

# **PROPOSED REGULATION ON GIFTS, GRATUITIES AND UNRELATED COMPENSATION**

*(Revised 12/3/07 – FOR PREVIEW PRIOR TO OPEN COMMENT)*

This regulation outlines the restrictions for the acceptance of gifts, gratuities and unrelated compensation from vendors and others that are either doing business with or that seek to do business with the officers, employees and others who serve as agents on behalf of the Maricopa County Community College District.

## **Travel**

1. An employee shall use paid leave for all time spent in travel that is not business-related. An employee shall use paid leave for all time spent in any travel, business-related or otherwise, in connection with which the employee receives a stipend, honorarium or similar compensation from an entity external to MCCCCD.

2. An employee shall not be required to use paid leave for travel in connection with an event or activity that is business-related if the employee does not receive a stipend, honorarium or similar compensation for the event or activity. The employee may accept payment of necessary expenses (such as airfare, lodging, meals) from the entity or professional organization that sponsors the event or activity.

3. An employee may lead a class or other group of students enrolled at a member institution in a MCCCCD-sponsored travel activity.

a) A travel agency or similar entity that arranges for the travel activity may, in connection with a credit course offering, pay the travel expenses of:

- i. the employee who is leading the class or group in the travel activity;
- ii. a person who is, at all times throughout the travel activity, performing supervisory responsibilities over the students; or
- iii. one or more students enrolled in the class or group travel activity.

The travel expenses of any other person traveling as part of the activity shall be borne by that person.

b) An employee or other person participating in travel in connection with a non-credit class offering shall not accept payment or reimbursement for any expenses associated with the travel from a travel agency or similar entity.

4. An employee shall not engage in any travel activity expenses for which are paid by a prospective or current vendor. An employee may engage in a business-related travel activity expenses for which are paid by another not-for-profit educational institution or a non-for-profit organization, such as a professional association, whose mission is wholly consistent with the mission of the Maricopa County Community College District, provided that there is no expectation that such travel will result in future financial benefit to the educational institution or organization.

5. For purposes of this policy, "business-related" means that the event or activity provides a direct and measurable benefit to either the Maricopa County Community College District or a member institution, and the event is wholly consistent with the job duties of the employee and the mission of the Maricopa County Community College District.

## **Discounts**

1. The following are acceptable discounts:

- A discount that is part of an established and recognized program within MCCCCD such as the "employee store," wellness, or trip reduction programs, and is offered uniformly to all employees of MCCCCD or of a member institution of MCCCCD.
- A discount available pursuant to a policy in continuous effect and a recognized component of a benefits or compensation package (such as policies related to vision services) that is recognized by MCCCCD Benefits and Compensation department.
- A discount offered by a vendor for employees of educational institutions, regardless of whether such vendor does business with MCCCCD, provided that offering such discount is not in any way consideration or otherwise a factor in any transaction with MCCCCD.

2. The following is not an acceptable discount:

- A discount that is offered to select employees on an *ad hoc* basis as a result of the employee performing his or her job duties or as an incentive to influence conduct from a person seeking to obtain a contractual or other arrangement with MCCCCD.

3. Notice to Maricopa employees of the availability of any discount shall be conveyed in a manner that neither implicitly nor expressly endorses or otherwise speaks to the quality of any goods or services. The use of any trademark or logo in connection with providing notice of a discount's availability shall be limited to notice provided directly by the MCCCCD employee store.

4. For purposes of this policy, a "discount" is a reduction in the cost of goods or services charged by a vendor to an MCCCCD employee by virtue of that person's employment with MCCCCD.

## **Textbooks – Complimentary or Examination Copies**

An employee may receive, for evaluation, a complimentary or examination copy of a textbook that may be utilized in connection with an MCCCCD class or similar instructional offering. Review of a textbook for such purpose is within the scope of the employee's employment and, therefore, the employee may not accept any additional compensation or other consideration from any source in connection with such review or disposal of the textbook. Any textbook received for evaluation, regardless if it is sent directly to the employee or to the employee's department, shall be the property of MCCCCD. The

transfer or disposal of the textbook shall be in accordance with MCCCCD policy, regulation and formal guidelines.

