



# United States Department of the Interior

OFFICE OF THE SOLICITOR

Washington, D.C. 20240

## **HOLIDAY SEASON FREQUENTLY ASKED ETHICS QUESTIONS**

Happy Holidays and best wishes from the Departmental Ethics Office! As the holiday season is often filled with gift exchanges, parties, and invitations to other celebrations, the ethics requirements and [Standards of Ethical Conduct](#) continue to apply to all Federal employees. To help you navigate the holiday season, below are answers to frequently asked ethics questions.

If you have any questions about the guidance below or need assistance on any other ethics matter, please contact the Departmental Ethics Office at [DOI\\_Ethics@sol.doi.gov](mailto:DOI_Ethics@sol.doi.gov). We wish you a happy, healthy, and ethical holiday season!

### **Office Holiday Celebrations and Gift Exchanges**

#### **What is considered a gift?**

Under the ethics rules applicable to Federal employees, a “gift” is generally anything that has monetary value. Traditionally, a gift during the holiday season can include wrapped or unwrapped tangible items (*e.g.*, book, t-shirt, calendar, etc.), food shared in the office, a free meal, and invitations to and free attendance at events, including holiday receptions, holiday concerts, or other entertainment.

#### **Can employees contribute to an office holiday celebration?**

Yes, employees may contribute to an office holiday celebration **so long as** the contribution is voluntary. A contribution is considered voluntary if the contributing employee determines the amount they give and the contribution is given freely, without pressure or coercion.

#### **Can a specific amount be recommended in a request for contributions for an office holiday celebration?**

Yes, **so long as** the request also includes a statement notifying employees that they may choose to contribute the suggested amount, a different amount, or nothing at all. Additionally, as a best practice, supervisors should not personally solicit voluntary contributions from employees making less pay or from subordinate employees to ensure contributions are given freely and without any pressure or appearance of coercion. When sending out a request for voluntary

contributions to an office holiday celebration, please consider including the following statement in communications to ensure employee contributions are voluntary: “Employees are free to contribute less or nothing at all.” If you have any questions about a solicitation message, you are welcome to request review by the Departmental Ethics Office ([DOI\\_Ethics@sol.doi.gov](mailto:DOI_Ethics@sol.doi.gov)) before sending.

**Is it appropriate to exclude employees who do not make voluntary contributions to an office holiday celebration from the event?**

No, an employee who declines to make a voluntary contribution to an office holiday celebration should not be excluded from that holiday celebration.

**Can I collect voluntary contributions using a payment app (e.g., Venmo) for an office holiday celebration among staff employees?**

Generally yes, but please be very careful if you decide to use a payment app! In order for contributions for an office holiday celebration to be considered voluntary, they must be given freely, without pressure or coercion. Payments made through some apps publicly identify the donor or source of the payment and this in turn may inadvertently create inappropriate pressure to employees to contribute. To avoid such pressure, a collecting employee should take all necessary steps (e.g., check appropriate app settings) to ensure that any payments received are “private.”

**Can I treat my colleagues to an in-office pizza party during the holidays?**

Generally, yes. A shared meal provided amongst colleagues to celebrate the holidays or another special occasion is generally permissible. Although there are no explicit restrictions on the giving of gifts to subordinate employees, we recommend that supervisors keep in mind that the ethics rules generally prohibit employees from accepting a gift from another employee making less pay than themselves unless a gift exception applies. The gift rules, however, do permit food and refreshments to be shared in the office among several employees. Therefore, a supervisor could host an in-office pizza party as a holiday gift for their subordinate employees. As an alternative option, a supervisor could treat their team to a meal at a restaurant as a holiday gift so long as the supervisor confirms that the attendees make less pay than themselves.

