



ARIZONA DEPARTMENT OF TRANSPORTATION POLICIES AND PROCEDURES

PER-6.03 ADOT POLICY ON GIFTS

Effective: March 3, 2004

Supersedes: None

Responsible Office: Human Resources (602) 255-8188

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3.01 Purpose

To provide guidelines regarding the limits on accepting gifts, gratuities or entertainment by ADOT employees

3.02 Policy

- a. The Arizona Administrative code R2-5-501 (C) Standards of Conduct <http://www.hr.state.az.us/homepagelinks/adoarules.pdf> includes the following prohibitions as they relate to this policy. Specifically, State employees shall not:
 - (1) Permit themselves to be placed under any kind of personal obligation which could lead any person to expect official favors
 - (2) Accept or solicit, directly or indirectly, anything of economic value as a gift, gratuity, favor, or loan, which is, or may appear to be, designed to influence the employee's official conduct. This provision does not prohibit acceptance by an employee of food, refreshments, or unsolicited advertising or promotional material of nominal value. Although Arizona law allows gifts of under \$10.00 in value, even such nominal gifts are forbidden if they are designed to influence a state employee's conduct.
- b. Arizona Revised Statute §41-1232.08 (A) <http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/41/01232-08.htm&Title=41&DocType=ARS> prohibits lobbyists from making an expenditure for "entertainment" for a State officer or State employee and prohibits State officers and State employees from accepting such expenditures. A State officer or State employee shall not accept an expenditure or single expenditure for compensation, public body, designated public lobbyist or authorized public lobbyist or any other person acting on that person's behalf
- c. Violations of the entertainment ban may result in criminal or civil penalties. A.R.S. §§ 41-1237 (A)-1231.01

3.03 Gifts and Donations for Employee Recognition

A State department or agency may accept gifts and donations from public and private entities for the conduct of employee recognition programs. Gifts and donations for employee recognition programs are subject to the requirements of ARS Title 35, chapter 1, article 3 and title 41, chapter 23.

<http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/41/00776.htm&Title=41&DocType=ARS>

3.04 Definitions:

Entertainment	The expenditure by a lobbyist, paid to attend or participate in a sporting or cultural event or activity, for the benefit of a particular State officer or employee, even if the State officer subsequently reimburses the lobbyist for the expenditure. A.R.S. §41-1231 (5)
Expenditure	means a payment, distribution, loan, advance, deposit or gift of money or anything of value. This includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure that provides a benefit to an individual state officer or state employee that is incurred by or on behalf of one or more principals, public bodies, lobbyists, designated public lobbyists or authorized public lobbyists
Gift	"Gift" means a payment, distribution, expenditure, advance, deposit or donation of money, any intangible personal property or any kind of tangible personal or real property. See A.R.S. 41-1231 (9) for exceptions http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/41/01231.htm&Title=41&DocType=ARS