

# GIFTS FROM EMPLOYEES TO THEIR SUPERIORS

Basic Rule. An employee may not give a gift to his superior, unless it falls under the rules for (1) occasional gifts, or (2) gifts for retirement/transfer or significant personal occasions.

Definitions.

- "Superior" means supervisor, supervisor's supervisor, and everyone else above an employee in the employee's chain of command.
- "Gift" includes any item having monetary value, including meals, transportation, lodging, services, favors and discounts. "Gift" does not include cards, certificates, plaques with little intrinsic value, or modest items of food and drink (such as soft drinks, coffee, hors d'oeuvres and donuts).

Exception #1 -- Occasional Gifts.

- Employees may give to their superiors, on an occasional basis, any of the following:
  - An item or items with a value of \$10 or less (other than cash);
  - Food and refreshments that are shared in the office among several employees;
  - Personal hospitality provided at a residence, of the type and value the employee normally provides to personal friends (e.g. inviting the boss home to dinner);
  - An item when the employee receives personal hospitality from the boss, of the value normally given on such occasions (e.g. when boss invites employee to dinner); OR
  - Leave transferred under the Voluntary Leave Transfer Program.
- The gifts listed above may be given on an occasional basis, including for a birthday, a promotion, Christmas, or any other occasion when gifts are traditionally given.
- Soliciting contributions from other employees
  - Employees may not solicit contributions for an "occasional gift."
  - Employees may solicit contributions for food and/or refreshments that will be consumed by everyone in the immediate office to mark the occasion for the gift.

Exception #2 -- Gifts for retirement/transfer or significant personal occasions. For gifts upon the termination of the superior-subordinate relationship (retirement, separation, resignation, PCS, transfer, etc.), or for infrequently-occurring occasions of personal significance (e.g. marriage, illness, birth or adoption of a child), the rules are as follows:

- Gift from an individual subordinate: No \$ limit, but must be appropriate to the occasion
- Gift from a group containing one or more subordinates (a "donating group"):
  - The gift(s) from a donating group cannot exceed a total of \$300 in value. (Note: Groups of employees may give gifts exceeding \$300 in value if the gift is appropriate to the occasion **and** is uniquely linked to the departing employee's position or tour of duty, **and** commemorates the same. Example = \$400 plaque.)
  - An individual may not contribute more than \$10 toward the group gift(s).
  - The \$10 and \$300 limits do not apply to the food, refreshments or entertainment at the event where the group gift is given. For example, employees may each contribute \$14 (\$10 toward the gift and \$4 toward the retirement dinner).
  - No limit on the number of donating groups, but the number must be reasonable.
  - Donating groups may not "pool" their money to buy a gift over the \$300 limit. For example, two groups with \$250 may not combine their money to buy a \$500 gift.
  - An individual must not contribute to the gift of more than one donating group. If this happens, the two donating groups are then considered to be one donating group.
  - It is permissible to solicit contributions from other employees for a gift for retirement/transfer or for a significant personal occasion. It is also permissible to suggest a particular dollar amount. However, if a dollar amount is suggested, employees must be told that they are free to give less or nothing at all.

#### Other Rules.

- Voluntary. -- Superiors may not coerce gifts from subordinates. Also, buying a gift and informing other employees of their "expected" contribution is prohibited.
- Asking contractors, contractor employees, or off-base businesses to donate any item, or to make a contribution to a gift, for a Federal employee is prohibited.
- Gifts to the Boss' Relatives. If an employee wants to give a gift to the spouse, child, parent, sibling or dependent relative of the employee's superior, the rules are:
  - If the employee has an independent relationship with the superior's relative (i.e. a friendship or business or professional relationship), the gift is permissible.
  - If the employee offers a gift to a relative of his superior, solely because of the relative's relationship to the superior, the gift is considered to be to the superior. The relative may accept it only if the superior could accept it under Exceptions 1 or 2.
- Gifts to higher paid employees who are not superiors. If an employee wants to give a gift to a higher paid employee who is not his superior, the rules are:

-- If there is a personal relationship between the two employees that would justify the gift, the gift is permissible.

-- If not, the gift is treated as a gift to a superior. It may be accepted only if it could be accepted by a superior under Exceptions 1 or 2.

- This point paper does not address the rules on gifts to employees from outside sources (i.e. people who are not Federal employees, contractors, non-profit organizations, etc.).

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