*Attached for Reference Purposes:*

***Evaluation Copies of Textbooks***

When Evaluation Copies of Textbooks are no longer needed by the employee, the following can be done:

- 1) Return them to the publisher or publisher's representative at their expense, or
- 2) Check with the college library to see if they want to add the textbook to their collection, or
- 2) Add the textbook to the employee's departmental lending library for students, if one is maintained, or
- 3) Transfer the textbook to Surplus Property for proper disposal. An inventory shall be made of all books transferred to Surplus Property.

## **Meals, Beverages and Entertainment**

1. An employee shall not allow any meal, beverage or cost of entertainment to be purchased for the employee or any member of the employee's family by a person whom the employee knows or has reason to know is employed by or in any way associated with a current or prospective vendor or contractor of MCCCCD or a member institution. Any purchase of meal, beverage or entertainment as contemplated under this policy is prohibited regardless of whether the vendor/contractor offers to purchase the meal, beverage or entertainment with his or her personal funds or with funds from any other source.
2. Notwithstanding paragraph 1 of this section, an employee may allow a meal or beverage to be purchased for the employee only if the meal or beverage is served as part of a banquet or dining function offered generally to all participants at a conference, convention, or similar activity attended by both employees and non-employees of MCCCCD. Such events would include sponsorships that are part of an educational, technical or professional development conference that is organized by an association and where the meal is included in connection with attendance at the conference.

## **Honoraria and Similar Consideration**

1. An employee may accept an honorarium, stipend or similar compensation or consideration from an entity external to MCCCCD for an activity that is not business-related only if:
  - a) the entire activity occurs outside any hours when the employee is expected to perform duties within the course and scope of his or her employment; or
  - b) the employee uses pre-approved personal leave or vacation for the duration entire activity.
2. If an employee, despite this prohibition, nevertheless accepts an honorarium, stipend, or similar compensation or consideration from an entity external to MCCCCD in the form of an object of more than nominal value for an activity that is not business-related and that occurs during any portion of time when the employee is expected to perform duties within the course and scope of his or her employment, the employee shall, as soon as possible, deliver the honorarium, wages, or similar compensation or consideration to the chief fiscal officer at the location where the employee works. The honorarium, wages, similar compensation or consideration shall become the property of MCCCCD.

## Gifts

1. An employee shall not accept any gift of greater than nominal value that is given as payment or consideration for service provided to an entity external to MCCCCD at any time while the employee is expected to be performing responsibilities within the scope of MCCCCD employment. If the employee nevertheless receives a gift of greater than nominal value, the employee shall, as soon as possible, deliver the gift to the chief fiscal officer at the location where the employee works. The gift shall become the property of MCCCCD.

2. For purposes of this policy, the term "nominal value" means a value of less than \$20. Objects of nominal value typically include such items as coffee mugs, note pads, t-shirts, tote bags, or writing utensils, provided the value of any such item does not exceed twenty dollars. In no event may an employee accept, for personal use or ownership, more than five objects of nominal value in connection with any event or activity.

3. An employee may accept a token gift of nominal value, such as a plaque, pen, or similar memento customarily given as appreciation for providing a service to an entity external to MCCCCD.

4. An employee may accept a gift of perishable food (e.g. fresh fruit basket, cookie assortment, candy, etc.) that is not a meal, and whose total value is less than \$50, provided that the perishable food is delivered on behalf of the donor to the employee's place of employment during business hours, and that the employee makes all such perishable food immediately available to other employees, students and visitors for consumption on the employment premises.

5. An employee may accept a gift worth less than \$50 awarded as a prize awarded through a random drawing or similar means non-specific to the employee and his or her employment, while attending a conference, convention, seminar, institute or similar activity.

6. For purposes of this policy, a "gift" means any item, favor, deposit, loan or entertainment.

7. An employee shall not accept:

- a) cash, currency or similar legal tender or gift card in any amount as a gift; and
- b) a ticket, admission, or other license to attend a sporting event, concert, play, or other entertainment not sponsored by MCCCCD or a member institution, regardless of value.