



DATE: April 9, 2010

TO: Human Resource Directors/Designees
Labor Relations Directors/Designees

FROM: Carolyn Trevis, Assistant State Negotiator 
Labor Relations Division

PHONE: (651) 259-3758

RE: Gift Acceptance Clarification Under the State Code of Ethics, Minn. Stat. Sec. 43A.38;
Subd. 2

Minnesota Statutes Section 43A.38, Subd. 2 provides in part:

Employees in the executive branch in the course of or in relation to their official duties shall not directly or indirectly receive or agree to receive any payment of expense, compensation, gift, reward, favor, gratuity from any source, except the state for any activity related to the duties of the employee unless otherwise provided by law.

(emphasis added)

Periodically, we receive inquiries from employees and human resource offices about an employee's receipt of a "door prize" at a conference/event, attended as part of an employee's job. The question is generally whether, under the above provision, the employee may accept a "door prize" where the selection is random and non-state employees are also attending the conference/event. The advice to agencies has generally been that acceptance of such "door prizes" is permitted, because the gift is not directed to the state employee because of his/her employment with the state and other non-state individuals are eligible to win the prize.

We have recently learned that due to legal gambling restrictions, employees asking this question or in this situation should also be advised of the following: the conference/event must be free (no registration fee) OR the drawing must be open to members of the public who have not paid a fee.

Please contact me if you have any questions.

cc: MMB Labor Relations Staff
Tom Hanson, Commissioner