OFFICE OF THE
CITY ADMINISTRATOR

Edwin M. Lee, Mayor
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GENERAL SERVICES AGENCY

STATEMENT OF INCOMPATIBLE ACTIVITIES

Includes the 311 Citizen Service Call Center, Animal Care and Control, Central Shops, City Administrator's Office, Office of Contract Administration/Purchasing, Convention Facilities, County Clerk, Grants for the Arts, Office of Civic Engagement and Immigrant Affairs, Mayor's Office on Disability, Office of the Chief Medical Examiner, Office of Labor Standards Enforcement, Real Estate Division, Reproduction and Mail Services, Risk Management, and Treasure Island Operations[1]

I. Introduction

This Statement of Incompatible Activities is intended to guide officers and employees of the General Services Agency ("GSA" or "Agency") about the kinds of activities that are incompatible with their public duties and therefore prohibited. This Statement covers all officers and employees of the 311 Citizen Service Call Center, Animal Care and Control, Central Shops, City Administrator's Office, Office of Contract Administration/Purchasing, Convention Facilities, County Clerk, Grants for the Arts, Immigrant Rights Commission, Mayor's Office on Disability, Office of the Chief Medical Examiner, Office of Labor Standards Enforcement, Real Estate Division, Reproduction and Mail Services, Risk Management, and Treasure Island Operations. For the purposes of this Statement, and except where otherwise provided, "officer" shall mean the executive director ("director") of the Agency; a department head, division head or office head in the Agency; or a member of the Immigrant Rights Commission; and "employee" shall mean all employees of the Agency.

This Statement is adopted under the provisions of San Francisco Campaign & Governmental Conduct Code ("C&GC Code") section 3.218. Engaging in the activities that are prohibited by this Statement may subject an officer or employee to discipline, up to and including possible termination of employment or removal from office, as well as to monetary fines and penalties. (C&GC Code § 3.242; Charter § 15.105.) Before an officer or employee is subjected to discipline or penalties for violation of this Statement, the officer or employee will have an opportunity to explain why the activity should not be deemed to be incompatible with his or her City duties. (C&GC Code § 3.218.) Nothing in this document shall modify or reduce any due process rights provided pursuant to the officer's or employee's collective bargaining agreement.

In addition to this Statement, officers and employees are subject to Agency policies and State and local laws and rules governing the conduct of public officers and employees, including but not limited to:

- Political Reform Act, California Government Code § 87100 *et seq.*;

[1] Although the Departments of Public Works (DPW) and Department of Technology (DT) are part of the General Services Agency, they have their own separate Statements of Incompatible Activities.

- California Government Code § 1090;
- San Francisco Charter;
- San Francisco Campaign and Governmental Conduct Code;
- San Francisco Sunshine Ordinance; and
- Applicable Civil Service Rules.

Nothing in this Statement shall exempt any officer or employee from applicable provisions of law, or limit his or her liability for violations of law. Examples provided in this Statement are for illustration purposes only, and are not intended to limit application of this Statement. Nothing in this Statement shall interfere with the rights of employees under a collective bargaining agreement or Memorandum of Understanding applicable to that employee.

Nothing in this Statement shall be construed to prohibit or discourage any City officer or employee from bringing to the City's and/or public's attention matters of actual or perceived malfeasance or misappropriation in the conduct of City business, or from filing a complaint alleging that a City officer or employee has engaged in improper governmental activity by violating local campaign finance, lobbying, conflicts of interest or governmental ethics laws, regulations or rules; violating the California Penal Code by misusing City resources; creating a specified and substantial danger to public health or safety by failing to perform duties required by the officer's or employee's City position; or abusing his or her City position to advance a private interest.

No amendment to any Statement of Incompatible Activities shall become operative until the City and County has satisfied the meet and confer requirements of State law and the collective bargaining agreement.

If an employee has questions about this Statement, the questions should be directed to the employee's supervisor, or to the department head, division head or office head, as appropriate, or to the director. Similarly, questions about other applicable laws governing the conduct of public employees should be directed to the employee's supervisor, or the department head, division head or office head, as appropriate, or the director, although the supervisor, department head, division head, office head or director may determine that the question must be addressed to the Ethics Commission or City Attorney. Employees may also contact their unions for advice or information about their rights and responsibilities under these and other laws.

If a City officer has questions about this Statement, the questions should be directed to the officer's appointing authority, the Ethics Commission or the City Attorney.

