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 beth.ryan@csulb.edu or visit the Conflict of Interest Web site at: http://daf.csulb.edu/offices/bhr/hr_management/conflict/.

What is a Gift to an Agency?
The Fair Political Practices Commission Regulation 18944.2 – Gifts to an Agency, 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 regulation 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 ($460 for 2015). 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 are the current procedures required to comply with the 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 kept on file for 7 years. If the aggregate value of payments received by the campus is $2,500 or more in a quarter year, the completed forms must be filed by the campus with the FPPC and posted conspicuously on the campus website within 30 days after the close of the quarter.
- 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.