

# CONFLICT OF INTEREST

## -GIFTS TO AN AGENCY-

### *EMPLOYEE NOTICE*

**All CSULB employees in designated Conflict of Interest positions must be familiar with the information provided below. Questions may be directed to Beth Ryan, the campus Conflict of Interest Officer at ext. 5-1741 or via e-mail at [bryan@csulb.edu](mailto:bryan@csulb.edu) or visit the Conflict of Interest Web site at: [http://daf.csulb.edu/offices/bhr/hr\\_management/conflict/](http://daf.csulb.edu/offices/bhr/hr_management/conflict/).**

#### What has been revised?

Fair Political Practices Commission (FPPC) revised regulation 18944.2 - Gifts to an Agency. This revision sets criteria for when a gift to an employee, that is controlled by the campus and used for official campus business, may be deemed a gift to the campus and not the employee.

#### How does this revision impact employees in designated conflict of interest positions?

If a gift to an employee is controlled by the campus and used for official business, there is no limit to the amount of the gift and the gift does not need to be reported on the employee's Form 700.

#### What is the definition of gift?

A *gift* is defined as: "any payment that confers a *personal benefit* on the recipient to the extent that consideration of equal or greater value is not received and includes a rebate or discount in the price of anything of value unless the rebate or discount is made in the regular course of business to members of the public without regard to official status."

- Most gifts received by employees in a designated position are subject to reporting requirements and limitations by the Political Reform Act.
- Gifts worth \$50 or more must be listed on the annual Form 700, and total gifts from a single source are limited to a set dollar amount (\$420 for 2009). This amount is periodically adjusted for changes in the cost of living.
- Gifts over this set amount received from a single source also disqualify the official from making a decision affecting that donor.

#### What new procedures has the university implemented to comply with the revised regulations?

##### *Designation of an Agency Head*

The President designated Scott Apel, Associate Vice President of Human Resources Management, as the campus's Agency Head for purposes of reporting a gift to the campus to the Fair Political Practices Commission (FPPC).

##### *Procedures*

- The Agency Head must receive and control the gift and make the determination of which employees will use the gift. The donor may not designate by name, title, class or otherwise who will travel or use the gift.
- The gift must be used for official CSU business.
- The campus must report the gift within 30 days after its use.
- If the gift is travel, the travel payment must be pre-approved in writing by the Agency Head.

##### *Reporting – Form 801*

- Payments must be reported on the **FPPC Gift to Agency Report (Form 801)** and that the completed form be filed by the campus with the FPPC and posted conspicuously on the campus website within 30 days after the use of the gift (payment).
- If the payment involves travel, the travel approval form should also be maintained with the Form 801 in the campus Conflict of Interest files.

##### *Reporting – Gift to Agency Travel Request Form*

All payments for travel must be preapproved by the Agency Head in writing. Failure to obtain advance written approval deems the travel payment a gift to the employee and not the agency. **Gift to Agency Travel Request Form** is to be used for this purpose.