

**DEPARTMENT OF ADMINISTRATIVE SERVICES**  
**INTERNAL POLICIES AND PROCEDURES**

**Subject:** GRATUITIES, GIFTS AND SOLICITATIONS

**Date:** July 21, 2008

**Ref:** (a) Utah Code Title 67 Chapter 16, Public Officers' and Employees' Ethics  
(b) DHRM Rule Section R477-9-3, Conflict of Interest  
(c) Governor's Executive Order 2007-0001, Establishing an Ethics Policy for Executive Branch Agencies and Executive Branch Employees  
(d) Utah Code Title 63G Chapter 6, Utah Procurement Code – especially Section 63G-6-1001

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**Purpose:**

This policy provides guidance to employees in areas where there may be actual or potential conflicts of interest with the objective to preclude impropriety or the appearance of impropriety. Even a remote semblance of impropriety may be construed as an employee using their state position for private gain. While no policy can address every issue or concern, good judgment and openness in all dealings are the basic tenets that must be followed. Employees are instructed to consult with their division director to discuss situations not fully described in this policy.

**Policy:**

1. As per the provisions of Section 67-16-5, no employee within the Department of Administrative Services may knowingly receive, accept, take, seek, or solicit, directly or indirectly for themselves or another a gift of substantial value or of a substantial economic benefit tantamount to a gift if:
  - a. it tends to influence the employee in the discharge of official duties; or
  - b. the employee has recently been, or is now, or in the near future may be involved in a governmental action directly affecting the donor or lender, unless a disclosure of the gift, compensation, or loan and other relevant information has been made in the manner provided in Section 67-16-6.
2. The requirements identified in this law do not apply to the following:
  - a. an occasional non-pecuniary gift, having a value not in excess of \$50;

- b. an award publicly presented in recognition of public services;
  - c. any bona fide loan made in the ordinary course of business by an institution authorized by the laws of this state or any other state to engage in making such loans; or
  - d. a political campaign contribution if the contribution is actually used in a political campaign of the recipient public officer or public employee.
3. Section 67-16-6 states that no public officer or public employee shall receive or agree to receive compensation for assisting any person or business entity in any transaction involving an agency unless the public officer or public employee files with the head of his own agency, the head of the agency with which the transaction is being conducted, and the State Attorney General a sworn written statement giving the following information:
- a. the name and address of the public officer or public employee involved;
  - b. the name of the public officer=s or public employee=s agency;
  - c. the name and address of the person or business entity being or to be so assisted;
  - d. a brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

This statement shall be filed within ten days after the date of any agreement between the public officer or public employee and the person or business entity being assisted or the receipt of compensation, whichever is earlier. The statement is public information and shall be available for examination by the public. The filing of the statement is for public notice only and does not authorize, justify or condone conflicts of interest.

4. DHRM Rule Section R477-9-3 provides general amplifying guidance. The provisions of those paragraphs are reprinted below:

R477-9-3 (2). An employee shall not use their position or any influence, power, authority or confidential information they receive in that position, or state time, equipment, property, or supplies for private gain;

R477-9-3 (3). An employee shall not receive outside compensation for performing state duties, except for the following;

- a. Gifts or compensation defined in the Governor's Executive Order on ethics dated February 14, 2007; or

- b. Honoraria or expenses paid for papers, speeches, or appearances on an employee ' s own time with the approval of agency management, which are not compensated by the state or prohibited by rule.
5. In addition to the requirements of the preceding paragraphs, the following additional guidance is provided:
- a. employees within the Department of Administrative Services shall notify their division director of any offered gratuity or the acceptance of any infrequent gift as authorized by paragraph 2(a) of this policy. Employees receiving social amenities, ceremonial gifts, or insubstantial advertising gifts do not need to notify their division directors;
  - b. an employee that is now, or in the near future is likely to be involved in any procurement or other governmental action directly affecting the donor or lender, shall not accept a gratuity of any type;
  - c. when offered gratuities including travel in addition to other items, the state shall normally pay the travel expenses (e.g., a vendor offering to host one or more employees to an out-of-state products show at no cost to the state);
  - d. employees must take leave to participate in any vendor-sponsored, non-work-related activity such as a golf tournament; however, activities must comply with the provisions of this policy, (i.e. value cannot exceed \$50);
  - e. unless granted authorization by the executive director or the executive director's designee, employees shall not solicit gifts or donations of any type or value from any source for any occasion e.g. division parties and award ceremonies;
  - f. employees may not accept the offering of materials or services at a reduced price, offer to provide employment to friends or family members outside normal hiring practices, or accept any other consideration that may be construed as placing the employee in a position of indebtedness or obligation to persons or companies doing business with the Department.
6. Employees who are governed by more stringent standards as defined in law or division policy, such as the Procurement Code (Utah Code Section 63G-6-1001), shall abide by the more stringent standard.
7. In order to avoid any appearance of impropriety, directors, at their discretion, may place additional limits on gifts and gratuities that may be accepted.