

Guidance on Departure Gifts to Superiors

SOCO is providing this reminder on appropriate gift-giving from subordinates to superiors to assist personnel in proper planning. Note that the below rules apply to activities conducted and gifts given while the superior is still a Federal employee, to include any period of transition leave.

GENERAL RULE: As a general rule, DoD employees may not give gifts (or solicit contributions for gifts) to anyone superior in their official chain of command. Moreover, unless there is an independent personal basis justifying the gift, DoD employees generally may not accept gifts from personnel who receive less pay.

APPLICABLE EXCEPTION: One exception to these general prohibitions permits certain gifts on “special, infrequent occasions,” which include circumstances that terminate the senior/subordinate relationship, such as retirement or departure from the organization. Such occasions do not include promotions or reassignments that do not terminate the subordinate-official superior relationship.

PARAMETERS FOR THE EXCEPTION: On special infrequent occasions, individual subordinates may give gifts “appropriate to the occasion” to a superior. Donating groups are permitted to give gifts only on these occasions. Unlike individuals, however, donating groups are limited to gifts that do not exceed \$300 in value per group. The number and size of donating groups should be appropriate to the circumstances and reasonable and groups may not include contractors. Groups may not circumvent the normal maximum of \$300 per gift by banding together to buy the departing senior one large gift. If any subordinate employee contributes to more than one donating group, the total value of all gifts given by those donating groups may not exceed \$300. The cost of food, refreshments, and entertainment provided to the honoree and guests to mark the occasion for which the gift is given are not included in the \$300 gift limit.

Only on these special, infrequent occasions may DoD employees solicit contributions for the group gift. Donation coordinators may solicit voluntary contributions from individual civilian employees and uniformed personnel (not contractors or their employees), but the solicited donation amount must not exceed \$10. Coordinators may accept contributions above \$10, if voluntarily given. Donations must not be coerced and coordinators should not keep records of donors.

GIFTS TO SPOUSES: Gifts to and from employee’s spouses are considered gifts between employees subject to the same restrictions and exceptions contained in this guidance.

GIFTS FROM CONTRACTORS: DoD employees may not generally accept gifts from a prohibited source or gifts offered because of their official position. A prohibited source is any person or group that does, or seeks to do, business with the employee’s agency, conducts activities regulated by the agency, seeks official action from the agency, or is an organization comprised of prohibited sources. This includes all the contractor employees assigned to DoD offices. Employees may accept gifts from contractors and their employees, however, as long as

the total amount from each contractor (which includes all its employees) does not exceed a market value of \$20 per occasion or \$50 dollars per calendar year. Employees may not solicit such gifts and contractor employees may not make a contribution to an employee donating group.

For political appointees – the Trump Ethics Pledge prohibits accepting gifts from a lobbyist or lobbying organization that is “registered” under the Lobbying Disclosure Act, even if an exception to the gift rules applies. However, an appointee may accept an otherwise permissible gift from an employee of a 501(c)(3) nonprofit organization, institution of higher education, or media organization even if that organization is a registered lobbying organization, provided that the person extending the invitation is not personally a registered lobbyist.

QUESTIONS: Any questions or concerns should be directed to the Standards of Conduct Office at (703) 695-3422 or osd.soco@mail.mil.