



TITLE: Gifts, Gratuities, Related Benefits,
Other Employment and Code of Ethics
Policies and Procedures No. 1.7.203

Effective: April 22, 1999
Revised: March 08, 2013
Reviewed: March 08, 2013

I. PURPOSE

To establish Department policy governing employee conduct and activities during working and non-working hours to ensure their ability to serve the County at satisfactory levels of performance.

This Policy and Procedure incorporates by reference the "[Code of Ethics and Commitment to County Public Service](#)" which was adopted by the Board of Supervisors. (see Attachment A).

II. REFERENCES

The following [underlined](#) references are hyperlinked:

- A. [Code of Ethics and Commitment to County Public Service](#) (Attachment A)
- B. [Offer and Acceptance of Gift](#) (Attachment B)
- C. [Policy & Procedure No. 1.7.415 - Allegations of Misconduct](#)
- D. [California Government Code Section 1090](#)

III. DEFINITIONS

N/A

IV. POLICY

A. Acceptance or Solicitation of Gifts, Gratuities, Rewards and Loans

1. No employee shall accept or solicit any gift, gratuity, reward, loan, entertainment, or anything of value which might tend or appear to influence directly or indirectly actions of the employee or other employees of the Department or the County, or which might tend to cast an adverse reflection on the Department, County, or any employee. Token gifts with advertising, such as calendars, pads, and pens are exempted.
2. For gifts received that will ultimately benefit the County but will be used by individual County officers or employees, an "[Offer and Acceptance of Gift](#)" form must be completed by both the donor and the accepting parties (see Attachment B).

The "[Offer and Acceptance of Gift](#)" form complies with the Fair Political Practices Commission (FPPC) regulation which states that a gift shall be deemed a gift to a public Department and not to a public official or employee. The FPPC upholds this when a gift is used for official business and the Department, not the donor, determines which employee will use the gift. The form can be completed by anyone delegated by the Department head, as long as the person completing the form is not the user of the gift.

This form is not appropriate for use when the official who will ultimately use the gift is the Department head or a member of the Board of Supervisors.

B. Outside Employment Activities

1. No employee shall engage in outside employment or activities contributing to mental or physical fatigue which adversely affects the job performance of County-related work or causes absenteeism.
2. No employee shall engage in outside employment or activities which constitute conflicts of interest for private gain or advantage, or private gain or advantage of another. Generally, employment or activities outside the Department are acceptable except for the following:
 - a. Employment involves a person, activity, firm or product which contracts with or is subject to regulation, inspection or enforcement by the Department.
 - b. Employee uses County time, facilities, equipment, badge, or uniform for private gain or advantage, or private gain or advantage of another.
 - c. Employee uses prestige or influence of County employment for private gain or advantage, or private gain or advantage of another.
 - d. Employee uses confidential information acquired by virtue of County employment for employee's private gain or advantage, or private gain or advantage of another.
 - e. Employee performs act outside their capacity as County employee, knowing that such act may later be directly or indirectly subject to control, inspection, review, audit or enforcement by employee or unit which employs them.
 - f. Employee represents or assists in representing the private sector for profit before any board or commission of the County, or in a court or arbitration hearing when the County is a party.
 - g. Employee solicits future employment with an organization doing business with the County over which the employee has some control or influence in their official capacity at the time of the transaction.
 - h. Employee has a financial interest in any contract made by the employee as a member of any body or board on behalf of the County of Orange/OC Public Works ([California Government Code Section 1090](#)).
 - i. Employment, by its nature, could bring discredit upon the Department or upon the County of Orange.

C. Contracts, Products, Supplies, and Specifications

1. No employee who participates in the selection, specifications, or approval of a contractor, product, source of supply, specifications, or who has supervisory responsibility for such employees, shall have any financial interest in the company which furnishes the supplies or services being procured.
2. No employee who participates in the selection or specifications or who has supervisory responsibility for such employees shall accept or receive, directly or indirectly, from any person, firm, or corporation to which any contract or purchase order may be awarded, money or anything of value whatsoever, or any promise, obligation, or contract for future reward or compensation.
3. No employee who participates in the decision to surplus materials or equipment shall offer to purchase same through a sealed bid, auction, or any other way, or request the acquisition be made on their behalf by any other individual.

4. No employee shall knowingly participate in making decisions or recommendations which may potentially, directly or indirectly, impact personal investments, property, and business transactions outside of County employment. In the event an employee is legally required to participate in such a decision or recommendation the employee shall notify their supervisor.

D. Other Employment Related Conflicts

1. No employee will knowingly inspect, review, or approve discretionary permits when any close personal or working relationships exist between the employee and owner, contractor or other principal or project. Employee shall notify their supervisor and/or Division Manager when situations of this nature occur to allow reassignment of duties.
2. No employee will purchase any item or service from the County when their official duties are in any way related to the transaction ([California Government Code Section 1090](#)).
3. No employee will sell any item or service to the County when their official duties are in any way related to the transaction ([California Government Code Section 1090](#)).

