

## **Gift Ban Act Tip and Executive Order 15-09**

Executive Order 15-09 is not the enemy of cookies! What do I mean? EO 15-09 closed a loophole in the gift ban by moving Illinois away from a rule allowing employees to accept \$75 of food/drink every day from a prohibited source to a de minimis standard more in line with best practices from other states and federal agencies. The Executive Order asks employees to make a judgment call about whether the food or drink is small in value and received at an event attended in the course of their official duties.

But some employees have confusion about the effect of EO 15-09, and think it's a flat prohibition on eating a cookie. The text and the intent of the Executive Order is meant to ensure that employees can reasonably accept coffee or sandwiches at a business lunch or hors d'oeuvres at a public reception, as long as such lunch or event are attended in the course of the employee's official duties and adhere to other requirements of the law and agency policy. It also does not automatically require anyone to throw away cookies or cake sent to the office – rather, if practicable, food or drink sent to a State agency should be placed in a public common area and made available to both the general public and agency employees.

Standards are tough, and it is the job of Ethics Officers to guide their colleagues on what the line is on a case-by-case basis, but it is helpful to remind employees as we move into the holiday season that there is no question – or gift – too small to ask about. And no one should assume they have to throw away a cookie!