



ETHICS UPDATE

Holiday Gifts

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Holiday Gifts Guide

It is the season of giving and the Agency of Inspector General offers this advisory to guide County officials, employees, and board members on giving gifts to one another for the holidays.

The most wonderful time of year can also be the most troublesome time, if not careful. Please contact the Agency of Inspector General with any questions.



Exchanging Gifts

Public Officials and Employees May Give and Exchange Gifts with Co-Workers.

County officials and County employees may give and exchange gifts with co-workers of the same rank or lower. A gift can be anything of value, including cash, gift cards, dinners, tickets to sporting and entertainment events, and other presents.

Ohio law requires that public officials and employees refrain from soliciting or accepting gifts that could amount to a **substantial** and **improper** influence on that official or employee. There is no presumption of an improper influence when giving a gift to a co-worker or subordinate.



The Supervisor Exception

There may be a presumption of an improper influence when gifts are given to supervisors. Therefore, County employees should not give gifts to a superior.

Supervisors have influence over the subordinates that report to him or her. Thus, whether intentional or not, the gift can be perceived as causing the supervisor to give some employees preferential treatment.

Soliciting and Accepting Gifts

Supervisors should be especially careful not to accept gifts from subordinate employees. Additionally, supervisors should not require, solicit, or otherwise coerce employees to give gifts. In addition to the dangers of giving preferential and unfair treatment to employees, a supervisor could face criminal charges for such acts.

In 2010, former County Sheriff Gerald McFaul was convicted of theft and ethics violations after soliciting birthday gifts, Christmas gifts, and money to fund vacations to Ireland and Florida. He also required employees to sell and purchase tickets to his fundraisers. McFaul was sentenced and required to pay over \$130,000 in restitution.

Examples:

Ex: A County Department has a holiday party and one employee decides to get everyone in the department a \$5 Starbucks gift card.

The employee is prohibited from giving a gift card to any superior—even if it is not a direct supervisor. The employee may give the gift card to co-workers or subordinates.

Ex: The Director of a County Department is in the holiday spirit and wants to host a lunch for the department employees.

The Director may provide lunch to the department's employees. There is no presumed improper influence when a superior gives a gift to a subordinate.

For More Information, Contact the AIG by phone at (216) 698-2101 or email at inspectorgeneral@cuyahogacounty.us