**So long as a supervisor does not participate, may our office organize a holiday gift exchange among staff with a gift price limit?**

Office gift exchanges should generally be limited to an amount of **\$10 or less** in order to ensure compliance with the gift rules. Remember, even if a supervisor does not participate in a holiday gift exchange, the gift rules generally prohibit employees from accepting a gift from an employee making less pay unless a gift exception applies. An exception exists for gifts valued at \$10 or less that are given on occasions when gifts are traditionally given, like the annual holiday

season. As an added benefit, a \$10 limit will allow a supervisor to participate in the festivities! Further, make sure any invitation to participate in a holiday gift exchange clearly indicates that participation is voluntary and have an employee other than a supervisor send out the invitation. If you are not sure whether your invitation complies with the ethics rules, please send the invitation to the Departmental Ethics Office ([DOI\\_Ethics@sol.doi.gov](mailto:DOI_Ethics@sol.doi.gov)) before sending.

**Are gifts from contractors and or representatives of Friends/Partners Groups treated the same as those from employees?**

No. Contractors and representatives of Friends/Partners Groups are not considered Federal employees and the ethics rules pertaining to gifts from contractors are different than the rules covering gifts between employees. Gifts from contractors or partners who work with Federal employees must meet a gift exception under the rules pertaining to gifts from outside sources (please see below).

**Can contractors be included in office holiday gatherings?**

It depends. Contractors may generally be included in office holiday gatherings **subject to a few considerations**. First, consider whether the attendance of contractors at an office holiday gathering should be approved in advance by the employing contracting organization in coordination with the relevant DOI contractor representative to ensure that the government is not charged for their time during their attendance at a holiday gathering. This is because taxpayer dollars cannot be used to “pay” for contractor time spent at an office holiday party. Second, contractors should not be included in any solicitation or request for voluntary contributions for the office holiday celebration because the ethics rules pertaining to contractors are different than the rules covering gifts between employees. Third, if contractors offer to bring refreshments (e.g., soft drinks, coffee, cookies, donuts) or to make a fair-share contribution of money to cover the cost of refreshments as modest items of food and non-alcoholic refreshments, we recommend consultation with an ethics official to determine whether the offer would be a permissible gift. For any other questions about contractors in the workplace or other procurement issues, please reach out to the appropriate procurement staff in your Bureau/Office.

**Holiday Gifts Between Employees**

**Can I give a holiday gift to my supervisor? Can I accept a holiday gift from a subordinate?**

Generally, yes so long as the gift has a market value of \$10 or less. During the holidays, a subordinate employee may give to their supervisor, and a supervisor may accept from a subordinate, an unsolicited gift (other than cash or cash equivalent, such as a prepaid credit card) with an aggregate market value of \$10 or less.

**I am hosting a holiday party at my home. Can I invite my supervisor?**

Yes. A supervisor is allowed to accept from a subordinate, and a subordinate may give to their supervisor, personal hospitality at the residence of a subordinate which is of the type and value customarily provided on the occasion, such as a holiday party. Therefore, a subordinate may invite their supervisor to their home for a holiday party, and the supervisor may attend.

**My supervisor is hosting a holiday party at her home, and I want to bring a bottle of wine. Can I give my supervisor a \$15 bottle of wine as a gift?**

Yes. A supervisor is allowed to accept from a subordinate, and a subordinate may give to their supervisor, an item of the type and value that is customarily given in connection to personal hospitality provided at a residence. Although the \$15 bottle of wine exceeds the \$10 limit for gifts to a supervisor, such a gift is permissible under the circumstances as it is customary to give the host of a holiday party a bottle of wine. Sorry though, no bottle of vintage Champagne as this is not of the value customarily given!

**Our entire office appreciates the work of our supervisor and what the supervisor does for the team. Can our office set up a voluntary collection of funds to purchase a \$40 coffee maker as a holiday gift for our supervisor?**

No. The voluntary collection of funds to purchase a gift for a supervisor is limited to special infrequent occasions or for items of food and refreshments to be shared in the office by employees on an occasional basis such as an office celebration during the holiday season. Just like birthdays, the holiday season occurs once a year and, unlike a marriage, illness, or birth/adoption of a child, is not considered a special infrequent occasion that permits the voluntary collection of funds to purchase a gift for a supervisor.

**Can I buy a gift for a peer that costs more than \$10?**

Generally, yes. Although, there are no explicit restrictions on the giving of gifts to peers, please keep in mind that the ethics rules generally prohibit employees from accepting gifts from other employees making less pay than themselves unless a gift exception applies. Therefore, unless you know for certain that the intended recipient of your holiday gift makes less than you, we recommend keeping office gift exchanges between peers to an amount of **\$10 or less** to ensure no one inadvertently runs afoul of the gift rules.