E. Exceptions

1. Under certain circumstances outside employment or activities resulting in conflict of interest for the employee may also be of value to the Department, County and the community in which they serve. Employment or activities of this nature may be approved by the appropriate Service Area Deputy Director.
2. An employee may seek services or benefits from a Department program if eligible under the program guidelines. The employee's application shall be handled confidentially and reviewed by the Service Area Deputy Director to ensure program and Department policies are followed. The Director, OC Public Works shall be notified if services or benefits will be granted. Employee's application may be subject to review by the Department or other County Department during an audit.

F. Reporting Responsibilities

- G. In the event any Department staff has knowledge of a conflict of interest situation or other misconduct by another OC Public Works staff member, it shall be immediately reported in accordance with [Policy & Procedure No. 1.7.415 - Allegations of Misconduct](#).

VI. ATTACHMENTS

- A. Code of Ethics and Commitment to County Public Service
- B. Offer and Acceptance of Gift

**CODE OF ETHICS
AND
COMMITMENT TO COUNTY PUBLIC SERVICE**

Section 1 - PURPOSE

This code establishes the standards of conduct required of County officials and employees for the proper operation of County government. These standards are intended to strengthen County public service and to maintain and promote faith and confidence of the people in their government.

Section 2 - RESPONSIBILITIES OF PUBLIC OFFICE

County officials and employees are agents of the public and serve for the benefit of the public. They shall uphold the Constitution of the United States, the Constitution of the State of California, rules, regulations and policies of the County, and shall carry out impartially the laws of the Nation, State, and County. In their official acts, they shall discharge faithfully their duties, recognizing that the public interest is paramount. County public officials and employees must demonstrate the highest standards of morality and ethics consistent with the requirements of their position and consistent with law.

Section 3 - DEDICATED SERVICE

In the performance of their duties, all County officials and employees shall support governmental objectives expressed by the electorate and interpreted by the Board of Supervisors and the County programs developed to attain these objectives. County officials and employees shall adhere to work rules and performance standards established for their positions by the appointing authority. The County requires all County officials and employees to use good manners, to be considerate, to be accurate in statement and to exercise sound judgment in the performance of their work. County officials and employees shall neither exceed their authority nor breach the law nor ask others to do so. They shall work in full cooperation with other public officials, employees and the public.

Section 4 - NONDISCRIMINATION

No County official or employee shall grant any special consideration, treatment, or advantage to any person beyond that which is available to every other person in similar circumstance. No person shall be favored or discriminated against with respect to any appointment in the County service because of family or social relationships, sex, race, religion, national origin, ancestry, marital status, age, physical disability, mental disability, medical condition, political opinion or political affiliation.

Section 5 - OATH OF ALLEGIANCE

All County officials and employees must execute an Oath of Allegiance as follows:

“I, _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the State of California against all enemies, foreign and domestic; that I will bear true faith and allegiance to the Constitution of the United States and the Constitution of the State of California; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties upon which I am about to enter.”

Section 6 - USE OF PUBLIC PROPERTY

County officials and employees are prohibited from using County-owned equipment, materials, or property for personal benefit or profit unless specifically authorized by the Board of Supervisors as an element of compensation.

Section 7 - CONFLICT OF INTEREST

No County official or employee shall engage in any business, transaction or activity, or have a financial interest, which is in conflict with the proper discharge of official duties or would tend to impair independence or judgment or action in the performance of official duties. County officials and employees are also subject to the provisions of the California Government Code Sections 1090, 1126, 87100, and any other applicable provisions of State law as well as County conflict of interest codes and policies applicable to County employment.

Section 8 - POLITICAL ACTIVITY

It is the intent of the Board of Supervisors that County officials and employees participate in the political process to the extent that such participation does not interfere with the proper performance of County duties and functions. The provisions of California Government Code Sections 3201-3209 and 3302 and any future amendments thereto are hereby incorporated as part of this rule.

Section 9 - REVOLVING DOOR

A public official or employee shall not meet or confer with a former County official or employee, who is acting as a lobbyist within one year following termination of the former official or employee from County employment,

OFFER AND ACCEPTANCE OF GIFT

This form is intended for use by heads of County departments and agencies in accepting gifts to the County which would otherwise constitute gifts to individual officers/employees of the County. Authority: Govt. Code Sec. 25355, Resolution No. 89-1626A, and Title 2, Cal. Code Regs., Sec. 18944.2

SECTION I: (To be completed by donor)

_____ hereby offers to donate to the _____
 _____ ("the public agency"), the following gift: _____

It is expressly understood that:

1. The public agency shall receive and control the disposition of this gift.
2. The gift shall be used only for the official business of the public agency.
3. If the gift is ultimately used by individual officials, only the public agency, in its sole discretion, shall determine which official shall use the gift.
4. This gift may be used by the public agency:

_____ for any purpose.

_____ for the following purposes _____

Executed by: _____ Date: _____

SECTION II: (To be completed by department head)

1. The proposed gift is accepted by the public agency.
2. The gift will be used for the following official purposes:

3. The gift will be used by the following public officials:

4. The original of this Offer and Acceptance will be filed with the filing official of this public agency.

Accepted by: _____
(Department Head)

Date: _____

SECTION III: (To be completed by filing official)

Received on: _____

(Filing Official)

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