



Gifts – Summary of Ethics Rules

Purpose: This document summarizes the government ethics rules for gifts between employees and from outside sources.

Notice: This information summarizes regulations that restrict or otherwise affect the ability of DOC employees to solicit and accept gifts amongst themselves and from outside sources. Because restrictions are dependent on specific facts, and because this information is a summary of the rules, please contact your [ethics official](#) to discuss your situation.

You may always consult with a personal representative. Ethics officials are acting on behalf of the United States government and not as your personal representative. Advice from an ethics official with respect to these matters is provided under 5 C.F.R. § 2635.107(b). For that reason, disclosures made to a DOC ethics official are not protected by attorney-client privilege.

I. GIFTS FROM OUTSIDE SOURCES

1. **The rule:** Federal employees cannot accept gifts from prohibited sources or offered because of their official positions unless an exception applies. 5 C.F.R. § 2635.202.
2. A **prohibited source** is someone or something:
 - a) with business (or seeking business) before the Department;
 - b) regulated by the Department;
 - c) or with interests that could be affected by performance of your duties.
3. To determine whether you may accept a gift, you conduct a two-step analysis. First, you ask whether you “should” accept the gift; if you can say “yes,” then you may move to whether you “may” accept the gift.

It is never wrong to refuse an otherwise permissible gift. To determine whether you “should” accept the gift, you would consider the following factors, asking yourself whether a reasonable person with knowledge of the facts would have cause to question your, or the Department’s, impartiality:

- a) The gift has a high market value;
 - b) The timing of the gift creates the appearance that the donor is seeking to influence an official action;
 - c) The gift was provided by a person who has interests that may be substantially affected by the performance or nonperformance of the employee's official duties;
 - d) Acceptance of the gift would provide the donor with significantly disproportionate access.
 - e) Any other relevant factors based on the circumstances. 5 C.F.R. § 2635.201.
4. If you are able to get past the “should I” determination, then look to the exceptions to the gift rules. The **most common exceptions** are the following:
- a) The \$20/\$50 rule: Gifts of \$20 or less, excluding cash, for no more than \$50 per year from the same donor.
 - b) Gifts from family and friends (personal relationships)
 - c) Invitations to “widely-attended gatherings” if a supervisor approves in writing based on an agency benefit,¹
 - d) Gifts from a foreign government of \$480 or less (above that amount you can accept for the U.S. Government). 5 C.F.R. § 2635.304; 5 U.S.C. § 7342.

II. Gifts Between Employees

1. **The rule:** You cannot give a gift to your supervisor or accept a gift from another employee making less pay unless an exception applies. 5 C.F.R. § 2635.301.

¹ You may not use this exception if: (1) you are a political appointee and (2) the gift is from a lobbyist or lobbying organization.

2. The **most common exceptions** are:
 - a) A gift of \$10 or less, excluding cash. This is the value of the gift, not your contribution to it.
 - b) Special and infrequent basis: Weddings, births, deaths, adoptions, retirement, etc.²
 - c) It is food shared in the office; or
 - d) It is personal hospitality at one's home or a gift to a host (of appropriate value). 5 C.F.R. § 2635.304.
3. **Special note:** The gift rules do not prevent supervisors from giving gifts to subordinates, but other ethics considerations do apply (favoritism, impartiality, etc.). Please reach out to the Ethics Law and Program Office (ELPO) for assistance if you have questions.

This handout is for information purposes only and is not a substitute for advice from an [ethics official](#). Please check our [website](#) for additional ethics guidance and materials.

² You are allowed to give cash under this exception; however, it must be reasonable to the circumstances. You may also solicit for donations for a joint gift from other employees; however, we recommend a non-supervisory member of staff do the “asking” to avoid concerns regarding coercion. The giving of a gift, as well as the amount, must also be wholly voluntary.