**Can I buy a gift for a subordinate of mine that costs more than \$10?**

Generally, yes. As an initial matter, Federal employees are prohibited from accepting compensation for their services from anyone other than the Government, whether monetarily or in kind. Therefore, so long as the gift is strictly intended as a holiday gift, a supervisor may give a gift to a subordinate employee. Additionally, although there are no explicit restrictions on the

giving of gifts to subordinate employees, supervisors should keep in mind that the ethics rules generally prohibit employees from accepting a gift from another employee making less pay than themselves unless a gift exception applies. Therefore, unless a supervisor knows for certain that the intended recipient of their holiday gift makes less than themselves, we recommend keeping holiday gifts, including those to subordinates, to an amount of **\$10 or less** to ensure no one inadvertently runs afoul of the gift rules. Of course, supervisors should consider the general principles of ethical conduct and treat all subordinate employees equally and not give preferential treatment to any single individual.

### **Reminders for Holiday Gifts from Outside Sources**

#### **What is considered a gift?**

As noted above, under the ethics rules applicable to Federal employees, a “gift” is generally anything that has a monetary value. Traditionally, a gift during the holiday season may include a wrapped or unwrapped tangible item (*e.g.*, book, t-shirt, calendar, etc.), food shared in the office, a free meal, and invitations to and free attendance at events, including holiday receptions, holiday concerts, or other entertainment.

#### **What is considered an “outside source”?**

The term “outside source” includes two types of non-Federal persons or entities: (1) those that offer you a gift because of your official position; and (2) those that are known as a “prohibited source,” regardless of their motivation behind the gift. A “prohibited source”\* is any person or entity who:

- is seeking official action by the Department;
- does or seeks to do business with the Department;
- conducts activities regulated by the Department;
- has interests that may be substantially affected by the performance or nonperformance of your official duties; or
- is an organization a majority of whose members are described above.

\*As a reminder, for employees of Bureaus and Offices specifically listed in 5 C.F.R. § 3501.102(a), the term “prohibited source” is determined based on whether the person or entity is seeking official action, doing or seeking to do business, or conducting activities regulated by their Bureau or Office, as opposed to the entire Department.

#### **Can I accept a holiday gift from an “outside source”?**

It depends. Your ability to accept a gift from an “outside source” will depend on the donor and the gift and each gift will need to be reviewed on a case-by-case basis. If the gift from an “outside source” is excluded from the definition of a gift, or fits within one of the gift exceptions,

then you may be able to accept it. Please be careful though as the exceptions for gifts from outside sources are not the same as those discussed above for gifts between employees. Additionally, if you are a political appointee, several gift exceptions do not apply if the gift is from a registered lobbying organization or registered lobbyist. We have included below examples of frequent gift exceptions that apply to gifts from outside sources. Of course, even if a gift exception applies, you should consider declining otherwise permissible gifts if you believe that a reasonable person with knowledge of the relevant facts would question your integrity or impartiality as a result of accepting a gift. If you don't see a gift exception that applies to your particular gift, or if you think that your impartiality may be questioned depending on the situation, please consider declining the gift or contact the Departmental Ethics Office for assistance.

### **Examples of Common Exceptions That Permit You To Accept Gifts from Outside Sources During the Holidays**

While we have highlighted the most common gift exceptions below, there are other gift exceptions that may apply to gifts you are offered during this holiday season. For additional information and guidance on gifts, please refer to the [Departmental Ethics Office](#) website and consult with an ethics official as needed.

**My good friend from college works for a company that submitted a bid for a contract with the Department and has invited me to a party at their home to celebrate the holidays. Can I go to the party?**

Yes. Where the gift is clearly motivated by a personal friendship rather than your position or a business relationship, you may accept the gift. Factors to consider in determining whether a relationship is personal include the history and nature of the relationship and whether the friend or family member personally pays for the gift. Additional restrictions may apply where a friend is also a Federal employee, contractor, grant recipient, or partner.

