

# Procedure: 4.3.2p3. (III.L.3)

## Gifts, Honoraria, and Expenses

**Revised:** March 8, 2011

**Last Reviewed:** March 8, 2011

**Adopted:** March 8, 2011



### I. PURPOSE:

This Procedure serves to encompass those provisions of Governor Nathan Deal's January 10, 2011 Executive Order establishing a Code of Ethics for Executive Branch Officers and Employees as they pertain to gifts, honoraria, and expenses. The Executive Order places additional restrictions on the activities and actions of Executive Branch officers and employees (other than those imposed by the provisions of O.C.G.A § 16-10-2, 21-5-1, 21-5-70, 45-1-6, and 45-10-1) with respect to carrying out their official duties, responsibilities, and obligations. Other major provisions of the Executive Order are referenced in the Procedure governing Standards of Business Conduct.

### II. RETATED AUTHORITY:

O.C.G.A. § 20-4-11 – Powers of the Board  
O.C.G.A. § 20-4-14 – TCSG Powers and Duties  
O.C.G.A. §16-10-2  
O.C.G.A. §21-5-1  
O.C.G.A. §21-5-70  
O.C.G.A. §45-1-6  
O.C.G.A. §45-10-1  
O.C.G.A. §45-20-51

### III. APPLICABILITY:

All employees of the Technical College System of Georgia.

### IV. DEFINITIONS:

**Charitable Organization:** an organization defined in applicable provisions of O.C.G.A. §45-20-51.

**Employee:** any employee of the Office of the Governor, including the Governor, and any employee of any state agency, including an agency head.

**Ethics Officer:** the agency official designated by the Commissioner of the Technical College System of Georgia to ensure that all TCSG employees, including technical college employees, are aware of applicable ethics laws, policies and the January 2011 Executive Order.

**Gift:** anything of value exceeding \$25.00 including, but not limited to, food, lodging, transportation, personal services, gratuities, subscriptions, memberships, trips, loans, extensions of credit, forgiveness of debts, or advances or deposits of money.

**Honoraria:** monetary payment, stipend, or other compensation for a service (e.g., making a speech, reviewing a textbook, etc.) for which a fee is not traditionally established or required.

**Lobbyist:** an individual defined in applicable provisions of O.C.G.A. §21-5-70(6).

**Public Officer:** includes the executive head of every state department or agency, whether elected or appointed. The term also includes anyone who has discretionary authority over, or is a member of a public body which has discretionary authority over, the selection of a vendor to supply any goods or services to any state agency.

**Value:** the actual retail price or cost attributable to a gift, less applicable taxes and gratuities or a reasonable estimate based upon customary charges for like goods or services in the locality. A series of tickets to sporting, entertainment, or similar events shall be valued at the face value of the ticket or fee, excluding any portion attributable to a charitable contribution, if provided by a charitable organization.

**Vendor:** any person who sells to or contracts with any state agency for the provisions of goods and services.

## **V. ATTACHMENTS:**

Attachment: 4.3.2p1.a1. Governor Deal's January 2011 Executive Order

Attachment: 4.3.2p3.a1. Report of Expense Reimbursement by a Third Party Organization

Attachment: 4.3.2p1.a2. Employee's Ethics Acknowledgment Statement

## **VI. PROCEDURE:**

### **A. General Provisions:**

1. As provided in Governor Deal's Executive Order:
  - a. All officers and employees of state government must work solely for the public good, striving vigilantly to avoid even the appearance that their actions are motivated by private or personal interest;
  - b. State employees should use their powers and resources to further the public interest and not for any financial or other personal benefit, other than their established hourly or salaried compensation and, as applicable, employer-provided benefits;
  - c. State employees should not accept benefits of any sort under circumstances in which it could be inferred by a reasonable observer that the benefit was intended to influence a pending or future decision or to reward a past decision; and,

- d. State employees must avoid any conduct, whether in the context of business, financial, or social relationships, which might undermine the public trust, whether that conduct is unethical or lends itself to the appearance of ethical impropriety.
2. Questions regarding the proper administration/application of the Executive Order with respect to individual employee(s) or any TCSG work unit should be directed to the TCSG Ethics Officer.
3. The Commissioner of the Technical College System of Georgia is fully responsible to the Office of the Governor for system-wide compliance with the Executive Order.
4. Any alleged violation of the Executive Order shall be reported by the Ethics Officer to the Office of the State Inspector General.

