

# Gifts To Individuals

**Is the item a “gift?”**  
There are 11 items excluded from the definition of gift. *See box to the right.*

**YES**      **NO**

**You’re done!** Accepting the gift is legally permissible. The employee may keep the gift.

**Is the gift from a prohibited source? See box to the middle right.**

**Is the gift offered because of the employee’s official position?**

If **YES** to **EITHER** question      If **NO** to **BOTH** questions

**You’re done!** Accepting the gift is legally permissible. The employee may keep the

**Does the gift fall into a recognized exception to the general prohibition on accepting gifts? Exceptions are listed at 5 C.F.R. § 2635.204. See box to the lower right.**

**YES**      **NO**

The employee must return the gift or pay fair market value (5 C.F.R. § 2635.205), or process the gift as a gift to the agency

**The employee may accept the gift, but . . .**

**Does the employee file a financial disclosure report? Is the aggregate value of the gift more than \$350? See gift aggregations rules at 5 C.F.R. § 2634.304(d) and § 2634.907(g)(3).**

If **YES** to **BOTH** questions      If **NO** to **EITHER** question

The employee must report the gift on the financial disclosure report.

**Gift analysis complete.** Accepting the gift is legally permissible and there is no filing requirement.

- Gift* includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. **It does not include:**
- Refreshments (but not a meal)
  - Presentation items with nominal or little intrinsic value (e.g., plaques)
  - Admission fees for events of state and local governments
  - Admission fees from 501c(4) civic organizations
  - Bank loans as commercially available rates
  - Government discounts available to all employees
  - Prizes awarded in contest open to public
  - Pensions from former employer
  - Items paid for by government contract
  - Items for which market value paid
  - Items for which there is specific statutory authority to accept

- There are five (5) prohibited sources:
- Sources seeking official help from agency
  - Sources doing or seeking business with agency
  - Sources whose activities are regulated by agency
  - Sources whose interests are affected by employee’s duties
  - Source organization with majority of members who are in categories 1-4 a above (i.e., prohibited sources)

- The most important gift exceptions are:
- Gifts from personal friends, paid with personal funds
  - Gifts worth \$20 or less (and \$50/yr from source)
  - Awards and honorary degrees
  - Discounts available to public
  - Gifts to you or your spouse based on outside position or job
  - Admission (including spouse) to widely-attended gatherings
  - Food and drink as part of social invitation from a non-prohibited source and if no one in attendance pays

This chart is intended as general over view of the gift acceptance process. In many cases, additional restrictions can apply. See your ethics counselor for specific advice before accepting a gift.