II. Mission of the General Services Agency

The mission of the General Services Agency is to manage and implement policies, programs, rules and regulations promulgated by the Mayor, the Board of Supervisors and the voters; to oversee the management and operations of certain City departments, offices, and programs, including the Department of Public Works, the Telecommunications and Information Services Department, 311 Citizen Service Call Center, Animal Care and Control, Central Shops, City Administrator's Office, Office of Contract Administration/Purchasing, Convention Facilities, County Clerk, Grants for the Arts, Immigrant Rights Commission, Mayor's Office on Disability, Office of the Chief Medical Examiner, Office of Labor Standards Enforcement, Real Estate Division, Reproduction and Mail Services, Risk Management, Treasure Island Operations (S.F. Charter § 4.129 and 4.132.)

III. RESTRICTIONS ON INCOMPATIBLE ACTIVITIES

This section prohibits outside activities, including self-employment, that are incompatible with the mission of the Agency. Under subsection C, an officer or employee may seek an advance written

determination whether a proposed outside activity is incompatible and therefore prohibited by this Statement. Outside activities other than those expressly identified here may be determined to be incompatible and therefore prohibited. For an advance written determination request from an employee, if the director delegates the decision-making to a designee and if the designee determines that the proposed activity is incompatible under this Statement, the employee may appeal that determination to the director.

A. RESTRICTIONS THAT APPLY TO ALL OFFICERS AND EMPLOYEES

1. ACTIVITIES THAT CONFLICT WITH OFFICIAL DUTIES

No officer or employee may engage in an outside activity (regardless of whether the activity is compensated) that conflicts with his or her City duties. An outside activity conflicts with City duties when the ability of the officer or employee to perform the duties of his or her City position is materially impaired. Outside activities that materially impair the ability of an officer or employee to perform his or her City duties include, but are not limited to, activities that disqualify the officer or employee from City assignments or responsibilities on a regular basis. Unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section.

[RESERVED.]

2. ACTIVITIES WITH EXCESSIVE TIME DEMANDS

No director, department head, division head, office head, or any employee may engage in outside activity (regardless of whether the activity is compensated) that would cause the director, department head, division head, office head or employee to be absent from his or her assignments on a regular basis, or otherwise require a time commitment that is demonstrated to interfere with the director's, department head's, division head's, office head's or employee's performance of his or her City duties.

> *Example*. An employee who works at the Agency's front desk answering questions from the public wants to take time off every Tuesday and Thursday from 2:00 to 5:00 to coach soccer. Because the employee's duties require the employee to be at the Agency's front desk during regular business hours, and because this outside activity would require the employee to be absent from the office during regular business hours on a regular basis, the director or his/her designee may, pursuant to subsection C, determine that the employee may not engage in this activity.

3. ACTIVITIES THAT ARE SUBJECT TO REVIEW BY THE AGENCY

Unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, and except for officers or employees of the Office of Labor Standards Enforcement (OLSE), who are governed by section III.B.5, no officer or employee may engage in an outside activity (regardless of whether the activity is compensated) that is subject to the control, inspection, review, audit or enforcement of the officer's or employee's department, division or office. In addition to any activity permitted pursuant to subsection C, nothing in this subsection prohibits the following activities: appearing before one's own department, division, office or commission on behalf of oneself; filing or otherwise pursuing claims against the City on one's own behalf; running for City elective office; or making a public records disclosure request pursuant to the Sunshine Ordinance or Public Records Act. Unless (a) otherwise noted in this section or (b) an advance written determination

under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section.

a. Assistance in Responding to City Bids, RFQs and RFPs. No officer or employee may knowingly provide selective assistance (i.e., assistance that is not generally available to all competitors) to individuals or entities in a manner that confers a competitive advantage on a bidder or proposer who is competing for a City contract. Nothing in this Statement prohibits an officer or employee from providing general information about a bid for a City contract, or an Agency, department, division or office Request for Qualifications or Request for Proposals, or corresponding application process that is available to any member of the public. Nothing in this Statement prohibits an officer or employee from speaking to or meeting with individual applicants regarding the individual's application, provided that such assistance is provided on an impartial basis to all applicants who request it.

b. No officer or employee may be employed by, or receive compensation from, an individual or entity that has a contract or is a vendor with the officer's or employee's department, division or office or that has had a contract or was a vendor with the officer's or employee's department, division or office during the past twelve months. This prohibition does not apply to employment of or compensation received by an officer's or employee's spouse or registered domestic partner.

c. Except for members of the Immigrant Rights Commission, no officer of GSA may serve as a member of the Board of Directors of an organization that the officer knows or has reason to know has applied for contracts, loans or grants administered by the Agency in the previous twelve months. For the purposes of this subsection, "administered by" does not include approval or rejection of a contract by the Office of Contract Administration/Purchasing, where such action is required by law.

