

West Virginia Ethics Commission

Guideline



Retirement Gifts and Events

A public employee or official departing his/her public position due to retirement, transfer, resignation or completion of his/her term of office may accept gifts from co-workers and subordinates which are given voluntarily. In addition, a limited use of public resources to honor the departure of a dedicated public servant is acceptable if certain limitations are followed.

Who is a “public employee or official”

The term “public employee” includes full-time and part-time public employees who serve in state, county or municipal government. “Public officials” are elected and appointed public officials who serve in state, county or municipal government. The term “public official” also includes a public servant volunteer, which is “any person who, without compensation, performs services on behalf of a public official and who is granted or vested with powers, privileges, or authorities ordinarily reserved to public officials.”

Solicitation of gifts

The following requirements apply to the solicitation of gifts from public employees and public officials for a departure or retirement gift or event:

- Any effort to collect contributions for a departure gift must be limited to asking for a maximum contribution of \$5 per person.
- The recipient may **never** participate in collecting donations for his or her retirement gift or event.
- A public employee or official may **never** solicit a gift from which he or she may personally benefit.
- A public employee or official may **never** coerce a gift or contribution for a retirement gift.
- Supervisors may **never** solicit a retirement gift for themselves.

- Supervisors may **never** solicit their subordinates for a contribution for a retirement gift for another person.
- Requests for contributions should be disseminated in a general announcement to all employees. Announcements should clearly convey that participation is voluntary and free of coercion and that employees may contribute less than the recommended amount or nothing at all. Reasonable reminders are permissible. Supervisors should not sign or distribute these requests to their subordinates.

Value of retirement gift

A retirement gift or combination of gifts from co-workers and subordinates may not exceed a fair market value of \$1,000. This limit may be exceeded if, in lieu of a gift, a donation is made to an organization qualified as a non-profit under Section 501(c)(3) of the Internal Revenue Code.

Information about contributors

Information regarding the identity of contributors, or the amounts they contributed, may not be disclosed to anyone other than those who plan and coordinate the retirement event.

Solicitation and acceptance of gifts from certain entities

The Ethics Act prohibits public employees and public officials from accepting gifts from:

- Lobbyists, or
- From any person whom the official or employee knows or has reason to know:
 - (A) Is doing or seeking to do business of any kind with his or her agency;
 - (B) Is engaged in activities which are regulated or controlled by his or her agency; or
 - (C) Has financial interests which may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of his or her official duties.

Public employees and public officials may not solicit these persons to contribute to a gift for a departing public employee or public official. If one of these persons/entities wishes to make a voluntary contribution to a farewell gift, he/she/it may contribute no more than \$25. If a public agency receives “anonymous” gifts for which the donor cannot be identified, they should be rejected or donated to charity.

Retirement events

Events recognizing the retirement or departure of a public employee or public official may include a gathering with food, beverages and the presentation of a gift or memento of service to the public employee or official or his/her spouse and/or dependent(s).

- An agency may not spend public funds to pay for meals, food or beverages at an event recognizing a departing public employee or official. Any meals, food or beverages must be purchased using private funds collected in accordance with this Guideline.
- Recognition ceremonies may be conducted on government premises or at an off-site location. Public funds may not be used for rental or related fees associated with an event held off site.
- Public employees and officials may **never** solicit a contribution to fund their own farewell event.
- Public employees and officials may **never** coerce a contribution to or participation in an event in their honor or in honor of another departing public employee or official.
- Public employees and officials may contribute any amount to food and beverages to be consumed by those attending an event and entertainment incidental to the event.
- Supervisors may participate in the planning and execution of a retirement event.
- Public employees and officials may **never** ask lobbyists, regulated persons or those doing business or seeking to do business with the governmental entity to sponsor all or part of a departure event.
- A person or entity with a matter before the departing public employee or official or his or her entity should be excluded from participation in the event or the planning for it.
- The head of an agency or governing body may authorize the purchase of a plaque or other commemorative item for a public employee or official who is retiring from public service. The amount of such plaque or other similar item may not exceed \$100. This does not establish or confer an employee benefit. The head of an agency or its governing body must determine whether any such expenditure is consistent with fiscal responsibility and whether to use appropriated funds for this purpose.
- Public employees and officials may plan an event, solicit contributions for a gift and/or meals, and prepare and send invitations to an event in accordance with this Guideline while on their public employer's time. Any such activities must be of limited duration and may not negatively impact the mission of the public agency.

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Revised 6/8/2018