

## **Gifts to School Employees**

School employees may receive a gift on behalf of the school district. A school employee or an immediate family member of a school employee shall not, directly or indirectly, accept or receive any gift or series of gifts from a restricted donor. A school employee or an immediate family member of a school employee shall not solicit any gift or series of gifts from a restricted donor at any time.

A restricted donor may give, and a school employee or school employee's immediate family member may accept, an otherwise prohibited nonmonetary gift or a series of otherwise prohibited nonmonetary gifts if the nonmonetary gift or series of nonmonetary gifts is donated within thirty days to a public body, the department of administrative services, or a bona fide educational or charitable organization, if no part of the net earnings of the educational or charitable organization inures to the benefit of any private stockholder or other individual. All such items donated to the department of administrative services shall be disposed of by assignment to state agencies for official use or by public sale.

A "restricted donor" is defined as a person or other entity which:

- \* 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 school district;
- \* 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 effort 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; or
- \* Is a lobbyist or a client of a lobbyist with respect to matters within the school district's jurisdiction.

A "gift" is the giving of anything of value in return for which something of equal or greater value is not given or received. However, "gift" does not include any of the following:

- \* Contributions to a candidate or a candidate's committee.
- \* Informational material relevant to an employee's official functions, such as books, pamphlets, reports, documents, periodicals or other information that is recorded in a written, audio or visual format.
- \* Anything received from a person related within the fourth degree by kinship or marriage, unless the donor is acting as an agent or intermediary for another person not so related.
- \* An inheritance.
- \* Anything available or distributed free of charge to members of the general public without regard to the official status of the employee.
- \* 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 individual members' status or positions held outside of the organization and if the dues paid are not inconsequential when compared to the items received.
- \* Actual expenses of an employee for food, beverages, registration, travel, and lodging for a meeting, which is 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 the public services of the employee.
- \* 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 three dollars or less 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 the school district is a member for purposes of a business or educational conference, seminar or other meeting or solicited by or given to state, national or regional government organizations, whose memberships and officers are primarily composed of state or local government officials or employees for purposes of a business or educational conference, seminar or other meeting.

- \* Items or services received by members or representatives of members as part of 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 the school district 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.
- \* 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 the school district for the cost of attending a meeting of a subunit of an agency when the employee whose expenses are being paid serves on a board, commission, committee, council or other subunit of the agency and the employee is not entitled to receive compensation or reimbursement of expenses from the school district for attending the meeting.
- \* Gifts of food, beverages, travel or lodging received by an employee if all of the following apply: (1) 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. (2) 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. (3) The employee plays a significant role in the presentation to the business or businesses on behalf of the employee's agency.
- \* 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.
- \* Actual registration costs for informational meetings or sessions which assist the employee in the performance of the employee'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 a public official or public employee in the performance of the person's official functions" under this paragraph.

An "honorarium" is anything of value that is accepted by, or on behalf of, an employee as consideration for an appearance, speech or article. An honorarium does not include any of the following:

- \* Actual expenses of an employee for registration, food, beverages, travel or lodging for a meeting, which is 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 gift or series of nonmonetary gifts donated within thirty days to a public body, an educational or charitable organization or the Iowa department of general services; or
- \* A payment made to an employee for services rendered as part of a private business, trade or profession in which the employee is engaged if the payment is commensurate with the actual services rendered and is not being made because of the person's status as an employee of the district, 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.

Legal Reference: Iowa Code §§ 68B