



2015 Year-End Gift Guide



The giving and accepting of gifts is a common way people show appreciation to each other. This is a time of year when many people give gifts.

As a state employee, it is important that you recognize laws and rules that might affect how you choose to exchange gifts, which may include cash, gift cards, goods, and/or services. State laws regarding bribery, ethics, and procurement, as well as department-specific policies, may affect how you to give and receive gifts this year.

This short guide will outline laws and other rules about giving, soliciting, accepting, and declining gifts. If you don't follow these laws and rules, you could face penalties, up to and including termination and/or monetary fines. If you have any questions about a particular solicitation or offer of a gift, speak to your Ethics Officer for guidance.

State law generally permits gift exchanges among colleagues and co-workers, and specifically allows gifts in many other circumstances, including between personal friends and family members. But there may be particular circumstances where a gift is a bad idea, and may violate agency policy or state statute. In general:

- do not solicit or accept any gift from anyone if you are in a position to show favoritism toward that person in the performance of your duties;
- do not offer a gift to any one in order to receive a job benefit in return, such as a favorable performance review or a raise, promotion, or transfer.

State laws expressly prohibit soliciting or accepting gifts under certain specific circumstances. For example, the Gift Ban provisions of the State Officials and Employees Ethics Act (5 ILCS 430/10) restrict soliciting or accepting gifts by a state employee from:

- a person who is seeking official action by the employee or the state agency;
- a person who is doing business with or seeking to do business with the employee or his or her state agency;
- a person who is regulated by the employee or his or her state agency;
- a person who is required to register as a lobbyist; and
- a person who is an agent of any of the people described above.

Exceptions to the Gift Ban exist (5 ILCS 430/10-15) and you should bring any questions you may have to your ethics officer.

Other state laws may also affect gifts. The Official Misconduct provisions of the Criminal Code of 2012 restrict gifts in some circumstances. For example:

- Any state employee who solicits, receives, retains, or agrees to accept anything given with the understanding that it will improperly influence or attempt to influence the performance of any official act may be guilty of bribery;

- Any person who gives or promises anything a state employee is not allowed to accept, with intent to influence the performance of any official act, may be guilty of bribery; and, among other instances;
- Any state employee who solicits or receives anything intended as a campaign contribution from a person engaged in a business or activity over which the state employee has regulatory authority may be guilty of solicitation misconduct.

In addition to state laws, many agencies, departments, boards and commissions have policies for their employees that go beyond the basic requirements of the Ethic's Act's Gift Ban or other statutes. If you have any questions about a particular gift situation, speak with your Ethics Officer.

This guide was produced by the Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) and is intended to educate state employees about their legal obligations. If you are concerned about possible ethics violations, you may report those to the OEIG by any of the following means:

- Call 866.814.1113;
- Fax 312.814.5479;
- TTY 888.261.2734;
- Email OIG.ComplaintDB2@Illinois.gov;
- Log on to www.inspectorgeneral.illinois.gov and click "complaints."

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