

June
2020

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ETHICALLY SPEAKING

Milwaukee County Ethics Board

Gifts: A Change to the Code!

The Change

On March 26, 2020, the County Board made the following change to the Definitions section of the Ethics Code:

9.02(1) “Anything of value” means any money or property, favor, service, payment, advance, forbearance, loan, or promise of future employment, business, or other consideration having a value greater than fifty dollars (\$50)...

Where “Anything of Value” Pops Up

The phrase helps define what a Milwaukee County employee or official can accept as a gift (Section 9.02(8)). You can also find the phrase in 9.05(2)(b), (f), and (k) as it relates to standards of conduct. The last two places we see the phrase are in 9.12 (related to Board decisions) and 9.14 (related to SEI filings).

Why This Helps

Uniformity. Now, one value is used throughout a majority of the Code, simplifying our ability to make ethical decisions on the fly.

In keeping with the consistency theme, it’s worth noting that the new \$50 threshold also lines up with the State’s \$50 threshold for gift reporting on a Statement of Economic Interests*, streamlining things for employees and officials who have to file a SEI at the State and County levels.

The following page is the Ethics Newsletter from September 2019, updated to reflect the current language of the Code.

Disclaimer

Any scenarios presented above are general examples and provided for informational purposes only. They are not intended to address specific scenarios. If you have questions concerning a potential conflict of interest, contact the Ethics Board. Pursuant to the Ethics Code, your request will remain closed to public inspection unless you request in writing that it be made a public record.



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Focusing on Gifts

Where the Gift is Coming From

In Chapter 9.05(2)(f), the Code addresses gifts in two ways: one concerns gifts from anyone and the other concerns gifts between County employees and officials. A County official or employee cannot accept any item, gift, or service worth more than **\$50** when it is offered due to his or her public position or if it *could be seen* as an attempt to influence or reward. The Code also forbids public officials from giving County employees or members any gifts worth more than **\$50**. Employees and members cannot give each other gifts worth more than **\$50** as well.

Exceptions

There are some exceptions to the gift provisions.

- Compensation and expenses paid by the County
- Reported fees and expenses permitted in Chapter 9.14 of the Ethics Code
- Certain reported political contributions
- Hospitality that is unrelated to County business and that is given by an individual or a government

The last exception is the most common. If you were invited to a private event, it would not be considered a gift under the code **as long as** (1) the hospitality is based on something other than County business or your County position (i.e. pre-existing friendships, family, etc.) and (2) the hospitality provided is *not* from an organization.

When Can You Accept a Gift

How do you know if you can accept a gift worth more than **\$50**?

First, ask yourself “**Would I be offered this gift if I were not working for the County?**”

If the answer is no, then the gift is being offered to you because of your public position and you should not accept it.

Next, ask yourself “**Could someone who didn’t know me think this gift was to influence or reward me?**”

Here, consider who the giver is. Are they a contractor or potential contractor with Milwaukee County? Are they a client, representative, or other individual or organization that uses your department’s services?

Simply put, the factor is not if the gift *will* influence you, but if **someone else might reasonably think that it could influence you**. If so, you should not accept the gift.

Third, when in doubt or if you’re on the fence, thank the giver and decline the gift. Explain that as a County employee/official, the Ethics Code prevents you from accepting gifts that could cause an appearance of impropriety or a misunderstanding.

Other Considerations

- If you are required to file a Statement of Economic Interests, you need to report gifts you have accepted.
- Even an acceptable gift may create ethical issues. For example, a mug with the name of a contractor may be an acceptable gift due to its low value, but you should not use it in your office if it might create the appearance of bias.

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