B. RESTRICTIONS THAT APPLY TO EMPLOYEES IN SPECIFIED POSITIONS

In addition to the restrictions that apply to all officers and employees of the Department, unless (a) otherwise noted in this section or (b) an advance written determination under subsection C concludes that such activities are not incompatible, the following activities are expressly prohibited by this section for individual employees holding specific positions.

1. OFFICERS OR EMPLOYEES OF THE CONVENTION FACILITIES DEPARTMENT

No officer or employee of the Convention Facilities Department may be employed by or receive compensation from individuals or entities in the business of planning or producing events at facilities owned or managed by the Convention Facilities Department, including but not limited to conventions, conferences, meetings or parties. This prohibition does not apply to employment of or compensation received by an officer's or employee's spouse or registered domestic partner.

2. OFFICERS OR EMPLOYEES OF THE COUNTY CLERK DIVISION

Other than in his or her official capacity, no officer or employee of the County Clerk Division may:

a. Prepare or act as a notary public, legal document assistant, unlawful detainer assistant, process server, or professional photocopier for documents to be filed, authenticated, or registered with the County Clerk Division. Such documents include, but are not limited to, Fictitious Business Name Statements, Marriage License Applications and Domestic Partnership Filings. Nothing in this Statement prohibits an officer or employee from providing general information that is available to any member of the public.

b. Perform marriage ceremonies as a deputy marriage commissioner unless authorized pursuant to subsection C of this section by the employee's supervisor or by the Director of the County Clerk Division.

3. OFFICERS OR EMPLOYEES OF THE OFFICE OF THE CHIEF MEDICAL EXAMINER

No officer or employee of the Office of the Chief Medical Examiner Division may provide expert testimony in a civil or criminal judicial proceeding unrelated to job duties, except as authorized by an advance written determination pursuant to subsection C of this section by the Chief Medical Examiner or his or her designee.

4. OFFICERS OR EMPLOYEES OF THE OFFICE OF THE REAL ESTATE DIVISION

a. No officer or employee of the Real Estate Division may be employed by or receive compensation from any individual or entity that has as its primary purpose the conduct of business related to real property, provided that such employment or compensation is related to real property located in the City and County of San Francisco. For the purposes of this subsection, individuals and entities that have as their primary purpose the conduct of business related to real property includes but is not limited to the following: title companies; real estate development, investment, or brokerage firms; and escrow companies.

b. No officer or employee of the Real Estate Division may be employed by or receive compensation for performing an appraisal or gathering appraisal data for a private individual or entity regarding real property located in San Francisco.

c. No officer or employee of the Real Estate Division may knowingly utilize non-public information, obtained through the course of his or her public duties, to purchase or invest in real property located within the City and County of San Francisco.

d. The prohibitions of this subsection do not apply to employment of or compensation received by a spouse or registered domestic partner of an officer or employee of the Real Estate Division.

e. No officer or employee of the Real Estate Division may engage in any activity prohibited by this section through secondary parties such as limited liability companies, Partnerships, Limited Partnerships, Corporations, or any other entity or association, in which the officer or employee has an ownership interest of at least ten percent or from which the officer or employee has received income exceeding $500 in the past 12 months.

5. OFFICERS OR EMPLOYEES OF THE OFFICE OF LABOR STANDARDS ENFORCEMENT (OLSE)

No officer or employee of the Office of Labor Standards Enforcement (OLSE) may engage in an outside activity (regardless of whether the activity is compensated) that is subject to the control, inspection, review, audit or enforcement of the OLSE. Due to the unique nature and breadth of the responsibilities of the officer and employees of OLSE, the following activities are not prohibited by this subsection. (However, because such activities may be prohibited by other subsections of this Statement, the officer and employees are encouraged to notify their appointing officer or supervisors before engaging in such activities.)

