

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
Office of Government Ethics



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Holiday Gift-Giving and Gift-Receiving; Holiday Parties; Holiday Decor:
A Guide for Executive Branch District Employees¹

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The holiday season is upon us, and this is the season of giving and receiving gifts. This season can cause challenges for District of Columbia employees who are subject to the District's strict gift regulations. Please be mindful of them during this holiday season.

If you have any questions about these or other government ethics matters, contact **the Board of Ethics and Government Accountability at 202-481-3411** or bega@dc.gov, or your agency's **Ethics Counselor**. You also may visit the BEGA website at www.bega-dc.gov where you can view the District Ethics Manual, which has been updated to reflect recent changes to Chapter 18 of the District Personnel Manual.

Restrictions on gifts between District employees and from prohibited sources

As a general rule, a District employee may not solicit or accept a *gift* from:

- a subordinate employee, or
- a "*prohibited source*"

In addition, a District employee may not solicit or accept a gift that is given to influence or reward government action.

What is a *gift*? A "*gift*" is anything of value **except**:

- Modest items of food and refreshments, offered other than as part of a meal;
- Food and beverages of nominal value consumed at hosted receptions where attendance is related to the employee's official duties;
- Admission to and the cost of food and beverages consumed at events sponsored by or in conjunction with a civic, charitable, governmental, or community organization, when the admission, food, and beverages are of nominal value;
- Unsolicited advertising or promotional items of nominal value;

¹ This includes all subordinate and independent agency employees. Council members and their staff are subject to a different set of rules under the Council's Code of Conduct. A separate memorandum provides more specific advice for those employees.

- Greeting cards and items with little intrinsic value, which are intended solely for presentation;
- Anything generally available to members of the public; or
- Anything paid for by the District or secured by the District under a contract.

Restrictions on gifts between employees

In general, an employee cannot:

- accept a gift from another District employee who is a subordinate;
- coerce a subordinate to make or contribute to a gift;
- give a gift or make a donation toward a gift for an official superior; or
- ask another employee to make a donation toward a gift for an official superior.

New Exception: On an occasional basis, including any occasion on which gifts ***traditionally*** are given or exchanged (***i.e., holidays***), an official superior may accept a gift from a subordinate if the gift is:

- ◆ An item other than cash, with an aggregate market value of \$10 or less per occasion;
- ◆ An item such as food and refreshments to be shared in the office among employees; or
- ◆ An item given for personal hospitality if of a type and value customarily given on such occasions.

Restrictions on gifts from Prohibited Sources

Who is a prohibited source?

A “*prohibited source*” is any person or entity who does or is seeking to do business with the **employee’s agency**; conducts activities that are regulated by the **employee’s agency**; has an interest that may be substantially affected by the performance or non-performance of an employee’s official duties; or is an organization in which the majority of its members are described in the items listed above.

Exceptions to the prohibited source rule

Does the gift restriction mean an employee can’t accept a gift at all? No. If the gift fits one of the following exceptions, the employee can accept it:

- the gift is from a person with whom the employee has a “bona fide personal relationship” (like a parent, grandparent, childhood friend, etc.);
- the gift is unsolicited and worth \$10 or less per occasion (totaling no more than \$20 per year), as long as it would not appear to a reasonable person to be intended to influence the employee in his or her official duties; or
- the gift is unsolicited and constitutes free attendance at a widely attended gathering of mutual interest to a number of parties, from an event sponsor, if the employee’s

attendance is in the interests of the agency (the Mayor or designee must make a written determination).

What to do if an employee receives a gift from a prohibited source

If a prohibited source gives an employee a gift that doesn't fit into an exception, the employee has three options. First, the employee can return it. Second, the employee can pay the donor the value of the gift. Finally, if the gift is perishable and it is impractical to return it, the employee can share it with the office staff, donate it to charity, or destroy it. **Important Note: sharing the gift or donating it to charity are *one-time only* options with respect to any gift-giver and the gift-giver must be warned about the impropriety of giving future gifts.**

Restrictions on gifts given to influence or reward government action

An employee cannot solicit or accept a gift in return for being influenced in government work (also known as a bribe), or to reward an employee for government action (also known as a gratuity). An employee also cannot accept any gifts or payments from a non-District source for work as a District employee (also known as "salary supplementation"). It should be noted that **NONE OF THE GIFT-GIVING EXCEPTIONS DISCUSSED ABOVE APPLY IN SUCH CIRCUMSTANCES. THIS PROHIBITION IS ALSO A FEDERAL CRIMINAL LAW THAT APPLIES TO DISTRICT EMPLOYEES. Bottom Line: District government employees cannot accept tips!**

Holiday parties

Holiday-themed office parties should be held during non-working hours or lunch breaks. The government pays for our time to perform work on its behalf, and we need to devote that time to the government's work, not to a party.

Office parties should avoid the use of government resources, and managers must not require that employees pay for a party or that they attend it. Just as even a nominal gift to a superior on certain special occasions must be entirely voluntary (as set forth above), attendance at a party must similarly be voluntary. Office holiday parties should avoid the express observances of any particular religion.

In general, employees should avoid parties hosted by vendors and other "prohibited sources" because such attendance would be a "gift." On the other hand, if the event falls within one of the aforementioned exceptions to the gift rule, then attendance might be permissible. For instance, attendance at a party where only modest items of food and beverages are served would be permissible. But, a party that included a full meal likely would not be permissible. Employees should check with their supervisors or their agency ethics counselor if uncertain. **The best practice would be to avoid ANY party hosted by a vendor or contractor because of the risk, or even the appearance, that the vendor or contractor is seeking special treatment from the employee or his or her agency.**

Holiday Decor

The holidays are a special time, but employees, their co-workers, and visitors have a right to be safe and comfortable on government property at all times. Although not an ethics issue, employees should be mindful that there are federal and local laws regarding religious displays in and around government buildings. Questions about what may be displayed in common areas and in individual work spaces should be addressed to the Office of Human Rights at 202-727-4559. Safety and other display-related questions should be addressed to building management or to the Department of General Services at 202-727-2800.

Employees at all times are expected to exercise good judgment and office professionalism when celebrating on government premises during this holiday season.