

HOPKINTON SCHOOL COMMITTEE**GIFTS TO OR BETWEEN EMPLOYEES AND SCHOOL COMMITTEE****Gifts to Employees**

Gifts and gratuities that public employees may legally receive are restricted under the state's conflict of interest law, M.G. L. 268A, and the financial disclosure law, M.G. L. 268B. The phrase "public employee" is defined as officials and employees, whether part-time or full-time, paid or unpaid, elected or appointed.

In accordance with these laws all Hopkinton Public Schools employees and School Committee members are prohibited from accepting personal gifts with an aggregated valued of \$50 or more over a three hundred sixty-five (365) day period that are given because of their status as an employee or elected official, and where the gift has the potential to influence official action. The value of the gift is determined by its fair market value, which may be more or less than the actual purchase price.

Public employees may accept gifts that are worth less than \$50, but they must disclose in writing that they have done so. This prohibition and disclosure requirement does not include small, homemade items or small gifts worth less than \$10. The State Ethics Commission provides as examples: "homemade food items, hand-picked (not purchased) bouquets of flowers, and handmade gifts, candy, or other gift items worth less than \$10."

Disclosure by school staff must be made using Form GBEBC-R1 to school principals or, in the case of administrators, to the Superintendent. The Superintendent must disclose such gifts to the School Committee. School Committee members must file a written disclosure to the Town Clerk.

Employees may accept any gift that is entirely unrelated to any official action that may be taken in their position or in their official duties, and no disclosure is required. However, within a six (6) month period of accepting the gift, if the employee has reason to take any official action regarding the gift-giver, the employee must make written disclosure of the gift.

This example is to clarify: A teacher assists a parent of a child who is in another class when the parent falls in the school parking lot and is seriously injured. The parent sends a gift in gratitude for the teacher's assistance. No disclosure is necessary because the gift is unrelated to the teacher's official duties. However, if the injured parent's child is assigned to this teacher's class within six months, disclosure of the gift must be made because now the teacher may take official action that could be influenced by the gift, such as grading.

An employee may accept a gift or several gifts within a 365-day period from public school students and/or their parents and guardians, with an aggregated value of up to \$150, if the gift is identified only as being from the class, and the identity of the givers and the individual amounts given are not identified to the recipient. Such gifts do not require disclosure.

A teacher may accept a class gift and also individual gifts from persons who did not contribute to the class gift. The individual gifts must be disclosed. Policy KCD must be followed for any gift that is given to the school or classroom.

Gifts between Employees and Their Supervisors

Public employees are barred from giving gifts to their official superiors or supervisors unless the gift is worth less than \$10.00, is food or refreshments shared in the workplace, is personal hospitality in the employee’s home that is the same as customarily provided to friends, or is given as a mark of personal hospitality (such as bringing a dessert when attending a dinner in the recipient’s home), or to mark “infrequent occasions” such as a marriage, birth, adoption, or transfer. No disclosure is required in these instances.

Gifts between colleagues in any amount may be accepted without disclosure, where colleagues are defined as employees who cannot take any official action regarding the gift giver, such as evaluating or contributing to an evaluation.

Retirement gifts of any value are allowed, as the person who is retiring can no longer be influenced in any decision based on the receipt of a gift.

First Reading	February 25, 2010, January 6, 2011
Second Reading	March 4, 2010, February 3, 2011
Third Reading	February 17, 2011
Adopted	December 21, 2006, February 17, 2011
Policy Amended	
Legal References	MGL Ch. 268A and B 930CMR 5.00
Policy Cross Reference	KCD- Gifts to Schools and School District
Procedure Reference	GBEBC-R1 – Gift Disclosure Form