

## 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. Recent amendments to the DoD Supplemental Ethics Regulations, 5 C.F.R. Part 3601, effective March 30, 2023, modified the value of gifts that donating groups are permitted to give to supervisors. Amendments to section 3601.104 changed the gift limit amount for donating groups from \$300 to \$480. The group gift total is now tied to the “minimal value” threshold established in the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342(a)(5). This gifting value will now adjust every three years as governed by the General Services Administration. The \$480 threshold became effective 1 January 2023 per GSA Bulletin FMR B-52, Foreign Gift and Decoration Minimal Value. 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 maximum of \$480 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 \$480. 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 \$480 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 and must be accompanied by a statement that an employee may choose to contribute less or not all. 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.

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