

## **Gifts to Superiors**

**By Unknown** | Administrative and Civil Law, SJA | April 24, 2009

Generally, in order to minimize any potential appearance of favoritism, superiors may not accept gifts given by subordinates. Subordinates should also avoid soliciting contributions for gifts for official superiors. There are exceptions to these general rules. Gifts may be given on traditional gift-giving occasions, so long as the gift itself does not become routine. For example, on an occasional basis, gifts in the form of birthday cards, refreshments shared in the office, or customary gifts may be given and accepted so long as they are worth less than \$10 and are not in cash.

As an exception to the general rule, superiors may accept gifts from donating groups that include subordinates on special and infrequent occasions. The value of such gifts may not exceed \$390 per donating group. A donating group is made up of all persons who contribute to that group's gift. A subordinate should only contribute to one gift. If any subordinate contributes to more than one gift, then the value of all gifts that that subordinate donates to will be combined. Examples of special and infrequent occasions include retirement, PCS and change of command, but may also include other occasions of personal significance such as marriage, illness, or the birth or adoption of a child. This definition does not include a promotion unless the employee is also being transferred out of the chain of command.

The JER places some restrictions upon the solicitation for a gift to a superior. Subordinates may not be asked to contribute more than \$10. A subordinate may voluntarily offer to contribute more than \$10. A contractor-employer is a prohibited source extension of the contractor. Do not solicit contributions from a contracted employee. However, a contractor employee may contribute subject to the \$20/\$50 rule/

All gift contributions must be voluntary. To ensure that the contributions are truly voluntary, collections should only be taken by junior organization members, and no lists of those who donate or elect not to donate should be kept.

A gift to a superior's spouse or children is subject to the above rules unless there is an independent basis for the gift.

Do not hesitate to seek ethics advice. An ethics opinion will generally shield you and your commander in the event of an inquiry. If you have any questions concerning farewell gifts or any other ethics matter, call the Administrative/ Civil Law Division at 239-2717.