



CITY OF LINCOLN
NEBRASKA
 MAYOR CHRIS BEUTLER

**CITY OF LINCOLN
 EXECUTIVE ORDER**

NO. 084458


smart # 11100032
 10-5-11/law/ce

BY VIRTUE OF THE AUTHORITY VESTED IN ME by the Charter of the City of Lincoln, Nebraska:

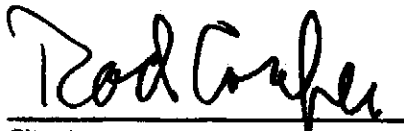
I hereby accept and approve on behalf of the City, the attached Administrative Regulation No. 33 establishing clear, understandable and workable standards to prevent conflicts of interest which might interfere with the performance of public responsibilities in the event that City employees were to accept gifts from those with whom the City does business or others who may be affected by City operations.

The City Clerk is directed to forward one fully executed copy of this Executive Order and Administrative Regulation No. 33 to ~~all City Directors.~~ ^{Attorney}

Dated this 10th day of October, 2011.


 Chris Beutler, Mayor of Lincoln

Approved as to Form & Legality:


 City Attorney

ADMINISTRATIVE REGULATION

City of Lincoln

SUBJECT: City Employees Gift Policy	EFFECTIVE DATE: <u>October 10</u> , 2011	A.R. NO.: 33
APPLIES TO: All Departments and Divisions	SUPERSEDES: Incorporates and Supersedes E.O. No. 83783, dated February 1, 2011	Page 1 of 3
<p>PURPOSE:</p> <p>To further the cause of good government, ensure the confidence of City residents in the loyalty and integrity of their public servants and to provide the City of Lincoln workforce with certainty and guidance in the performance of their duties by providing clear, understandable and workable standards to prevent conflicts of interest which might interfere with the performance of public responsibilities in the event that City employees were to accept gifts from those with whom the City does business or others who may be affected by City operations.</p> <p>POLICY:</p> <p>City Employees are prohibited from knowingly soliciting or accepting gifts, or knowingly permitting their immediate family members or members of their households to do so, from persons and under circumstances described in this Regulation.</p> <p>RATIONALE AND BACKGROUND FOR THIS REGULATION:</p> <p>All City of Lincoln Employees are expected to perform their duties in a manner that maintains and enhances public confidence and trust in the integrity, objectivity and impartiality of the City. As an organization entrusted with public funds, the City of Lincoln is obligated to ensure the protection and appropriate use of all its resources and assets. As some of the Lincoln's most valuable and important assets, City employees therefore are expected to demonstrate the highest standards of ethical behavior and to avoid even the appearance of impropriety. As a general rule, the acceptance of even customary business amenities should be avoided. However, it is recognized that this type of hospitality may be acceptable within strict limits.</p> <p>The <i>Nebraska Political Accountability and Disclosure Act</i> prohibits bribery, by providing that city employees may not solicit or accept anything of value, including a gift, based on an agreement that their official actions or judgment would be influenced thereby. Neb. Rev. Stat. § 49-14,101. Employees are subject to criminal penalties for violation of these provisions.</p> <p>The <i>Lincoln Municipal Code</i> also prohibits City employees from using their official positions to obtain financial gain other than their authorized compensation and provides that they may be subject to disciplinary action, including dismissal for seeking or accepting gifts that may be given by anyone in the hope or expectation of influencing them or receiving a favor or better treatment than the employee provides to others in the exercise of official duties. L.M.C. §§ 2.54.025 (a) and (b); 2.54.050(c); 2.76.445 (m).</p> <p><i>Executive Order 28781</i>, dated January 6, 1985 formerly contained restrictions on the acceptance of gifts by officials or employees. In order to strengthen, clarify and update City of Lincoln policies strictly limiting gifts to its employees, Executive Order 28781 was repealed February 1, 2011, by Executive Order 83783, which promulgated the substantive provisions and policies contained herein. Executive Order 83783 is hereby replaced and superseded by this Administrative Regulation that incorporates and restates the provisions of the executive order without substantive change.</p>		

ADMINISTRATIVE REGULATION

City of Lincoln

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Current requirements of state and local law and administrative policy, while instructive and helpful, are subjective and may be open to interpretation or subject to evasion. To further the cause of good government, ensure the confidence of City residents in the loyalty and integrity of their public servants and to provide the City of Lincoln workforce with certainty and guidance in the performance of their duties, clear, understandable and workable standards should be provided to prevent conflicts of interest which might interfere with the performance of public responsibilities. This Administrative Regulation is issued to achieve those ends.

