

Don't let this be you:

*A Supervisory Contract Specialist at Andrews Air Force Base was terminated after it was discovered that she had accepted a total of \$2,820 from a subordinate (a subordinate that the Specialist had, in fact, personally hired) on two occasions. Despite the Specialist's claims that she did not know that accepting the gifts from a subordinate was wrong, an Administrative Judge affirmed the termination of a 20-year federal career.\**

Here's another one about "One Party Too Many":

*The Big Boss was retiring and his second-in-command called the secretary to ask her to set up a retirement party. He directed her to send a memo to the staff advising them of what they were expected to contribute. She was assigned paper plates, napkins, plastic utensils, and a paper tablecloth. Everyone, including the secretary, was expected to contribute \$25 for food and gifts.*

*To the surprise of no one, the second-in-command was selected as the new Big Boss. His new branch chief called the secretary to have her set up a "promotion" party. The branch chief's memo to the staff advised them of what they were expected to contribute. For the secretary, it was once again paper plates, napkins, plastic utensils, and a paper tablecloth. Everyone, including the secretary, was again expected to contribute \$25 for food and gifts. To no one's surprise, the branch chief was selected as the new second-in-command. Her senior analyst called the secretary and asked her to set up a "promotion" party. . . . The secretary contacted the Ethics Office instead, where disciplinary action was initiated.*

With the PCS season fast approaching, here is a guide for your organization to use for gift-giving, specifically focusing on the superior-subordinate relationship.

The general rule is that subordinates do not give gifts to superiors, and superiors do not accept gifts from subordinates. However, pursuant to 5 CFR 2635.304(a)(1) "(o)n an occasional basis, including any occasion on which gifts are traditionally given or exchanged (such as a farewell), the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay . . . (i)tems, other than cash, with an aggregate market value of \$10 or less per occasion."

When soliciting other individuals to contribute to the gift, 5 CFR 2635.304(c)(1) provides that "(a)n employee may solicit voluntary contributions of nominal amounts from fellow employees for an appropriate gift to an official superior and an employee may make a voluntary contribution of a nominal amount to an appropriate gift to an official superior... (o)n a special, infrequent occasion as described in paragraph (b) of this section," such as a farewell that terminates the superior-subordinate relationship. For the purposes of this section, a "nominal" amount would be \$10.

Also, keep in mind Joint Ethics Regulation (JER) 2-203(a), which provides that "(r)egardless of the number of DoD employees contributing to a gift or gifts on a special, infrequent occasion as permitted by 5 C.F.R. 2635.304(c)(1), . . . a DoD employee may not accept a gift or gifts from a donating group if the market value exceeds an aggregate of \$300 and if the DoD employee knows or has reason to know that any member of the donating group is his subordinate." Therefore, a superior cannot accept a group gift if it is valued over \$300, and the superior has reason to believe that someone from the donating group is a subordinate.

Finally, for the donation to be considered "voluntary" under JER 2-203, we recommend you have a junior employee collect the contributions for the gift, ask for only \$10 or less, and make sure the gift doesn't cost more than \$300. You must ensure the process is completely voluntary, that there is no list or notation of how much money was given by whom, and that specific names are not used on any card to identify who contributed towards the gift.

Should you have any questions about gift-giving or fundraising of any kind, please do not hesitate to contact your Ethics Counselor or the Fort Belvoir OSJA Ethics Counselor, Mr. Jason Smith, at [jason.bowers.smith@us.army.mil](mailto:jason.bowers.smith@us.army.mil) or by calling (703) 805-5013.

Enjoy those going-away parties!