

# GIFTS BETWEEN EMPLOYEES

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## Background

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During the year, especially during the winter holiday season, employees enjoy exchanging gifts among themselves.

## General Prohibition

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The Standards of Ethical Conduct at [5 CFR 2635, Subpart C](#) prohibit employees from giving or soliciting for gifts to supervisors or accepting gifts from lower-paid employees, unless the individuals are personal friends who are not in a supervisor-subordinate relationship.

## Definitions

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### GIFT:

any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.

### OFFICIAL SUPERIOR:

anyone whose official responsibilities involve directing or evaluating the performance of the employee's official duties. The term is not limited to immediate supervisors, but applies to officials up the supervisory chain.

### SOLICIT:

to request contributions by personal communication or by general announcement.

### VOLUNTARY CONTRIBUTION:

a contribution (of an amount determined by the contributing employee) except in instances where the employee freely chooses to pay a proportionate share of the cost of a luncheon, reception, or similar event. Regardless, voluntary contributions are given freely and without coercion.

## Exceptions

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Giving and receiving gifts between employees is allowable as follows:

### NUMBER

### EXCEPTION

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| 1 | Items, other than cash, aggregating \$10 or less per occasion.   |
| 2 | Food and refreshments shared in the office.  |
| 3 | Personal hospitality at a residence.   |
| 4 | Appropriate hostess gifts.   |
| 5 | Leave sharing under Office of Personnel Management Regulations.  |
| 6 | Gifts given in recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or upon occasions that terminate a subordinate-official superior relationship such as retirement, resignation, or transfer.<br><br>In these instances, an employee may solicit <i>voluntary contributions of nominal amounts</i> from fellow employees for an appropriate gift to an official superior, and an employee may make a voluntary contribution. |

**Gift Cards:**

1. **General-use prepaid gift cards** may not be given/accepted under the gift rules since this type of card functions similarly to a debit card and can be used at ATM machines to withdraw cash. These types of cards typically bear the logo of a payment network such as Visa, MasterCard or American Express.
2. **Store gift cards** may be given/accepted under the gift rules since this type of card can only be redeemed at one merchant or an affiliated group of merchants for goods and services. Store gift cards are not treated as cash equivalents. (Remember the \$10 limit for gifts between employees.)