



Administrative Policies and Procedures Manual **603 RECEIPT OF GIFTS**

POLICY

Generally, Judicial Branch employees are prohibited from accepting gifts, as defined in this policy, from those who have business with or are regulated by the Judicial Branch. However, judges of all courts are excluded with respect to their employment as judges.

GENERAL INFORMATION

The Judicial Branch, which is responsible for the equitable administration of justice, must be sensitive to practices that may be construed as encouraging favoritism. The practice of accepting gifts, regardless of innocent intentions, often leads to the perception that employees may be more favorably disposed and responsive to those individuals who show their appreciation in a tangible manner. Consequently, the acceptance of gifts must be prohibited except in clearly defined and justifiable situations.

Specific aspects of this policy are derived from two sources:

- The Code of Ethics for Public Officials, which applies to Family Support Magistrates, permanent and non-permanent employees and to members of their immediate family when the gift is presented from a lobbyist or person acting on behalf of a lobbyist; and,
- A separate Judicial Branch policy, which applies to permanent employees and establishes a more restrictive, zero dollar provision.

PERSONS FROM WHOM OFFICIAL/EMPLOYEE CANNOT ACCEPT A GIFT

No public official or state employee who occupies a permanent position may knowingly accept, directly or indirectly, any gift or gifts from any person the employee knows or has reason to know is doing business with or seeks to do business with the Judicial Branch; or is engaged in activities, including the practice of law, that are directly regulated by the Judicial Branch. Additionally, no employee may knowingly give, directly or indirectly, any gift or gifts in violation of this policy. It should be noted that in Advisory Opinion 2007-02, the Citizen's Ethics Advisory Board concluded that every Judicial Branch employee is prohibited from accepting any gift, as that term is defined in Connecticut General Statutes, Section 1-79e, from attorneys admitted to the practice of law in Connecticut. It also was determined that the exclusion from the definition of gift for items given in connection with a major life event was not applicable in this context. Therefore, attorneys may not give items to a Judicial Branch employee based on the major life event exception.

Non-permanent (temporary) employees are subject to restrictions under the Code of Ethics for Public Officials but not the more stringent Judicial Branch policies.

EXCLUSIONS FROM THE DEFINITION OF GIFT BASED ON RELATIONSHIPS WITH THE DONOR AND THE TYPE OF GIFT

The Judicial Branch policy and the Code of Ethics differ in several areas with respect to what is excluded from the definition of a gift. These differences are based on the closeness of the relationship between the donor and the employee or official and on the type of gift received. Unless a more stringent requirement is imposed by the Judicial Branch, the Code of Ethics provisions governs a Judicial Branch employee. Employees are strongly encouraged to review the statutes regarding specific gifts that family support magistrates and permanent and non-permanent Judicial Branch employees are allowed to receive or are prohibited from receiving.

EXCLUSIONS FROM THE DEFINITION OF GIFT

The Code of Ethics defines gift as anything of value, which is directly and personally received, unless consideration of equal or greater value is given in return. The definition then lists sixteen exceptions. See Connecticut General Statutes, Section 1-79e. However, employers are permitted to adopt more stringent limitations on the receipt of gifts and the Judicial Branch has done so. While the Branch recognizes most of the sixteen exceptions, it does not recognize the following Code of Ethics exemptions, and therefore such items can not be received as gifts from a person known to be a registrant or anyone known to be acting on behalf of a registrant, or a person known or whom the employee has reason to know is doing or seeking to do business with Judicial or is engaged in activities which are directly regulated by Judicial:

- Printed or recorded informational material germane to the employee's state action or functions. However, such material can be made as a gift to the Judicial Branch subject to the Code of Ethics' rules on gifts to the State.
- Food or beverage or both, costing less than \$50.00 in the aggregate per recipient in a calendar year, consumed on an occasion or occasions at which the person paying, directly or indirectly, for the food or beverage, or his/her representative is in attendance. However, if the employee is at a conference and food or beverage or both is provided at a reception for all conferences attendees and the reception does not qualify as a necessary expense, the employee may attend if (a) the employee's attendance facilitates networking at the conference, (b) \$50.00 limit is not exceeded, and (c) the reception sponsor or the sponsor's representative is present.
- Food or beverage or both costing less than \$50.00 per person and consumed at a publicly noticed legislative reception to which all members of the General Assembly or members from a particular region of the State are invited. See Section 1-79e (10) and (11).
- Gifts costing less than \$100.00 in the aggregate or food or beverage provided at a hospitality suite at a meeting or conference of an interstate legislative association, by a person who is not a registrant or is not doing business with the State.

- Gifts with a value of not more than \$10.00, provided the aggregate value of all such things provided by the donor to the recipient pursuant to Section 1-79e (16) in any calendar year does not exceed \$50.00. However, if the donor is a relative, close personal friend or Judicial Branch employee and the gift is not otherwise prohibited under the Code of Ethics, such gifts may be accepted.

Set forth below are a few of the more significant exceptions to the definitions of a gift contained in the Code of Ethics that the Judicial Branch does recognize:

- services provided by a person volunteering his or her time;
- a gift from (a) the recipient's spouse, fiancé or fiancée, (b) the parent, brother or sister of such spouse or such individual, or (c) the recipient's child or the spouse of such child;
- goods or services (a) which are provided to a state agency (defined in the legislation as including, inter alia, the Judicial Branch) (i) for use on state property, or (ii) to support an event, and (b) which facilitate state action or functions. As used herein, state property means (i) property owned by the state, or (ii) property leased to a state agency; and
- a certificate, plaque or ceremonial award costing less than \$100.00.

It should be noted that a public official or state employee may receive payment or reimbursement for necessary expenses as defined in the Code of Ethics for an article, appearance or speech, or for participation at an event in his or her official capacity. Requirement for reporting the receipt of a necessary expense to the Office of State Ethics are summarized in Policy 602, which discusses the Code of Ethics.

PROCEDURES

If a gift is provided and the donor's identity is known, the donor should be contacted, notified of the gift policy, and asked to retrieve the gift. If the gift is anonymous, it should be disposed of as follows:

- leave flowers in a public area
- discard food

If the value of the gift equals or exceeds \$10.00, notify the Office of State Ethics, inform them of the gift and the donor, if known, and the Office may approve donating the item to a charity.

Alleged violations of this policy should be reported to the appropriate division Executive Director. Harassment of, or retaliation against, an individual who reports such information will not be tolerated. Individuals who are found to have been in violation of this policy will be subject to appropriate disciplinary action. If acceptance of a gift amounts to a violation of the Code of Ethics, individuals also will be subject to the sanctions set forth in Policy 602 concerning the Code of Ethics.

If an individual has a question concerning the applicability of the Judicial Branch zero dollar gift policy, the individual should send it to his/her Executive Director who shall forward it to the Executive Director of Superior Court Operations with any recommendation or information the Executive Director wishes to add. The Executive Director of Superior Court Operations, the Deputy Director in Legal Services and the Director of Human Resource Management shall decide the question with a majority vote prevailing. The Executive Director and the employee shall be informed of their decision. The Executive Director of Superior Court Operations, Deputy Director in Legal Services or the Director of Human Resource Management may act through a designee appointed on an ad hoc basis.

In the case of a question regarding the gift provisions of the Code of Ethics, the procedure in Policy 602, Code of Ethics, will be followed.

Questions on this policy:  HR.JBAPPM@jud.ct.gov  (860) 706-5280