



Gifts and Gratuities

Adopted on: 03/09/2022

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Policy No. 4.508

Enabling Resolution:

039-2022/902-2022

Developer/Reviewer:

**Internal Financial Auditor and Chief
Human Resources Officer**

1. Purpose

The purpose of this policy is to ensure that no Sedgwick County employee is subject to influence, or the appearance of influence, through the acceptance of gifts or gratuities from external individuals or organizations. This policy establishes thresholds and procedures for reporting the acceptance of allowable gifts and gratuities.

2. Scope

This policy applies to all Sedgwick County employees with the exception of Elected Officials, employees in the Office of the District Attorney and employees who solicit funds or other donations on behalf of Sedgwick County.

3. Policy Statement

Sedgwick County will enforce the guidelines established by this policy for accepting and reporting gifts and gratuities. Employees are responsible for understanding and following this policy and may consult the Internal Financial Auditor, County Counselor or Chief Human Resources Officer (CHRO) as necessary for guidance on the acceptance of gifts and gratuities.

4. Definitions

- A. **Employee** - Any person employed by Sedgwick County on a full-time or part-time basis. Elected Officials, volunteers and individuals serving on boards or commissions are not included in this definition.
- B. **Gifts and gratuities** - A gift or gratuity includes any item of value, whether in the form of money, services, loans, travel, entertainment, hospitality, discounts, promises, favors or tangible objects.

5. Procedures

- A. Gift and Gratuity Acceptance Guidelines
 - 1. Employees shall not solicit gifts or gratuities.
 - 2. To the extent possible, unsolicited gifts or gratuities should be retained for the office or Division/Department as a whole rather than as a gift or gratuity for an individual employee.
 - 3. An employee shall not accept, or agree to accept, any gifts or gratuities as defined in item 4.B. with an aggregate value of fifty dollars (\$50) or more in any calendar year from any individual or single organization.

4. All gifts and gratuities accepted by an individual employee in one calendar year shall not exceed a total aggregate value in excess of two-hundred dollars (\$200) year.
5. Unless prohibited by another policy, employees are allowed to accept food and beverages served at business meetings and professional conferences.
6. Employees are allowed to accept prizes awarded randomly at professional events or conferences.
7. Exceptions

Any exception to the guidelines for accepting gifts or gratuities must be approved in writing prior to being accepted. The exception procedure shall be as outlined below:

- a. The employee requesting an exception shall submit a written request for an exception to the appropriate Division/Department Director or Elected/Appointed Official.
- b. Offices of Elected/Appointed Official: The Elected/Appointed Official shall convene a meeting with the Internal Financial Auditor and the CHRO, either in-person or via an electronic medium, to discuss the exception. Elected/Appointed Officials will make the determination. The decision made shall be final.
 - i. If the Elected/Appointed Official denies the request for the exception, the Internal Financial Auditor will send the response in writing to the requestor with a copy to the Elected/Appointed Official.
 - ii. If the exception is approved see step iv.
- c. All other Divisions/Departments: The Division/Department Director shall convene a meeting, either in-person or via an electronic medium, to discuss the exception. The meeting shall include the appropriate Division Director/Assistant County Manager (ACM)/Deputy County Manager (DCM), the Internal Financial Auditor and CHRO. The group shall confer and either deny the exception or recommend the exception to the County Manager.
 - i. If the request for the exception is denied, the Internal Financial Auditor will send the response in writing to the requestor with a copy to the Division/Department Director.
 - ii. If the committee agrees to the exception, the Division Director/ACM/DCM will submit the request to the County Manager for final approval.
- d. The Division/Department Director or Elected/Appointed Official shall ensure all exceptions are reported. The rationale for the exception and the date of the approval by the County Manager or Elected/Appointed Official should be noted on the entry.

