

Acceptance Of Gifts By City Employees

WHEREAS, All citizens have a right to expect integrity in government; and

WHEREAS, The Philadelphia Home Rule Charter, the City Ethics Code, and the State Ethics Act all include provisions prohibiting the acceptance by City employees of certain gifts in certain circumstances; and

WHEREAS, To eliminate even the appearance of impropriety, and to reduce uncertainty among City employees and persons dealing with City employees as to the circumstances under which acceptance of gifts is improper, clear rules should be adopted to prohibit the acceptance by City employees of certain gifts from specified persons; now, therefore

I, Edward G. Rendell, by the power vested in me as Mayor of the City of Philadelphia, do hereby order as follows:

SECTION 1. Prohibited Gifts, Gratuities and Favors.

No official or employee in the Executive and Administrative Branch shall solicit or accept, directly or indirectly, anything of value, including any gift, gratuity, favor, entertainment or loan, from any of the following sources:

- (a) A person seeking to obtain business from, or who has financial relations with, the City;

- (b) A person whose operations or activities are regulated or inspected by any City agency;
- (c) A person engaged, either as principal or attorney, in proceedings before any City agency or in court proceedings in which the City is an adverse party;
- (d) A person seeking legislative or administrative action by the City;
or
- (e) A person whose interests may otherwise be substantially affected by the performance or nonperformance of the official or employee's official duties.

For all of the above "sources," the word "person" shall mean a business, governmental body, individual, corporation, union, association, firm, partnership, committee, club or other organization or group of persons.

SECTION 2. Exceptions.

The provisions of Section 1 shall not apply to:

- (a) The solicitation or acceptance of something of monetary value from a friend, parent, spouse, child or other close relative when the circumstances make it clear that the motivation for the action is a personal or family relationship;
- (b) The acceptance of loans from banks or other financial institutions on customary terms of finance for proper and usual activities, such as home mortgage loans;
- (c) The solicitation or acceptance of something of value where the aggregate total fair market value of gifts from that source equals \$100 or less for the calendar year provided that the gift does not violate any other provision of law, and provided that this exception shall not permit gifts of cash in any amount.

(d) Immediate consumption by the official or employee of food and beverage while attending a public or private event, provided that this exception does not apply to acceptance of anything else of value connected with the event.

SECTION 3. Gifts to the City.

In accordance with Section 8-204 of the Home Rule Charter, a City department, board or commission may accept a gift on behalf of the City. Where such a gift can only be used by individuals, as with travel, seminar tuition, or attendance at a ceremonial function, the gift shall not be prohibited by this Order if it is received by the official designated to receive such gifts and dispensed by the City on a basis consistent with governmental purposes.

SECTION 4. Procedure To Follow Upon Receipt of Prohibited Gift.

(a) Any employee who receives a gift or gratuity which is prohibited by Section 1 shall forward the gift or gratuity to the head of the employee's department or agency, together with a written explanation of the circumstances surrounding the gift or gratuity.

(b) A department or agency head shall return all gifts and gratuities received from employees pursuant to subsection 4(a) to the donor, together with a written explanation why the return is necessary. If return of a gift or gratuity to the donor is not possible, the gift or gratuity shall be deemed to be a gift to the City, and shall be forwarded, together with a written explanation why return to the donor is not possible, to the Procurement Department for appropriate disposition pursuant to Section 6-500(d) of the Philadelphia Home Rule Charter.

(c) A copy of all written explanations prepared pursuant to subsections 4(a) and 4(b) shall be sent to the Inspector General.

SECTION 5. Dissemination of Information.

A summary of the provisions of this Executive Order shall be distributed to all current officials and employees of the Administrative and Executive Branch, and to all newly appointed officials and employees. Such a summary shall also be provided to bidders and prospective bidders for City contracts.

SECTION 6. Effective Date.

This Order shall take effect immediately.

DATE December 15, 1992

Edward G Rendell

EDWARD G. RENDELL, MAYOR