

ARIZONA DEPARTMENT OF TRANSPORTATION POLICIES AND PROCEDURES

PER-6.03 ADOT POLICY ON GIFTS

Effective: April 28, 2010
Supersedes: PER-6.03 (10/19/2006)
Responsible Office: Human Resources
(602) 712-8195

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Transmittal: 2010 – April
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3.01 PURPOSE

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

3.02 DEFINITIONS

Entertainment	The expenditure by a donor, 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 donor for the expenditure. Refer to Arizona Revised Statute (A.R.S.) § 41-1231(5) Definitions and A.R.S. § 28-363 Duties of the director; administration.
Expenditure	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	<p>A payment, distribution, expenditure, advance, deposit or donation of money, any intangible personal property or any kind of tangible personal or real property. Refer to A.R.S. § 41-1231(9) for exceptions.</p> <p>ADOT has further defined this to include gifts of more than a nominal value (\$10.00) such as gift baskets, flowers, plants, candy and such.</p>
Vendor	Any business that contracts with, or otherwise does business with ADOT.

3.03 POLICY

- A. The Arizona Administrative code [R2-5A-501](#) Conditions of Employment, Standards of Conduct, 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. If an employee wishes to attend a lunch or other event being hosted by a current vendor, lobbyist or someone interested in doing business with ADOT, ADOT employees should pay the attendance fee or other costs prior to the event. Reimbursement after the fact or a donation to a charity in lieu is not acceptable.
- C. While it is the policy of ADOT not to accept gifts and we discourage organizations, vendors, etc. from sending them, we acknowledge that well intentioned gifts are oftentimes sent to individuals and/or groups especially during a holiday season. The gift should be returned to the sender, or donated to a charitable organization and the person or business providing the gift, notified in writing of the action taken. This will ensure that the position is not used for personal gain and is not interpreted as such by the public. The following sample letter may be used in such cases:

Company
Individual's name
Street address
Phoenix, AZ 85018

Dear Name:

Thank you for the beautiful holiday gift you delivered to the (name of person, division or office).

Because of the limitations on gifts that are placed on State employees, we have delivered the (item) as a donation to the St. Mary's Food Bank Soup Kitchen and Men's Shelter at Madison (examples) and 13th Avenue in the name of (your company).

Again, thank you for your thoughtfulness, and please remember that we are not allowed to accept gifts. We wish you and your employees a happy holiday season.

Sincerely,

- D. Arizona Revised Statute § [41-1232.08](#) Entertainment ban; state and political subdivisions; exceptions; definition, 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 entertainment from a principal, designated lobbyist, authorized lobbyist, lobbyist for compensation, public body, designated public lobbyist or authorized public lobbyist or any other person acting on that person's behalf.
- E. Arizona Revised Statute § [41-1232.08](#) shall not apply to:

1. Entertainment in connection with a special event properly reported pursuant to this article.
2. Entertainment that is incidental to a speaking engagement.

3.04 GIFTS AND DONATIONS FOR EMPLOYEE RECOGNITION

A State department or agency may accept gifts and donations from public and private entities for employee recognition programs according to A.R.S. [Title 35](#), Public Finances, Chapter 1, Article 3, Control of Receipts and Expenditures, and [Title 41, Chapter 23](#) Arizona Procurement Code (see [FIN-12.01](#) Management of Awards and Recognition Funds). Although a state agency is permitted by law to accept gifts or donations for this purpose, ADOT employees shall not solicit donations from any current vendor or potential vendor. This includes any business, organization or association that ADOT would reasonably anticipate contracting with or doing business with in the future. The agency does not accept donations that have the likelihood of creating the appearance of a conflict-of-interest.