B. Gifts and Gratuities Reporting Procedures

1. Each Division/Department or Office of Elected/Appointed Official shall designate an employee to report gifts or gratuities presented to the Division/Department.
2. All individual employee gifts or gratuities with a value exceeding ten dollars (\$10) shall be reported to the designated employee within thirty (30) days of acceptance.
3. Food and beverages served at business meetings and professional events shall be exempt from the reporting requirement.
4. Each quarter, all Divisions/Departments and the Offices of Elected/Appointed Officials shall submit a summary of gifts and gratuities to the Internal Financial Auditor.

The Internal Financial Auditor shall review the information, and any gifts or gratuities accepted in violation of this policy will be documented and sent to the appropriate member of management.

5. The Internal Financial Auditor shall submit a summary report to the County Manager annually.

C. Reports of Alleged Violations

1. Employees with concerns about colleagues who may have violated this policy should promptly report the suspected violations. Employees are encouraged to identify themselves when reporting in order to aid in the ability to thoroughly investigate the matter.
2. Reports may be made to the Division of Human Resources via e-line > Human Resources > Employee Relations Form or anonymously via *OurWorkplace.com*. Reports must include the names of the individuals involved and the specific violation alleged to have occurred.

D. Investigative Process

1. The CHRO will assign an investigator to complete a thorough review of the alleged policy violation.
2. If for any reason the CHRO determines there is a conflict of interest that would taint an investigation in any manner, outside legal counsel or vendor may be retained to investigate the matter. In these instances, the CHRO and County Counselor will arrange for and initiate an outside investigation.
3. Investigations shall be completed within thirty (30) calendar days after the receipt of the alleged violation. If additional time is needed, the CHRO may request a time extension from the County Manager.
4. The investigator shall make and keep both a written and auditory record of the investigation, including notes of verbal responses made to the investigator by any person contacted in connection with the investigation, including the person who has been alleged to have violated the policy.
5. During the period of investigation:
 - a. Employees alleged to have violated the Gifts and Gratuities Policy may be placed on relief of duty per the procedures outlined in 4.501 Progressive Discipline.
 - b. If the County Manager is the subject of the complaint, the Board of County Commissioners (BOCC) will be notified by the CHRO and County Counselor.
6. Findings and Determinations
 - a. After the completion of the investigation, a written summary report, along with a recommendation as to whether the violation was substantiated, will be submitted to the County Manager or the Elected/Appointed Official.
 - b. Employees of Elected/Appointed Offices: The Elected/Appointed Official shall review the investigative summary and advise the employee of his/her decision agreeing or disagreeing with the investigator(s) conclusions and recommendations within ten (10) calendar days of receipt of the report from the investigator(s).
 - c. All other employees: The County Manager will review the investigative summary, along with the conclusions and recommendations, and share the summary and recommended remedial action with the Division/Department Director and the ACM or DCM. The County Manager will then advise the employee of his/her decision agreeing or disagreeing with the investigator(s) conclusions and recommendations within ten (10) days after the receipt of the report from the investigator(s).

- d. If the County Manager is the person who has been alleged to have violated the policy, the investigator will submit the report to the County Counselor. If the violation was substantiated, the County Counselor will liaison with the Board of County Commissioners to determine sanctions.
 - e. If the County Appraiser, County Counselor or County Engineer is alleged to have violated the policy, the investigator will submit the report to the County Manager who will serve as liaison with the BOCC on the matter. If the violation was substantiated, the BoCC shall determine sanctions.
7. It is a violation of this policy to retaliate in any form against an individual who reports a violation of the Gifts and Gratuities Policy or participates in an investigation of a reported violation.

E. Violations

1. An employee found to have committed a violation of the Gifts and Gratuities Policy shall be subject to disciplinary action, up to and including termination of employment, as outlined in 4.501 Progressive Discipline. Final determination of the sanctions shall be made by the County Manager unless otherwise outlined above.
2. Documentation of sustained violations shall be included in the employee's official personnel file maintained by the Division of Human Resources.

F. Confidentiality

1. All reports, investigative documents, findings and outcomes of alleged violations shall be deemed as personnel matters and shall be held as confidential.