

Title: Gifts to Employees

The Board of Directors understands the desire of students, parents/guardians and others to show appreciation of an employee. Rather than presenting a gift to an employee, the Board encourages the writing of a letter to express gratitude and appreciation or the donation of a gift which will benefit the District.

Employees shall not, either directly or indirectly, solicit, accept or receive a gift, series of gifts or an honorarium. The exception to this statement will be when the donor does not meet the definition of “restricted donor” or the gift or honorarium is otherwise permitted by this policy.

Under no circumstances may an employee receive a gift or honorarium if the giver is a “restricted donor,” which is defined as a person or other entity who:

- 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;
- Will personally be, or is the agent of a person who will be, directly and substantially affected financially by the performance or nonperformance 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,
- Is a lobbyist or a client of a lobbyist with respect to matters within the employee’s jurisdiction.

A “gift” is defined as the giving of anything of value in return for which something of equal or greater value is not given and received. However, such a “gift” may be received by employees if it is otherwise permitted by law, including any of the following:

- Actual expenses of an employee for food, beverages, registration, travel and lodging for a meeting, 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;
- Food and beverages provided at a meal that is part of a bona fide event or program at which the employee is being honored for public service;
- Nonmonetary items with a value of no more than \$3.00 that are received from any one donor during one calendar day;
- Items or services solicited or given to a state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa

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- is a member for purposes of a business or educational conference, seminar, or other meeting; or solicited by or given for the same purposes to state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;
- Items or services received by members or representatives of members at a regularly scheduled event that is part of a business or educational conference, seminar or other meeting that is sponsored and directed by any state, national or regional government organization in which the state of Iowa or a political subdivision of the state of Iowa is a member or received at such an event by members or representatives of members of state, national or regional government organizations whose memberships and officers are primarily composed of state or local government officials or employees;
 - Contributions to a candidate or a candidate's campaign committee;
 - Information material relevant to an employee's official function, such as books, pamphlets, reports, documents or periodicals or other information that is recorded in a written, audio or visual format;
 - Anything available or distributed free of charge to the general public without regard to the official status of the employee;
 - Anything received from a relative, unless the donor is acting as an agent or intermediary for another person not so related;
 - An inheritance;
 - Items received from a bona fide 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;
 - Funeral flowers or memorials to a church or nonprofit organization;
 - Gifts which are given to an employee for the employee's wedding or twenty-fifth or fiftieth wedding anniversary;
 - Payment of salary or expenses by a person's employer or the firm in which the person is a member for the cost of attending a meeting of a subunit of an agency when the person whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the person is not entitled to receive

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- compensation or reimbursement of expenses from the state or a political subdivision of the state for attending the meeting; or
- Gifts of food, beverages, travel or lodging received by an employee if all of the following apply:
 - (a) The employee is officially representing an agency in a delegation whose sole purpose is to attract a specific new business to locate in the state, encourage expansion or retention of an existing business already established in the state or to develop markets for Iowa businesses or products,
 - (b) The donor of the gift is not the business or businesses being contacted. However, food or beverages provided by the business or businesses being contacted which are consumed during the meeting are not a gift under this policy and
 - (c) The employee plays a significant role in the presentation to the business or businesses on behalf of the school district.
 - Gifts other than food, beverages, travel and lodging received by an employee which are received from a person who is a citizen of a country other than the United States and are given during a ceremonial presentation or as a result of a custom of the other country and are of personal value only to the employee, or
 - Actual registration costs for informational meetings or sessions which assist an 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 an employee attends for personal or professional licensing purposes are not "informational meetings or sessions which assist an employee in the performance of the person's official functions" under this paragraph.

An employee may accept an otherwise prohibited non monetary gift or series of gifts if the gifts are donated within thirty days to a public body, a bona fide educational or charitable organization, or the state department of administrative services. The restrictions relating to gifts to employees as set forth in this policy also apply to the employee's immediate family members.

For purposes of determining the value of an item given or received, an individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons on whose behalf the item is given and the value of an item received shall be the value actually received by the employee.

A gift shall not be considered to be received by an employee if the state or the school

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district is the donee of the gift and the employee is required to receive the gift on behalf of the state or the school district as part of the performance of the person's duties of employment.

An "honorarium" is defined as anything of value that is accepted or given as consideration for an appearance, speech or article. However, such an "honorarium" may be accepted by employees if it is otherwise permitted by law, including any of the following:

- A payment of actual expenses of an employee for registration, food, beverages, travel and lodging given in return for participation in a panel or speaking engagement at a meeting when the expenses relate directly to the day or days on which the employee has participation or presentation responsibilities;
- A nonmonetary item or series of nonmonetary items donated within thirty days to a public body, a bona fide educational or charitable organization or the state department of administrative 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 and if the payment is commensurate with the actual services rendered and is not being made because of the person's status as an 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. If an employee is unsure if they can accept a gift they must verify with supervisor prior to accepting gift. An employee who violates this policy may be subject to disciplinary action.

Cross References:

207, 901

Legal References:

Iowa Code Chapter 68B.2, 68B.21, 68B.22, 68B.23

Approved: Sep. 21, 1993

Reviewed: March 27, 2007
April 26, 2022

Revised: April 28, 2003
March 27, 2012
March 28, 2017