

## INFORMATION PAPER

**SUBJECT:** Giving and Receiving Gifts in Army Units

1. **PURPOSE.** To summarize ethics rules concerning giving and receiving gifts between Soldiers and Army employees.

2. **BOTTOM LINE.** Gift-giving between senior/subordinate Soldiers and Army employees is very limited. Well-meaning employees may inadvertently cause an ethics violation by presenting their Commander or other superiors gifts beyond the limited exceptions. Contact your ethics counselor for more guidance.

3. **DISCUSSION.**

a. As a general rule, Soldiers and Army employees are prohibited from:

(1) giving, or soliciting contributions for, gifts to someone in their official superior/subordinate chain;

(2) accepting gifts from a lower-ranking individual, unless there is no official superior/subordinate relationship and there is a personal relationship justifying a gift.

b. Exceptions:

(1) On an occasional basis gifts may be given when:

(a) \$10 or less per occasion (e.g. a birthday gift or a souvenir gift upon return from a vacation)) (no cash);

(b) Refreshments shared in the office;

(c) Customary gifts in connection with the receipt of hospitality (e.g., hostess gift).

(2) On special, infrequent occasions, subordinates may give a gift to a superior "appropriate to the occasion."

(a) Infrequently occurring occasions of personal significance such as marriage, illness, or birth of a child (does not include a promotion unless the employee is also being transferred out of the chain of command).

(b) Occasions that terminate official superior/subordinate relationship, such as retirement, resignation or transfer.

(c) Value of gift normally should not exceed \$300 from a "donating group" whose definition depends on the circumstances. Your ethics counselor can advise on how to define the donating group.

(d) If an employee contributes as part of more than one donating group, the different groups become one donating group for purposes of the \$300 limitation.

c. **Voluntary** contributions of a nominal amount may be solicited only for the following:

(1) The occasional sharing of food and refreshments in the office;

(2) The gift for a special, infrequent occasion.

(3) Solicitations for voluntary contributions are limited to \$10. However, an individual may voluntarily offer to contribute more.

(4) Solicitations should normally be made by a junior employee. Lists of those contributing may not be maintained.

d. Gifts from an employee's spouse to another's spouse will be considered a gift between employees subject to the above rules, unless there is an independent basis for the gift to the spouse.

e. A finding that gifts are based on a personal relationship may be appropriate, especially among members of the USAR and NG who live and work together in civilian life. Contact your ethics counselor for more guidance.

f. A gift that exceeds the limits described above will be in violation of the ethics rules. The recipient must either decline the gift, or pay to the giver the fair market value of the gift.