



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
SEVENTH U.S. ARMY JOINT MULTINATIONAL TRAINING COMMAND
UNIT 28130
APO AE 09114-8130

AETT-JA

27 July 2011

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Gifts Between Employees (Command Policy Letter 7)

1. Reference. Joint Ethics Regulation 2-202-203, 2-300, and 4-20-2
2. Giving and accepting gifts within the workplace presents unique ethical problems. This is especially true when the giver and recipient are in a superior-subordinate relationship. The information below details when it is appropriate under federal law and regulation for employees to exchange gifts amongst each other. Failure to follow these rules could result in disciplinary action, as well as embarrassment to the giver, recipient and the command.
3. General Prohibition. An employee may not:
 - a. Give a gift, or make a donation toward a gift, for an official superior;
 - b. Solicit a contribution from another employee for a gift to his own, or the other employee's, official superior; or,
 - c. Accept a gift from a lower-paid employee unless: (1) the donor and recipient have a personal relationship that would justify the gift; and, (2) the donor and recipient are not in a subordinate and official superior relationship.
 - d. "Official superior" is defined as any other employee, other than the President and the Vice President, including but not limited to an immediate supervisor, whose official responsibilities include directing or evaluating the performance of the employee's official duties or those of any other official superior of the employee. Gifts to family members of an official superior are considered gifts to the official superior.
4. Exceptions.
 - a. Occasional Basis. A subordinate may give the following types of gifts to an official superior on an occasional basis, including traditional gift-giving occasions, such as birthdays or holidays:
 - (1) Items, other than cash, with an aggregate value of \$10 or less.
 - (2) Items such as food or refreshments to be shared in the office among several employees.
 - (3) Personal hospitality provided at a residence, which is of a type and value customarily provided by the employee to personal friends.

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(4) Items given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions.

b. Special Infrequent Occasions. In addition, an official superior may accept a gift from a subordinate either: (1) in recognition of an infrequent event of personal significance such as marriage, illness or birth of a child (but not a promotion); or, (2) upon an occasion that terminates the official superior-subordinate relationship such as a retirement, resignation or transfer.

(1) A group gift given in conjunction with a special infrequent occasion is limited to \$300 per donating group. A donating group is comprised of all contributors of that group gift; if an employee contributes to more than one group, the value of the gifts from each group is aggregated for the purpose of the \$350 limit.

(2) The costs of food, refreshments, and entertainment provided to the official superior and his or her personal guests to mark the occasion for which the gift is given is not included in determining whether the value of the gift exceeds the \$350 aggregate limit.

5. Solicitations. An employee may solicit voluntary contributions of nominal amounts from fellow employees for an appropriate gift to an official superior only under the following circumstances:

a. On an occasional basis, for items such as food and refreshments to be shared in the office among several employees; or,

b. In an amount not to exceed \$10 for a gift to be given in conjunction with a special infrequent occasion. A voluntary contribution of a nominal amount for food, refreshments and entertainment for the official superior, the personal guests of the official superior and other attendees at an event to mark the occasion for which a group gift is given may be solicited as a separate, voluntary contribution not subject to the \$10 limit.

c. Solicitations for gifts to an official superior must be completely voluntary and not include any practice that involves compulsion, coercion or other activities that are contrary to voluntary participation or giving. A solicited individual may choose to decline to contribute. To avoid

improper pressure, the collection should be handled by someone junior in the organization and the office should not keep a list of those who contributed.

6. Point of contact is the Office of the Staff Judge Advocate at 475-8548.


BRYAN L. RUDACILLE
Colonel, Infantry
Commanding

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