



## WEST VIRGINIA ETHICS COMMISSION GUIDELINE

### ***RETIREMENT GIFTS AND EVENTS***

These guidelines are intended to identify situations where, consistent with the Ethics Act's limitations on soliciting and accepting gifts, retiring or departing public servants may be given appropriate recognition for their dedicated government service. The term "public servant" includes all public employees, elected public officials and appointed public officials, whether full-time or part-time, who serve in state, county or municipal government. These guidelines apply to public servants who are retiring from public service, transferring to another public agency, resigning to return to the private sector, or completing their last term of office.

Events recognizing the retirement or departure of a public servant may include some form of gathering, which may or may not include food and beverages, where a gift or memento of government service is presented to the public servant, his or her spouse and/or his or her dependent(s).

### **DEPARTING GIFTS FROM CO-WORKERS**

**GENERAL RULE:** Gifts from co-workers and subordinates voluntarily given upon a public servant's departure due to retirement, transfer, resignation or completion of their term of office may be accepted.

The Ethics Act allows public servants to accept gifts which are purely private and personal in nature. Retirement gifts from co-workers and other public servants are considered private and personal, provided certain requirements are met:

- (1) A public servant may **never** solicit a gift from which he or she may personally benefit.
- (2) A public servant may **never** coerce a gift or contribution for a retirement gift.
- (3) Supervisors should not solicit their subordinates for a contribution for a retirement gift for another and may **never** solicit a retirement gift for themselves.

- (4) Any effort to collect contributions for a departure gift will be limited to asking for a maximum contribution of \$5 per person. (Employees are free to contribute more or less, if they choose to do so.)
- (5) No retirement gift may exceed a fair market value of \$1000. This limit may be exceeded if a decision is made to make a donation to a qualified organization under Section 501(c)(3) of the federal Internal Revenue Service Code, instead of a tangible gift to the departing public servant.
- (6) Requests for contributions should be disseminated in a general announcement to all employees using such methods as an internal memo, E-mail, bulletin board notice or staff meeting announcement. Any such announcement should clearly convey that participation is voluntary, free of any coercion, and that employees may contribute less than the recommended amount, or nothing at all. Reasonable reminders are permissible. Supervisors should not sign or distribute these announcements to their subordinates. This does not prohibit supervisors from otherwise participating in the planning and execution of a farewell activity.
- (7) Information regarding the identity of the persons who contributed or the amount contributed by any individual should be limited to the individuals planning and coordinating the event. Neither the identity nor amount of contributions from any particular person may be disclosed to the recipient or to others who are not directly involved in arranging the event. The recipient may **never** participate in collecting donations for his or her retirement gift or event.

### **DEPARTING GIFTS FROM INTERESTED PERSONS**

**GENERAL RULE:** The limitations in the Ethics Act on gifts from interested persons also apply to retirement gifts.

During a person's term of public service, a public servant may not accept a gift from a vendor, lobbyist, or regulated person or business which has a fair market value greater than \$25. These interested parties may not be solicited to contribute to a gift for a departing public servant. If an interested party wishes to make a voluntary contribution to a farewell gift, they may do so, provided the amount contributed by any one interested party is not more than \$25. Any "anonymous" gifts should be rejected or donated to charity where the donor cannot be identified.

## **HOSTING EVENTS TO RECOGNIZE A DEPARTING PUBLIC SERVANT**

**GENERAL RULE:** A departing public servant may attend a ceremony or party hosted or sponsored by other public servants or interested persons.

The Ethics Act permits public servants to accept meals and beverages even when such gifts come from interested persons such as lobbyists, vendors, regulated persons and subordinate employees. Nonetheless, consistent with the requirements of the Ethics Act, these limitations apply:

- (1) Public servants may **never** solicit a contribution to underwrite their own farewell event.
- (2) Public servants may extend a general invitation to interested parties but may **never** coerce a contribution to or participation in an event in their honor or in honor of another departing public servant.
- (3) Public servants should not ask an interested party to sponsor a departure event, or any portion of such an event.
- (4) Supervisors should not solicit their subordinates or any interested persons for contributions to underwrite the expenses of a departure event.
- (5) Public servants and other interested persons may contribute any amount to food and beverages to be consumed by those attending an event, including entertainment incidental to the event. (Note that under current rules, alcohol is not permitted on State premises and State employees may not consume alcohol while on duty.)
- (6) Information regarding those persons who contributed to the event should be limited to the individuals planning and coordinating the event. Neither the identity nor the amount of contributions from an interested person may be disclosed to the departing public servant.

Should interested persons learn of the impending departure of the recipient and express an interest in contributing to a farewell party, their participation is allowed, subject to the following limitation: An interested person should be excluded from participation if that person has a matter pending before the public entity at the time of the event or planning thereof. Further, the interested person must comply with other rules governing gift giving under the Ethics Act, any more specific rules adopted by the recipient's agency and lobbyist registration and reporting requirements.

## **USE OF PUBLIC RESOURCES FOR A RETIREMENT GIFT/PARTY**

**GENERAL RULE:** The Ethics Act permits public servants to use public resources in the performance of usual and customary duties associated with an office. A limited use of public resources to honor the departure of a dedicated public servant is acceptable under this standard, provided the following limitations are followed:

- (1) Recognition ceremonies may be conducted on government premises or at an off-site location. Absent specific legislative authority, public funds may not be used to underwrite any rental or related fees associated with an event which is held at an off-site location.
- (2) The head of an agency or governing body may authorize the purchase of a plaque or other commemorative item for a public servant who is retiring from public service. The amount of such plaque or other similar item may not exceed \$100.00. This guidance recognizes a spending threshold which the Ethics Commission has determined to be acceptable under the general limitations in the Ethics Act against use of public office for private gain. This guidance does not establish or confer any employee benefit. The head of an agency or its governing body must determine whether any such expenditure is consistent with fiscal responsibility and whether appropriated funds are authorized for this purpose.
- (3) Consistent with applicable law and agency policy, any recognition ceremonies that are conducted during an agency's normal working hours should be limited in duration so that an employee who wishes to participate may do so during his or her lunch period or scheduled break time.
- (4) Absent specific legislative authority, an agency may not spend public funds to pay for meals, food or beverages at an event recognizing a departing public servant. Any meals, food or beverages must be purchased using private funds collected in accordance with these guidelines.
- (5) Subject to appropriate supervisory approval, employees and public officials may plan an event, solicit contributions for a gift and/or meals, and prepare and send invitations to an event in accordance with these guidelines while on their public employer's time. Any such activities must be of limited duration and may not negatively impact the mission of the public agency.

***This information is intended to be a general guideline for the interpretation and application of the Ethics Act. Public agencies, including county and municipal entities, are free to adopt more restrictive guidelines.***

**See the Ethics Commission's Gift Guidelines on the web at [www.wvethicscommission.org](http://www.wvethicscommission.org) for additional guidance on soliciting and accepting gifts, or call the West Virginia Ethics Commission for more information at (304) 558-0664 or toll free 1-866-558-0664.**