

Policy 402.04: Gifts to Employees

Status: ADOPTED

Original Adopted Date: 11/01/1992 | **Last Revised Date:** 10/01/2021 | **Last Reviewed Date:** 10/01/2021

The Board understands the desire of students, parents and others to give gifts to show appreciation of an employee. Rather than giving gifts, the Board encourages, as more welcome and more appropriate, the writing of letters to express gratitude and appreciation or the donation of a gift to benefit the District rather than an individual employee.

Employees shall not, either directly or indirectly, solicit, accept or receive any gift, series of gifts or an honorarium unless the donor does not meet the definition of a "restricted donor" stated below or the gift or an honorarium does not meet the definition of gift or an honorarium stated below. However, employees may receive non-monetary gifts of negligible value if the donor does not intend to influence the employee's professional judgment. Employees may receive a gift on behalf of the District.

A "restricted donor" is defined as a person or other entity which:

- Is seeking to be or is a party to any one or any combination of sales, purchases, leases or contracts to, from or with the District;
- Is engaged in activities which are regulated or controlled by the District;
- Will be directly and substantially affected financially by the performance or non performance of the employee's official duty in a way that is greater than the effect on the public generally or on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry or region; or,
- Is a lobbyist with respect to matters within the District's jurisdiction.

A "gift" is the giving of anything of value in return for which something of equal or greater value is not given or received. However, "gift" does not include any of the following:

- Contributions to a candidate or a candidate's committee;
- Informational material relevant to an employee's official function, such as books, pamphlets, reports, documents or periodicals;
- Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related;
- An inheritance;
- Anything available or distributed to the public generally without regard to the official status of the employee;
- Items received from a charitable, professional, educational or business organization to which the employee belongs as a dues paying member if the items are given to all members of the organization without regard to an individual member's status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received;
- Actual expenses of an employee for food, beverages, travel and lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- Plaques or items of negligible resale value given as recognition for public services;
- Items of food and drink with a value of less than three dollars that are received from any one donor during one calendar day;
- Items or services solicited or given to a state, national or regional organization in which the State of Iowa or a political subdivision of the State of Iowa is a member;
- Items or services received as part of a regularly scheduled event that is part of a conference, seminar or other meeting that is sponsored and directed by any state, national or regional organization in which the state of Iowa or a political subdivision of the State of Iowa is a member;
- Payment of salary or expenses by the school district for the cost of attending a meeting of a subunit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the school district for attending the meeting;
- Actual registration costs for informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions. The costs of food, drink, lodging and travel are not "registration costs" under this paragraph. Meetings or sessions which a public official or public employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist a public official or public employee in the performance of the person's official functions" under this paragraph.

An "honorarium" is anything of value that is accepted by, or on behalf of, an employee as consideration for an appearance, speech or article. An honorarium does not include any of the following:

- Actual expenses of an employee for food, beverages, travel or lodging for a meeting, which is given in return for participation in a panel or speaking engagement at the meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- A non-monetary gift or series of non-monetary gifts donated within thirty days to a public body, a bona fide educational or charitable organization or the department of general services; or,
- A payment made to an employee for services rendered as part of a bona fide private business, trade or profession in which the employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as a employee but rather, because of some special expertise or other qualification.

It shall be the responsibility of each employee to know when it is appropriate to accept or reject gifts or an honorarium. An employee who violates this policy may be subject to disciplinary action.
