



THE CITY OF POMONA

ADMINISTRATIVE POLICIES AND PROCEDURES

GIFTS AND GRATUITIES POLICY

I. PURPOSE

To provide guidance for employees when in the course of their work offers of gifts, favors, or gratuities may be made.

This policy is not intended to supersede, negate or otherwise invalidate any Federal or State statute, City ordinance, personnel rule or regulation or department rule or regulation dealing with the same subject matter as long as the department rule or regulation is not less restrictive.

Employees whose positions have been designated in the Conflict of Interest Code (employees who file a Statement of Economic Interest - Form 700) should review this policy in conjunction with Regulation 18730 of the Conflict of Interest Code. Copies of said regulations can be obtained from the City Clerk or City Attorney's Office.

II. APPLICABILITY

This policy applies to all officers/employees and volunteers of the City of Pomona.

III. POLICY

Employees of the City of Pomona are expected to provide the public with efficient and courteous service. Since such service is given impartially to all, the acceptance of gifts, money, or gratuities from any person or organization is prohibited except as provided below.

The officer or employee will be guided in interpretation of this section by the distinction between a gift, gratuity, or favor given or received which has significant monetary value and is offered or accepted in expectation of preferential treatment, and an expression of courtesy. Examples of acceptable courtesies include: a meal or social event; exchanges of floral offerings or gifts of food to commemorate events such as illness, death, birth, holidays, promotions; a sample or promotional gift of nominal value of **\$50 or less**.

1. Employees may **NOT** accept cash in any form. Employees may receive a gift not exceeding a value of \$50 per organization annually.
2. No City employee or member of the employee's family shall knowingly solicit any gifts, money,

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food, beverages, tickets, passes, special accommodations, favors or the use of property or facilities from any individual, group or company with whom the employee deals in the course of City employment for individual economic gain.

3. It is recognized that employees must conduct a certain amount of City business with non-City employees during meals, or occasionally during entertainment events. In such situations, it is always preferable that the City employee pay for his/her own meal or ticket, utilizing City funds which have been budgeted for this purpose. However, an employee may accept minor items such as business lunches and/or entertainment tickets when, in the employee's judgment, such offers are made in the normal course of City business, they are the usual standard of the industry, and it is not appropriate to decline. When such items are accepted, the employee should make every effort to reciprocate in an appropriate business situation.
4. Employees and members of their families shall not accept any discount on personal purchases of products or services that is offered as a result of employment with the City, unless such a discount is made available to all City employees as a general business practice, e.g. Disneyland cards, Magic Mountain discount tickets.
5. For gifts received in the "spirit" of the holidays, those gifts shall either be turned over to the Activities Committee for disbursement to employees through a raffle drawing, or placed in a location for all employees in the department and/or division to enjoy.
6. This policy is not meant to preclude the acceptance of:
 - a. Free attendance or participation at official or quasi-official functions such as ground breaking, oral boards, concerts, open houses, award ceremonies, banquets or similar events which the employee attends in the capacity as a City employee; or
 - b. Free meals and/or entertainment that are part of such programs or functions;
 - c. Gifts of nominal value such as promotional items such as calendars, scratch pads, pens, greeting cards.
7. This policy is in addition to the City's Code of Ethics policy, and nothing contained herein shall relieve any employee who is subject to the Code from complying with its provisions.

IV. DEFINITION OF TERMS

"Acceptable Gift" is defined as anything of an economic value not exceeding **\$50.00** in value, regardless of the form. It does not include the solicitation, acceptance, receipt, or regulation of

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political campaign contributions regulated in accordance with provisions of federal, state, or local laws governing campaign finances. Cash is NOT an acceptable gift.

"Officer or Employee" is defined as any person holding a regularly compensated position for the City of Pomona, including regular full time, part-time, temporary, seasonal or any other classification. Exclusions include City Council members and members of City Boards and Commissions.

V. PROCEDURE

- A . All gifts other than those referred to in Section III.C of this policy shall be rejected firmly, but as tactfully as possible.
- B . Where initial refusal is not possible, e.g., gifts received by mail, the following action shall be taken:
 - 1. Non-food items shall be returned to the sender unless the cost of returning the gifts exceeds its value. In such situations, the item(s) shall be given to a charitable organization, or the City's Activities Committee.
 - 2. Gifts of beverages, food or candy which cannot easily be returned to the sender shall be given to charitable organizations. When the worksite supervisor believes such a gift is so small that it is impractical to do so, the gift may be accepted, but it shall be placed in an open area available to all employees of the work unit and/or general public. Such gifts are not to be retained for personal consumption.
- C . If any employee has any questions concerning this policy or is in doubt as to what is considered appropriate, he/she should discuss the matter with the supervisor. It is up to each Department Head, and ultimately the City Manager or designee to use sound judgment in applying this policy to ensure that its basic purpose is served.
- D . Any violation of the provisions herein contained respecting gifts and gratuities shall constitute sufficient grounds for disciplinary action, up to an including termination of employment.