- ***Full or part-time employment with an individual or entity that is subject to the laws within the jurisdiction of the OLSE, including but not limited to the federal minimum and the City's living wage and prevailing wage ordinances; and***

- ***Investments in or ownership of a business entity that is subject to the laws within the jurisdiction of the OLSE, including but not limited to the federal minimum wage and the City's living wage and prevailing wage ordinances.***

6. OFFICERS OR EMPLOYEES OF THE OFFICE OF CONTRACT ADMINISTRATION/PURCHASING

In addition to the prohibition set forth in section III.A.3.b, no officer or employee of the Office of Contract Administration/Purchasing may be employed by, or receive compensation from, an individual or entity that has a contract or is a vendor with any other City department, board or commission or that has had a contract or was a vendor with any other City department, board or commission during the past twelve months, if the officer or employee participated in the award of such contract to that person or entity. This prohibition does not apply to employment of or compensation received by an officer's or employee's spouse or registered domestic partner.

C. ADVANCE WRITTEN DETERMINATION

As set forth below, an employee of the Agency or the director; or a department head, division head or office head in the Agency; or a member of the Immigrant Rights Commission may seek an advance written determination whether a proposed outside activity conflicts with the mission of the Agency, imposes excessive time demands, is subject to review by the Agency, or is otherwise incompatible and therefore prohibited by section III of this Statement. For the purposes of this section, an employee or other person seeking an advance written determination shall be called "the requestor"; the individual or entity that provides an advance written determination shall be called "the decision-maker."

1. PURPOSE

This subsection permits an officer or employee to seek an advance written determination regarding his or her obligations under subsections A or B of this section. A written determination by the decision-maker that an activity is not incompatible under subsection A or B provides the requestor immunity from any subsequent enforcement action for a violation of this Statement if the material facts are as presented in the requestor's written submission. A written determination cannot exempt the requestor from any applicable law.

If an individual has not requested an advance written determination under subsection C as to whether an activity is incompatible with this Statement, and the individual engages in that activity, the individual will not be immune from any subsequent enforcement action brought pursuant to this Statement.

Similarly, if an individual has requested an advance written determination under subsection C as to whether an activity is incompatible with this Statement, and the individual engages in that activity, the individual will not be immune from any subsequent enforcement action brought pursuant to this Statement if:

> (a) the requestor is an *employee* who has not received a determination under subsection C from the decision-maker, and 20 working days have not yet elapsed since the request was made; or
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> (b) the requestor is an *officer* who has not received a determination under subsection C from the decision-maker; or
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> (c) the requestor has received a determination under subsection C that an activity is incompatible.

In addition to the advance written determination process set forth below, the San Francisco Charter also permits any person to seek a written opinion from the Ethics Commission with respect to that person's duties under provisions of the Charter or any City ordinance relating to conflicts of interest and governmental ethics. Any person who acts in good faith on an opinion issued by the Commission and concurred in by the City Attorney and District Attorney is immune from criminal or civil penalties for so acting, provided that the material facts are as stated in the opinion request. Nothing in this subsection precludes a person from requesting a written opinion from the Ethics Commission regarding that person's duties under this Statement.

2. THE DECISION-MAKER

Decision-maker for request by an employee: An employee of the Agency may seek an advance written determination from the director or his or her designee. The director or his or her designee will be deemed the decision-maker for the employee's request.

Decision-maker for request by a department head, division head or office head in the Agency: A department head, division head or office head in the Agency may seek an advance written determination from the director or his or her designee. The director or his or her designee will be deemed the decision-maker for the employee's request.

Decision-maker for request by the director: The director may seek an advance written determination from his or her appointing authority. The appointing authority will be deemed the decision-maker for the director's request.

Decision-maker for request by a member of the Immigrant Rights Commission: A member of the Immigrant Rights Commission may seek an advance written determination from his or her appointing authority, his or her commission, or the Ethics Commission. The appointing authority, commission or Ethics Commission will be deemed the decision-maker for the member's request.

3. THE PROCESS

The requestor must provide, in writing, a description of the proposed activity and an explanation of why the activity is not incompatible under this Statement. The written material must describe the proposed activity in sufficient detail for the decision-maker to make a fully informed determination whether it is incompatible under this Statement.

When making a determination under this subsection, the decision-maker may consider any relevant factors including, but not limited to, the impact on the requestor's ability to perform his or her job, the impact upon the Agency as a whole, compliance with applicable laws and rules and the spirit and intent of this Statement. The decision-maker shall consider all relevant written materials submitted by the requestor. The decision-maker shall also consider whether the written material provided by the requestor is sufficiently specific and detailed to enable the decision-maker to make a fully informed determination. The decision-maker may request additional information from the requestor if the decision-maker deems such information necessary. For an advance written determination request from an employee, if the director delegates the decision-making to a designee and if the designee determines that the proposed activity is incompatible under this Statement, the employee may appeal that determination to the director.

