



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Touching Lives Every Day"

COMPLIANCE ALERT 11-29

Holiday Gifts: State Employee Guidelines

During the holiday season, State employees may be offered gifts from vendors, clients, private businesses, and the public. There are several State laws that govern gifts and State employees. **Bottom line:** State employees should generally not accept or solicit gifts.

The State Ethics Law HRS§84-11 prohibits a state employee or legislator from accepting, soliciting, or receiving any gift it is reasonable to infer that the gift is intended to influence or reward the employee or legislator in the performance of his or her duties. Whether a gift is acceptable depends on whether one could reasonable conclude that the gift is given to influence or reward the recipient of the gift.

Guidance from the Hawaii State Ethics Commission provides the following information:

- ❖ Gifts can take any form. So scrutinize and think about any offer, gift, present, etc. you receive. If in doubt, ask your Compliance Officer for guidance.
- ❖ There is no threshold dollar amount that determines whether a gift is acceptable under the ethics law.
- ❖ Soliciting gifts or contributions for an office holiday party is generally NOT acceptable.
- ❖ Some gifts must be reported (HRS§84-11.5). For instance, if the gift is more than \$200 then it must be reported if the employee is able to take action that affects the interests of that source. There are a number of exceptions in the law so if in doubt ask your Regional Compliance Officer or HHSC's Chief Compliance and Privacy Officer.
- ❖ Small food gifts, a plant, a calendar, etc. are generally not likely to raise any ethics concerns. However, larger gift baskets and gift certificates will likely raise ethics concerns and should be cleared. For instance, often sharing the basket with the office staff may be an acceptable solution. You may have to return the basket or gift.
- ❖ Employees should not sell private items or conduct other private business activities on State premises.
- ❖ If an employee is invited to a holiday party by a vendor, business partner, client, etc., these invitations should be scrutinized carefully and cleared prior to acceptance.

What to do? If Employees receive gifts or invitations and/or have questions, they should contact their Compliance Officer, call the HHSC Chief Compliance Officer, and/or call the State Ethics Commission at 808-587-0460.

Source: Hawaii State Ethics Commission publications 12/03 and 12/04.