



FREQUENTLY ASKED QUESTIONS & ANSWERS

Gifts

Q: What is a gift?

A: A gift can be anything of value, such as money, a meal, drinks, a gift basket, tickets to an event, a loan, or lodging.

Q: What gifts are state officers and employees prohibited from accepting?

A: State officers and employees are generally prohibited from accepting a gift from an Interested Source. An Interested Source is any person or entity who does business (or wishes to do business) with your agency; is regulated by your agency; or regularly appears before your agency. All registered lobbyists are also considered to be Interested Sources if they have lobbied your agency.

Additionally, state officers and employees cannot accept a gift – from anyone – under circumstances where the gift could be interpreted as an attempt to influence them in the performance of their state duties, or it could be seen as likely to influence the performance of their state duties or could be viewed as a reward for some official act they have already taken.

Q: Are there items of value that state officers and employees may accept?

A: Yes, there are items or services that can be accepted, even from an Interested Source, without violating the gift rules, as long as the acceptance does not create an actual or apparent conflict of interest or give the impression of improper influence. The following are not considered prohibited gifts:

- Awards or plaques in recognition of public service;
- Honorary degrees;
- Promotional items with no resale value;
- Discounts available to the general public or a segment of the general public, such as retail discounts offered to government employees;
- Gifts from family members or friends with whom you have a personal relationship, where it is clear that the relationship is not being used as a pretext to give an otherwise impermissible gift;

- Political campaign contributions;
- Meals and beverages provided to all participants at professional and educational programs;
- Food or beverage valued at \$15 or less per occasion; and,
- Complimentary attendance at certain events.

Q: Can I accept a complimentary ticket to an event or conference that relates to my state job?

A: Under the “Widely Attended Event” exception to the gift restrictions, you may accept complimentary attendance – including complimentary food and beverage – at an event or conference, if all the following criteria are met:

- (1) The complimentary admission must be offered by the sponsor of the event; and
- (2) At least 25 individuals who are not from your agency attend or are in good faith invited to attend; and
- (3) (a) The event is related to your official duties or responsibilities or allows you to perform a ceremonial function appropriate to your position; or (b) a speaker or attendee at the event addresses an issue of public interest or concern.

Q: Do I have to notify anyone if I plan to attend a Widely Attended Event?

A: Yes, you must notify your agency’s Ethics Officer, in writing, of your intention to attend the Widely Attended Event before the event takes place.

Q: Can I accept complimentary attendance to an event in order to take advantage of networking opportunities?

A: While there is nothing wrong with networking while you are attending a permissible event, a potential for networking, by itself, does not make the event, “related to your official duties or responsibilities.”

Q: If I attend a Widely Attended Event, can I attend the pre-event or post-event entertainment, recreational, or sporting activity? For example, I will be attending the New York Public Transit Association conference and want to know if I can play a round of golf planned by the Association after the conference presentations on the last day.

A: No, the Widely Attended Event does not include any entertainment, recreation, or sporting activity that is not part of the program addressing the public interest.

Q: Can a SUNY/CUNY professor accept a “thank you” gift or gift card from a student?

A: No, a “thank you” gift offered to a state officer or employee is generally impermissible as it could be seen as a reward for performing their state job.

Q: Is taking up a donation from co-workers to give a gift to another employee for a special occasion (e.g., baby shower, retirement, or birthday) acceptable?

A: Generally, collecting money from co-workers for the purpose of giving a co-worker a gift is permissible as long as it is made clear that participation is optional and open to everyone, and it is not reasonable to infer that the gift is intended to influence or reward the employee in the performance of their state duties.

Q: What if I receive a gift basket from a vendor?

A: A vendor to your agency is an Interested Source, so the gift basket is a prohibited gift. The best practice would be to return the gift, along with a letter explaining that you are not permitted to accept it. If that is not practical, you can donate the item to a charity or leave the item in a common area of the office to be shared by all staff.

Q: Can I accept promotional items handed out at a conference?

A: Promotional items with no resale value would not be considered a gift and may be accepted so long as acceptance does not otherwise violate [the conflict-of-interest rules in the Code of Ethics](#).

Q: Am I able to donate to the fundraiser of a co-worker who suffered a hardship (e.g., through GoFundMe) without violating the gift rules?

A: Donating to the fundraiser of a co-worker is permissible so long as it cannot be reasonably inferred that the donation is intended to influence the co-worker in their official state action or to reward the co-worker for performing their official state duties. However, you should notify your agency's Ethics Officer to determine if your agency has a policy addressing fundraising for any person or entity within the workspace.

Additional Resources:

- [Relevant Gifts Advisory Opinions: 20-02](#)
- [Relevant Gifts Regulations: TITLE 19 NYCRR PART 933](#)
- [Find my Ethics Officer](#)