public gift log that is maintained in each Department. Employees should use the Personnel Policy 5.04 form (Receipt of Item/Benefit) to submit information to his or her general manager, row officer, or county official to be included in the public gift log. Questions regarding whether a gift is permissible under the Code of Ethics shall be decided by the New Castle County Ethics Commission.
6. Officials or employees in supervisory positions shall not accept gifts from individuals they supervise or from individuals in a lower pay scale other than on an infrequently occurring milestone occasion, such as birth, death in family, marriage, divorce, retirement or casualty. A *de minimis* hospitality gift may be accepted on social occasions held outside of the workplace. On any other occasion, receipt of gifts shall be limited to group gifts in which the amount contributed is both voluntary and of a *de minimis* amount per individual and the names of the individual donors shall not be disclosed. Gifts tendered and accepted under clear circumstances demonstrating relationships that exist apart from the employment relationship are an exception to this rule.
7. An authorized employee may solicit a contribution or donation for the benefit of the citizens of New Castle County, if the solicitation is made pursuant to a written solicitation policy approved by the County Executive for a County Special Event and pursuant to Administrative Policy 50 and the guidelines identified by the Ethics Commission.

REQUIRED ACTION: County employees and County officials shall be responsible for reading, knowing, and complying with the law and shall be required to attend training offered directly through the Ethics Commission. Department general managers, row officers, and employees shall be responsible for the implementation of and compliance with this policy. Any violation of the terms of this policy may result in disciplinary action as set forth in the County-wide discipline policy and the New Castle County Code.

Established: 12/04/98
Revised: 02/23/04
Revised: 08/27/07



NEW CASTLE COUNTY GOVERNMENT

PERSONNEL POLICY 5.04 FORM

(Receipt of Item/Benefit) – To Be Used for Public Gift Log

Name: _____

Department: _____

Position: _____

Today's Date: _____

Date/Time Item Received: _____

Item/Benefit Received: _____

Monetary Value or Other: _____

Place Received: _____

Name of Contributor: _____

Employer/Business: _____

Circumstance: _____

Others present: _____

Why should you accept this gift? _____

Signature

Date

Signature of Department General Manager or Row Officer

Date

NOTE: This form is to be permanently kept on file in the office of the department general manager or row officer and is subject to review by the Chief Administrative Officer or designee.