PROCEDURE:

1. **Gift policy.** It is hereby declared to be the policy of the City of Lincoln that no employee shall knowingly solicit or accept gifts or knowingly permit an immediate family member or member of his or her household to solicit or accept gifts from any person who:

- (a) Has or is seeking to obtain any contractual or other business or financial relationship with the employee's department; or
- (b) Conducts operations or activities which are regulated by the employee's department; or
- (c) Has interests which may be substantially affected by the employee's performance or nonperformance of official duty.

2. **Violation.** Any employee violating this policy shall be subject to disciplinary action, including reprimand, disciplinary probation, suspension, demotion, or dismissal, in accordance with procedures set forth in the Lincoln Municipal Code. Disciplinary action shall not affect whether an employee may also be subject to criminal prosecution or civil remedies.

3. **Departmental Policies.** Any department of the City may adopt a gift policy which is more restrictive than this policy, provided the department's policy is first approved by the Mayor and the City Law Department.

4. **Definitions.** The following definitions shall be used in interpreting this policy:

EMPLOYEE: Any person employed or retained by the City of Lincoln for compensation, including temporary or probationary employees, whether part-time or full-time, but excluding any independent contractor.

GIFT: Any payment, subscription, advance, loan, forbearance, the reimbursement of or waiving of regular fees or costs, or the rendering or deposit of money, services, or any thing of value, unless consideration of equal or greater value is received therefor.

Exceptions to the definition of "GIFT":

The definition of gift shall not include: (a) a campaign contribution otherwise reported as required by law; (b) a commercially reasonable loan made in the ordinary course of business; (c) a gift received from a relative, the relative of an immediate family member or a member of the employee's household; (d) a gift received from a co-worker; (e) a breakfast, lunch, dinner, or other food or beverage provided for immediate

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<p>consumption; (f) ceremonial gifts or awards of insignificant monetary value; (g) a donation to the City or a department or division of the City that is accepted by an employee in his or her official capacity if such gift is identified forthwith in writing to the Mayor, who shall direct use of the gift by an executive order to be maintained as an official record of the City by the City Clerk; (h) a gift with a value not exceeding fifty dollars (\$50.00), accepted by the employee with the intent of re-donating it to a charitable or eleemosynary organization, which the employee re-donates to such organization within thirty (30) days, and for which the employee does not claim a charitable tax deduction; (i) free or reduced admission to an event attended or in which the employee participates as part of his or her official duty, as assigned by or necessarily included within the employee's position description or customary duties and functions, or as directed by the employee's superior or supervisor; or (j) flowers, plants, food or like items given to an employee or their immediate family member as an expression of sympathy, good wishes or concern because of an illness, death or similar situation.</p> <p><u>IMMEDIATE FAMILY:</u> A spouse, child, parent or individual claimed as a dependent for federal income tax purposes by an employee or the employee's spouse.</p> <p><u>MEMBER OF THE EMPLOYEE'S HOUSEHOLD:</u> A person residing in the employee's household other than as a rent-paying tenant.</p> <p><u>PERSON:</u> A business, individual, legal entity, organization or group of persons acting jointly.</p> <p><u>RELATIVE:</u> Any person related by blood or marriage to and including the third degree of consanguinity (i.e., aunt or uncle, niece or nephew, great-grandparent and great-grandchild), including a foster parent, foster child, stepparent, stepchild, adopted child, and adopted parent, or a spouse of any such relative.</p>		

The foregoing Administrative Regulation, incorporating and superseding Executive Order No. 83783, dated February 1, 2011 is hereby APPROVED.

Administrative Aide to the Mayor


Chris Beutler, Mayor of Lincoln

R E C E I P T

FOR

CITY OF LINCOLN GIFT POLICY

I hereby acknowledge that I have received and read a copy of the City of Lincoln Gift Policy. I understand and acknowledge that failure to comply with this policy may result in disciplinary action.

Print Name

Signature

Social Security Number

Department

Date

Please forward completed form to the Personnel Department.