

# ETHICS REMINDERS

## *When exchanging holiday gifts at the office...* **Don't forget the Public Officers Law**

Are you planning to send office-wide emails asking for contributions for a holiday gift for your supervisor and for participants in a holiday grab bag for co-workers? You may be wondering if there are any ethics rules that prohibit gift-giving between co-workers.

Public Officers Law § 73(5) prohibits State officers and employees from soliciting, accepting, or receiving a gift valued at more than \$15, if it can be inferred by someone that the gift was intended to influence the recipient. While this law typically comes up when there are gifts between private parties and State officers and employees, the principles behind it can be applied to gifts between State employees as well; whether there is some “**intent to influence**” is the key factor here.

Gifts among employees—at the holidays or for a special life event—will generally be permissible. However, participation in gift-giving should be optional, with that option clearly communicated. That said, gifts between supervisors and employees should be examined carefully. For example, gifts from employees to supervisors could appear as attempts to create goodwill in order to earn favor in the future. At the same time, gifts *from* supervisors could be perceived as creating an obligation for the employee to respond in kind.

As these issues can be challenging to resolve on your own, don't forget that your agency's Ethics Officer or JCOPE's Attorney of the Day is available to guide you through these thorny issues as they arise. **Happy Holidays!**

**Call: 1-800-87-ETHICS (800-873-8442)**

**OR**

**Email: [legal@jcope.ny.gov](mailto:legal@jcope.ny.gov)**

*Press “2” for Attorney of the Day*

Violating Public Officers Law § 74 can result in a maximum fine of \$10,000 and the value of any gift, compensation, or benefit received in connection with that violation, and is punishable as a Class A misdemeanor. Violation of Public Officers Law § 73, can result in a maximum fine of \$40,000 and the value of any gift, compensation, or benefit received in connection with that violation, and is punishable as a Class A misdemeanor. Violation of Public Officers Law § 73-a can result in a maximum fine of \$40,000; punishable as a Class A misdemeanor.



The Joint Commission on Public Ethics periodically releases Ethics Reminders. Each reminder is a synopsis of the laws and rules under the Commission's jurisdiction. Ethics Reminders are issued to assist those who are subject to the Commission's jurisdiction in understanding and complying with their obligations under the law.