**B. Gifts:**

1. Except as provided in Paragraph VI.B.3., no employee, nor any person on his/her behalf, shall accept, directly or indirectly, any gift from any person with whom the employee interacts on official state business, including, without limitation, lobbyists and state vendors.
2. If a gift has been accepted, it either must be returned to the donor or transferred to a charitable organization.
3. Where appropriate for purposes of tradition, ceremony, or inter-governmental relations, or when acting as a representative of the Office or the Governor or an agency, an employee may accept a gift on behalf of an agency or the Office of the Governor.
4. An Executive Branch employee may not accept (and retain) a gift if the gift retains value after it is accepted.
5. The term "gift" shall not include:
  - a. An award, plaque, certificate, memento, or similar item given in recognition of the recipient's civic, charitable, professional, public, or other service.
  - b. Promotional items of a nominal value generally distributed to the general public or to public officers.
  - c. Actual and reasonable expenses for food, beverages, travel, lodging and registration provided to permit participation in a meeting, demonstration, or training related to an employee's official/professional duties and responsibilities, provided such participation has been authorized, in writing, by the Commissioner, technical college president, or his/her designee.
  - d. As applicable, food, beverages, and registration at group events related to activities associated with the Technical College System of Georgia and/or its

technical colleges to which substantial numbers of TCSG employees have been invited; provided, however, that such attendance/participation does not conflict with other provisions of this Procedure and the Governor's Executive Order.

**C. Honoraria:**

1. No employee may accept any honoraria.

**CI. Expenses:**

1. If an employee's actual and reasonable expenses for food, beverages, travel, lodging, registration, etc. are paid by a third party to permit the employee's participation in a meeting/activity related to his/her official or professional duties, the employee shall file an expense reimbursement report consistent with the provisions of Paragraphs VI.D.2. and VI.D.3.
2. The Report of Expense Reimbursement by a Third Party Organization (Attachment 4.3.2p3.a2.) must contain a description of each expense (i.e., the amount paid on behalf of the employee) as well as the purpose, date, and location of the meeting/activity. A copy of the Commissioner's, technical college president's, or his/her designee's written approval for such attendance should also be included.
3. The report shall be filed with the TCSG Ethics Officer no later than thirty (30) calendar days after participation in the training/activity has been completed and/or the associated expenses paid.
4. As referenced in the Executive Order, the preferred practice is for state agencies and not third parties to pay for the business-related travel of their employees to attend such meetings/activities.

**VII. RECORD RETENTION:**

All records associated with/documents developed in response to the Executive Order shall be maintained for a minimum of four (4) calendar years, similar to that for records documenting payment of registration fees which are not considered travel expenses (the latter requires retention for only three (3) calendar years).

**Attachment: 4.3.2p3.a1.**

**Report of Expense Reimbursement by a Third Party Organization**

***As provided in the Gifts, Honoraria, and Expenses Procedure, if a third party organization is paying expenses for a TCSG employee to attend a meeting, training, etc, the participating employee must complete a report and forward it to the TCSG Ethics Officer no later than thirty (30) calendar days after participation in the identified training/activity and/or the associated expenses paid.***

***A copy of the Commissioner, technical college president or his/her designee's written approval for participation in the training/activity (e.g., the TCSG Authorization for Out-of-State Travel Form) should be attached to the completed report.***

Employee Name: \_\_\_\_\_  
(Please Print)

Technical College/System Office Work Unit: \_\_\_\_\_

Date(s) of Travel: \_\_\_\_\_ Destination: \_\_\_\_\_

Purpose of meeting/training: \_\_\_\_\_

Name of organization providing reimbursement/payment for associated travel expenses:  
\_\_\_\_\_  
\_\_\_\_\_

Does the Organization have a current contract with the Technical College/System Office for the delivery of goods or services? Yes \_\_\_\_\_ No \_\_\_\_\_

**Expenses Paid by the Organization:**

Lodging: \_\_\_\_\_ Registration Fee: \_\_\_\_\_

Meals: \_\_\_\_\_ Other Expenses: \_\_\_\_\_

Transportation: \_\_\_\_\_

TOTAL Expenses: \_\_\_\_\_

NOTE: Other Expenses must be identified and itemized: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_