

DST POLICIES AND PROCEDURES

DST Reference:	OST-POL-5013-ALL
Title:	Prohibition of Gifts to State Employees
Cross Reference:	N/A
Chapter:	Legal
Current Effective Date:	December 1, 2009
Revision History:	
Original Effective Date:	December 1, 2009

Applies to: NC Department of State Treasurer – All Divisions

Keywords: Gift, Favor, Contractor, Sub Contractor, Supplier, Class I Misdemeanor

Background

On October 1, 2009, Governor Beverly Perdue announced a gift ban for all state employees through Executive Order No. 24. In the Executive Order, Governor Perdue also encouraged each head of the Council of State agencies to participate in the Executive Order.

Purpose

In response to the Executive Order, the Department of State Treasurer (“DST”) has adopted a similar gift ban for all employees, except as found in other DST policies.

State law makes it unlawful for a limited number of state employees to willfully receive or accept any gift or favor from a contractor, subcontractor, or supplier of the state agency if the state employee is involved in (1) preparing plans, specifications, or estimates for public contracts; (2) awarding or administering public contracts; or (3) inspecting or supervising construction. N.C.G.S. § 133-32. The purpose for such a policy is to prohibit gifts or favors from contractors working or seeking to work with the employee’s agency. In addition, it is imperative that state employees understand the legal restrictions of accepting gifts and favors and the consequences for such actions.

Related Statutes, Rules, and Policies

Executive Order No. 24
N.C.G.S. § 133-32

Policy

It is the policy of DST to educate employees on the North Carolina law that prohibits state employees and other personnel, such as contractor and temporary personnel, from accepting

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DST POLICIES AND PROCEDURES

gifts or favors from external parties that provide or may potentially provide commodities or services to the department. N.C.G.S. § 133-32.

Implementation

1. DST shall establish a list of contractors doing business with the agency that (1) have a direct contract with the DST; and (2) do over \$10,000 worth of business during the fiscal year. DST shall update the list every fiscal year at a minimum. This list shall include the contractor's name and address. Such a list will be developed, maintained, and updated by the Chief Financial Officer in a manner so as to ensure its reasonable accuracy and completeness.
2. DST shall review the policy with all employees and inform all employees that a violation of N.C.G.S. § 133-32 is a Class I misdemeanor and may subject the employees to disciplinary action. In addition, DST shall inform all employees to review the list of contractors available on the Department's intranet site so they are aware of the contractors doing business with DST.
3. DST shall distribute this policy to all employees in the agency and require employees to acknowledge and sign the policy, as set out below.
4. DST shall also incorporate into new employee orientation a process to provide a copy of all documents specified in this policy as well as require new employees to acknowledge and sign the policy, as set out below.
5. DST shall include a provision regarding this policy in all new requests for proposals and invitations to bid through the North Carolina terms and conditions. In addition, DST shall notify current contractors regarding the provisions of this policy.

Enforcement

Violation of N.C.G.S. §133-32 is a Class 1 misdemeanor and may subject the employee to disciplinary action.

Revision History

Version/Revision	Date Approved	Description of Changes
v1	12/1/09	New Policy

For questions or clarification on any of the information contained in this policy, please contact the policy owner or designated contact point: [DST General Counsel](#). For general questions about department-wide policies and procedures, contact the [DST Policy Coordinator](#).

DST Reference:	OST-POL-5013-ALL	Page 2 of 3
Title:	Prohibition of Gifts to State Employees	
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DST POLICIES AND PROCEDURES

Compliance

Immediately after the date of promulgation of this policy or upon hire, whichever is applicable, employees who fall under this coverage will be required to date and sign this policy in acknowledgment of its terms. The signed and dated form will be kept in each employee's personnel file. Failure to comply with above policy will be grounds for immediate disciplinary action, up to and including dismissal.

"I hereby acknowledge that I have read the above policy and that I understand it and intend to comply with its terms. I acknowledge that failure to comply with the requirement that I sign this form could result in my dismissal."

Printed Name: _____

Signature: _____

Date: _____