**An employee from a Friends Group gave me a t-shirt as a holiday gift. May I keep this gift?**

It depends. If the employee from the Friends Group is someone you met because of your official position or duties and you do not otherwise have a personal friendship or family relationship with this person, you may not accept the gift unless another exception or exclusion to the gift rules applies.

**I received a holiday ornament as a gift from a contractor. Can I accept it?**

It depends. You may accept a holiday gift (but never cash or cash equivalent, such as a prepaid credit card), from a prohibited source (*e.g.*, contractor or Friends/Partner Group) or offered to you because of your official position, so long as: (1) the market value of the gift **does not**

**exceed \$20, AND (2) the total amount** of gifts that you accept from that same source **does not exceed \$50 for the calendar year**. Therefore, if the market value of the holiday ornament is \$20 or less, and the total value of gifts you will have received this calendar year from the same contractor won't exceed \$50, you may accept it.

**I received a gift card to a restaurant from a contractor as a holiday gift. Can I accept it?**

It depends. General use prepaid gift cards, such as those issued by credit card companies or financial institutions (*e.g.*, Visa or Mastercard), are considered equivalent to cash under the ethics rules and may not be accepted. A prepaid gift card to a particular store or venue, however, such as a gift card to a restaurant, coffee shop, or other store, is not considered cash or equivalent to cash and may generally be accepted provided the gift meets an exception under the gift rules, for example, the \$20/\$50 gift exception discussed above.

**I received a prepaid Visa gift card from an employee of a Friends Group. Can I accept it?**

No. General use prepaid gift cards, such as those issued by credit card companies or financial institutions (*e.g.*, Visa or Mastercard) are considered cash under the ethics rules and may not be accepted.

**Can I attend a holiday reception hosted by a contractor or key stakeholder under the “holiday party” exception?**

There is **no** broad “holiday party” exception under the gift rules. A holiday party, open house, or reception, even if no one is required to pay an admission fee to attend, is considered a gift. However, you potentially may attend these holiday celebrations when hosted by an “outside source,” such as a contractor or other key stakeholder, if the event meets the regulatory requirements to apply the “widely attended gathering” exception (as determined by an ethics official) **and** your supervisor has determined **in advance of your attendance at the event** that it is in the Department’s interest that you attend because it will further the Department’s programs and operations. This determination must be made in writing and requires the completion and submission of a Form DI-1958, *Authorization for Free Attendance At A Widely Attended Gathering*, available [here](#). Please submit completed forms to [DOI\\_Ethics@sol.doi.gov](mailto:DOI_Ethics@sol.doi.gov) for review.

**My father works for a DOI contractor. Can I celebrate the holidays at my parents’ home?**

Absolutely! As an employee of a DOI contractor, your father is technically considered a prohibited source under the ethics regulations. However, that does not mean you need to complete a Form DI-1958, *Authorization for Free Attendance At A Widely Attended Gathering*, to celebrate the holidays at your parents’ home under these circumstances. Under the “personal relationship” gift exception, where the invitation to attend a holiday party, open house, or reception is **clearly motivated** by a personal relationship rather than your position, you may

accept the gift. The same would apply to holiday celebrations hosted by other family members, close friends (*e.g.*, college roommate, best friend, groomsmen, etc.), and neighbors.

**Lobbyist Gift Ban for Political Appointees: Reminder of Additional Restriction**

**Does the lobbyist gift ban apply to holiday gifts?**

Yes. In addition to the general gift rules and exceptions discussed above, if you are a political appointee, you are bound by the lobbyist gift ban in the Ethics Pledge. Therefore, you must be extra careful as a political appointee before accepting any gift from a registered lobbying organization or registered lobbyist, as not all gift exceptions apply under the Ethics Pledge depending on the facts and circumstances. Please contact the Departmental Ethics Office for additional guidance on how the lobbyist gift ban applies to holiday invitations and gifts.

As a reminder, DEO ethics officials may be contacted for further guidance at [doi\\_ethics@sol.doi.gov](mailto:doi_ethics@sol.doi.gov). A summary of the ethics requirements can be found on the DOI website at <https://www.doi.gov/ethics> or on the DOI Ethics Mobile App.

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