The decision-maker shall respond to the request by providing a written determination to the requestor by mail, email, personal delivery, or other reliable means. For a request by an employee, the decision-maker shall provide the determination within a reasonable period of time depending on the circumstances and the complexity of the request, but not later than 20 working days from the date of the request. If the decision-maker does not provide a written determination to the employee within 20 working days from the date of the employee's request, the proposed activity will be determined not to violate this Statement.

The decision-maker may revoke the determination at any time based on changed facts or circumstances or other good cause, by providing advance written notice to the requestor. The written notice shall specify the changed facts or circumstances or other good cause that warrants revocation of the advance written determination.

4. DETERMINATIONS ARE PUBLIC RECORDS

To assure that these rules are enforced equally, requests for advance written determinations and written determinations, including approvals and denials, are public records to the extent permitted by law.

IV. RESTRICTIONS ON USE OF CITY RESOURCES, CITY WORK-PRODUCT AND PRESTIGE

A. USE OF CITY RESOURCES

No officer or employee may use City resources, including, without limitation, facilities, telephone, computer, copier, fax machine, e-mail, internet access, stationery and supplies, for any non-City purpose, including any political activity or personal purpose. No officer or employee may allow any other person to use City resources, including, without limitation, facilities, telephone, computer, copier, fax machine, e-mail, internet access, stationery and supplies, for any non-City purpose, including any political activity or personal purpose. Notwithstanding these general prohibitions, any incidental and minimal use of City resources does not constitute a violation of this section. Nothing in this subsection shall be interpreted or applied to interfere with, restrict or supersede any rights or entitlements of employees, recognized employee organizations, or their members under state law or

regulation or pursuant to provisions of a collective bargaining agreement to use City facilities, equipment or resources, as defined herein.

> *Example*. An officer or employee may use the telephone to make occasional calls to arrange medical appointments or speak with a childcare provider, because this is an incidental and minimal use of City resources for a personal purpose.

Nothing in this Statement shall exempt any officer or employee from complying with more restrictive policies of the Agency regarding use of City resources, including, without limitation, the Agency's e-mail policy.

B. USE OF CITY WORK-PRODUCT

No officer or employee may, in exchange for anything of value and without appropriate authorization, sell, publish or otherwise use any non-public materials that were prepared on City time or while using City facilities, property (including without limitation, intellectual property), equipment and/or materials. For the purpose of this prohibition, appropriate authorization includes authorization granted by law, including the Sunshine Ordinance, California Public Records Act, the Ralph M. Brown Act as well as whistleblower and improper government activities provisions, or by a supervisor of the officer or employee, including but not limited to the officer's or employee's appointing authority. Nothing in this subsection shall be interpreted or applied to interfere with, restrict or supersede any rights or entitlements of employees, recognized employee organizations, or their members under state law or regulation or pursuant to provisions of a collective bargaining agreement to use public materials for collective bargaining agreement negotiations.

C. USE OF PRESTIGE OF THE OFFICE

No officer or employee may use his or her City title or designation in any communication for any private gain or advantage. The following activities are expressly prohibited by this section.

1. USING CITY BUSINESS CARDS

No officer or employee may use his or her City business cards for any purpose that may lead the recipient of the card to think that the officer or employee is acting in an official capacity when the officer or employee is not.

> *Example of inappropriate use.* An employee's friend is having a dispute with his new neighbor who is constructing a fence that the friend believes encroaches on his property. The friend invites the employee over to view the disputed fence. When the neighbor introduces herself, the employee should not hand the neighbor her business card while suggesting that she could help resolve the dispute. Use of a City business card under these circumstances might lead a member of the public to believe that the employee was acting in an official capacity.
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> *Example of acceptable use.* An employee is at a party and runs into an old friend who has just moved to town. The friend suggests meeting for dinner and asks how to get in touch with the employee to set up a meeting time. The employee hands the friend the employee's business card and says that he can be reached at the number on the card. Use of a City business card under these circumstances would not lead a member of the public to believe that the employee was acting in an official capacity.

Nor would use of the telephone to set up a meeting time constitute a misuse of resources under subsection A, above.

2. USING CITY LETTERHEAD, CITY TITLE, OR E-MAIL

No officer or employee may use City letterhead, City title, City e-mail, or any other City resource, for any communication that may lead the recipient of the communication to think that the officer or employee is acting in an official capacity when the officer or employee is not. (Use of e-mail or letterhead in violation of this section could also violate subsection A of this section, which prohibits use of these resources for any non-City purpose.)

