

BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
Office of Government Ethics



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Holiday Gift-Giving and Gift-Receiving; Holiday Parties; Holiday Decor:
A Guide for Executive Branch District Employees¹

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The holiday season is upon us, and this is the season of giving and receiving gifts. This season can cause challenges for District of Columbia employees who are subject to the District's strict gift regulations.

Please remember the District's gift regulations during this holiday season. This memorandum summarizes the ethics standards related to gifts.

If you have any questions about these or other government ethics matters, contact your agency's **Ethics Counselor, the D.C. Ethics Counselor, or the Board of Ethics and Government Accountability at 202-481-3411**, or bega@dc.gov. You may also visit the BEGA website at bega.dc.gov where you can view the District Ethics Manual.

Restrictions on gifts between District employees and from prohibited sources

As a general rule, a District employee may not solicit or accept a *gift* from:

- a lower paid District employee or subordinate, or
- a "*prohibited source*"

In addition, a District employee may not solicit or accept a gift given to influence or reward government action.

What is a *gift*? A "*gift*" is anything of value.

Restriction on gifts between employees

In general, an employee cannot:

- accept a gift from another District employee who is paid a lower salary;
- make a donation to a superior; or
- ask another employee to donate cash for a superior.

¹ This includes all subordinate and independent agency employees. Council members and their staff are subject to a different set of rules under the Council's Code of Conduct. A separate memorandum provides more specific advice for those employees.

Although there is an exception that does, in fact, permit employees to give, accept or solicit contributions for gifts worth less than \$10 for special occasions, this only applies to events that don't happen every year (i.e., retirement, illness, marriage). **This exception does not apply to holiday gifts because holidays occur every year.**

Restriction on gifts from Prohibited Sources

Who is a *prohibited source*?

A "*prohibited source*" is anyone who has or is seeking to do business with the District, conducts operations that are regulated by the District, or has an interest that may be favorably affected by the performance or non-performance of an employee's duties.

Exceptions to the prohibited source rule

Does the gift restriction mean an employee can't accept a gift at all? No. If the gift fits one of the following exceptions, the employee can accept it:

- the gift is from a person with whom the employee has a "bona fide personal relationship" (like a grandfather);
- the items are just promotional materials (such as pens, note pads, or calendars) of nominal value; or
- food and refreshments of nominal value on infrequent occasions, which could include attending a **holiday party** or event sponsored by an entity other than the District government. In such a case, the employee must notify his or her supervisor in time sufficient for the supervisor to make a meaningful judgment to approve or disapprove the employee's attendance. When making the determination the supervisor may consider such factors as the agency's interests and any appearance of a conflict of interest. The supervisor shall disapprove the employee's attendance if there is an actual conflict of interest.

What to do if an employee receives a gift from a prohibited source

If a prohibited source gives an employee a gift that doesn't fit into an exception, the employee has three options. First, the employee can return it. Second, the employee can pay the donor the value of the gift. Finally, if the gift is perishable and it is impractical to return it, the employee can share it with the office staff, donate it to charity, or destroy it. **Sharing with the office staff should not be a recurring remedy and the gift-giver should be warned about the impropriety of giving future gifts.**

Restriction on gifts given to influence or reward government action

An employee cannot solicit or accept a gift in return for being influenced in government work (also known as a bribe), or to reward an employee for government action (also known as a gratuity). An employee also cannot accept any gifts or payments from a non-District source for work as a District employee (also known as "salary supplementation"). It should be noted that **NONE OF THE GIFT-GIVING EXCEPTIONS DISCUSSED ABOVE APPLY IN SUCH**

CIRCUMSTANCES. THIS PROHIBITION IS ALSO A FEDERAL CRIMINAL LAW THAT APPLIES TO DISTRICT EMPLOYEES.

Holiday parties

Holiday-themed office parties should be held during non-working hours or lunch breaks. The government pays for our time to perform work on its behalf, and we need to devote that time to the government's work, not to a party.

Office parties should avoid the use of government resources, and managers must not require that employees pay for a party or that they attend it. Just as even a nominal gift to a superior for special non-recurring occasions must be entirely voluntary, attendance at a party must similarly be voluntary. Office holiday parties should avoid the express observances of any particular religion.

In general, employees should not attend parties hosted by vendors and other "prohibited sources" because such attendance would be a "gift." On the other hand, as discussed above, if there is no actual conflict of interest (i.e., the prohibited source is not involved at all with the employee's agency) a supervisor may give permission for the employee to attend.

Holiday Decor

The holidays are a special time, but employees, their co-workers, and visitors have a right to be safe and comfortable on government property at all times. Although not an ethics issue, employees should be mindful that there are federal and local laws regarding religious displays in and around government buildings. Questions about what may be displayed in common areas and in individual work spaces should be addressed to the Office of Human Rights at 202-727-4559. Safety and other display-related questions should be addressed to building management or to the Department of General Services at 202-727-2800.

Employees at all times are expected to exercise good judgment and office professionalism when celebrating on government premises during this holiday season.