

NOTICE RELATING TO GIFTS, GRANTS, DONATIONS, OR OTHER CONSIDERATION FROM A PERSON

Texas Government Code, Section 659.0201(b) requires that a state agency that accepts a gift, grant, donation, or other consideration from a person that the person designates to be used as a salary supplement for an employee of the agency shall post on the agency's Internet website the amount of each gift, grant, donation, or other consideration provided by the person that is designated to be used as a salary supplement for an employee of the agency. The agency may not post the name of the person.

Other relevant policies excerpted from TCFP's broader **STANDARDS OF CONDUCT** Policy include:

Conflict of Interest

State law makes it a criminal offense for an employee to engage in conduct which conflicts with the proper performance of the employee's duties. A conflict of interest exists when an employee's private interest conflicts or raises a reasonable question of conflict (i.e., appearance of conflict) with the employee's public duties and responsibilities. Examples of conflicts of interest include, but are not limited to:

- Accepting or soliciting a gift, a favor, a service, a job, or professional activity that could appear to influence job performance or to disclose confidential information.
- Receiving an improper consideration for procuring a contract with the State of Texas.
- Receiving or agreeing to receive compensation for services rendered in relation to a contract claim or controversy or other matters involving the agency.
- Accepting any benefit, including off-duty employment fees, unless the employment is unrelated to TCFP duties, from a member of the public subject to regulation, inspection, or investigation by this agency.
- Using or attempting to use a TCFP position for advantage in a personal matter.

To ensure compliance with this provision, TCFP requires employees to immediately notify their supervisor and the Ethics Advisor of any jobs or activities conducted on their own time for which compensation is earned or which could create a conflict of interest.

Prohibition on Acceptance of Gifts

Employees may not accept or solicit any gift, favor, or service that might tend to influence an employee's discharge of official duties or is offered with the intent to influence official conduct.

Employees may not solicit or accept any benefit (gift, favor, or service) for having performed their agency duties in favor of another.

Employees may not solicit, accept, or agree to accept any benefit (gift, favor, or service) from a person the employee knows is subject to regulation, inspection, or investigation by this agency.

Acceptance of such a benefit may be considered bribery or an illegal gift to a public servant, as defined by state law.

Employees may accept unsolicited advertising or promotional materials such as pens, pencils, note pads, calendars and other items of nominal value. Because no list of such acceptable materials would be complete, employees must use their judgment and, if there is any doubt of propriety or value, refuse the gifts. Employees should direct questions to the Ethics Advisor.

Engagements to Speak, Write or Lecture

Employees must clear all public addresses and articles for publication dealing with TCFP's operations or policy in advance with the executive director or public information officer.

It is a violation of state law for employees to accept an honorarium or compensation for speaking engagements or writings requested due to their position in the agency. In most cases, a meal or token gift of nominal value is an exception to this rule. Employees should direct their questions about specific gifts or occasions to the employee's supervisor or the Ethics Advisor.

Attempted Bribery

An attempt by any non-employee to bribe an employee of the agency constitutes a flagrant attack on the integrity of TCFP. An attempt to bribe is an offer to confer any benefit with the intent of influencing the employee in a specific exercise of the employee's powers or duties. A "benefit" is defined as anything reasonably regarded as an economic gain or advantage, including the benefit of any third party in whose welfare the employee is interested (for example, a family member). Such an offer made to an employee of the agency is a criminal offense punishable under the laws of the State of Texas. The employee should be aware that a bribery offense occurs even if an outsider offers a benefit after the employee has already acted in the manner in which the outsider desired and even after the employee leaves the agency, if the benefit relates back to a discretionary act on the job. Employees must immediately report a bribe offer to their supervisor and the Ethics Advisor. Employees who believe they are the subject of retaliation for this reason should contact the Ethics Advisor.