

November 8, 2005

By Electronic & Interoffice Mail

Re: IO-05-68

You inquired whether the employees in your office may hold a baby shower for one of their supervisors, and if they may, what constraints the ethics law would impose upon the gifts that may be given. The answer is that the employees may have a baby shower and they may give gifts to their supervisor, and further, that the party may be held in the conference room of the agency.

Under the ethics law, an employee may not solicit any gift. § 5-106(a)(1). This provision does not mean that employees may not give gifts, but it does mean that an employee may not be coerced into giving a gift, or making a donation toward a gift. Employees may be invited to contribute toward a gift, but they must also be told that giving is not compulsory. A card that accompanies a group gift should identify the donors as a group, and not by individual names, unless everybody donates voluntarily. Employees may be asked to contribute a reasonable amount for food and beverages to be served at the party, if the employee plans to attend, but again, an employee should not be coerced into contributing toward a party that the employee may reasonably feel obligated to attend.

Supervisors are limited in accepting gifts from individual employees to gifts of nominal value- \$25 or less per gift. While this rule may seem unnecessarily harsh, it is grounded on the principal that employees may seek or expect favored treatment from a supervisor if the gift is generous. Also, a supervisor may feel awkward about accepting valuable gifts from people under his or her supervision. If the employees contribute toward one gift, the contributions of each employee should not exceed \$25 per person, and each employee should be advised that the actual amount to be donated is a discretionary decision to be made by each donor.

The ethics law, §5-107, prohibits the use of county facilities for private gain. This provision does not mean the county facilities may not be used for purposes that are incidental to the conduct of the county's business. Occasional and reasonable office parties, that do not detract from the conduct of the county's business, are permitted under the ethics law because they promote the morale of the workplace and are in that sense, incidental to the conduct of the county's business.

For these reasons, the ethics commission advises that your agency may hold a baby shower for your supervisor, subject to the guidelines set forth in this letter. Thank you for your inquiry.

Sincerely,

Betsy K. Dawson
Executive Director