Example. An officer or employee is contesting a parking ticket. The officer or employee should not send a letter on City letterhead to the office that issued the ticket contesting the legal basis for the ticket.

3. HOLDING ONESELF OUT, WITHOUT AUTHORIZATION, AS A REPRESENTATIVE OF THE AGENCY

No officer or employee may hold himself or herself out as a representative of the Agency, or as an agent acting on behalf of the Agency, unless authorized to do so.

Example. An employee who lives in San Francisco wants to attend a public meeting of a Commission that is considering a land use matter that will affect the employee's neighborhood. The employee may attend the meeting and speak during public comment, but should make clear that he is speaking in his private capacity and not as a representative of the Agency.

V. PROHIBITION ON GIFTS FOR ASSISTANCE WITH CITY SERVICES

State and local law place monetary limits on the value of gifts an officer or employee may accept in a calendar year. (Political Reform Act, Gov't Code § 89503, C&GC Code §§ 3.1-101 and 3.216.) This section imposes additional limits by prohibiting an officer or employee from accepting any gift that is given in exchange for doing the officer's or employee's City job.

No officer or employee may receive or accept gifts from anyone other than the City for the performance of a specific service or act the officer or employee would be expected to render or perform in the regular course of his or her City duties; or for advice about the processes of the City directly related to the officer's or employee's duties and responsibilities, or the processes of the entity they serve.

Example. A member of the public who regularly works with and receives assistance from the Agency owns season tickets to the Giants and sends a pair of tickets to an employee of the Agency in appreciation for the employee's work. Because the gift is given for the performance of a service the employee is expected to perform in the regular course of City duties, the employee is not permitted to accept the tickets.

Example. A member of the public requests assistance in resolving an issue or complaint that is related to the City and County of San Francisco, but that does not directly involve the Agency. The employee directs the member of the public to the appropriate department and officer to resolve the matter. The member of the public offers the employee a gift in appreciation for this assistance. The employee may not

accept the gift, or anything of value from anyone other than the City, for providing this kind of assistance with City services.

As used in this Statement, the term gift has the same meaning as under the Political Reform Act, including the Act's exceptions to the gift limit. (See Gov't Code §§ 82028, 89503; 2 Cal. Code Regs. §§ 18940-18950.4.) For example, under the Act, a gift that, within 30 days of receipt, is returned, or donated by the officer or employee to a 501(c)(3) organization or federal, state or local government without the officer or employee taking a tax deduction for the donation, will not be deemed to have been accepted. In addition to the exceptions contained in the Act, nothing in this Statement shall preclude an employee's receipt of a bona fide award, or free admission to a testimonial dinner or similar event, to recognize exceptional service by that employee, and which is not provided in return for the rendering of service in a particular matter. Such awards are subject to the limitation on gifts imposed by the Political Reform Act and local law.

In addition, the following gifts are de minimis and therefore exempt from the restrictions on gifts imposed by section V of this Statement:

i. Gifts, other than cash, with an aggregate value of $25 or less per occasion; and

ii. Gifts such as food and drink, without regard to value, to be shared in the office among officers or employees.

Example. A member of the public who regularly works with and receives assistance from the Agency sends a $15 basket of fruit to an employee as a holiday gift. Although the fruit may in fact be offered in exchange for performing services that the employee is expected to perform in the regular course of City duties, the employee may accept the fruit because the value is de minimis. (Because the reporting requirement is cumulative, an employee may be required to report even de minimis gifts on his or her Statement of Economic Interests if, over the course of a year, the gifts equal or exceed $50.)

Example. A member of the public who regularly works with and receives assistance from the Agency sends a $150 basket of fruit to the Agency as a holiday gift. Although the fruit may in fact be offered in exchange for performing services that the Agency is expected to perform in the regular course of City duties, the Agency may accept the fruit basket because it is a gift to the office to be shared among officers and employees.

VI. AMENDMENT OF STATEMENT

Once a Statement of Incompatible Activities is approved by the Ethics Commission, the Agency may, subject to the approval of the Ethics Commission, amend the Statement. (C&GC Code § 3.218(b).) In addition, the Ethics Commission may at any time amend the Statement on its own initiative. No Statement of Incompatible Activities or any amendment thereto shall become operative until the City and County of San Francisco has satisfied the meet and confer requirements of State law and the collective bargaining agreement.