

INFORMATION PAPER

SUBJECT: Holiday Activities and the Ethics Rules

1. FOR INFORMATION. The purpose of this information paper is to provide guidance to USARJ regarding the impact of ethics rules on holiday activities.

2. Background. The holiday season is a wonderful time to celebrate with your friends, family and co-workers. Because not all may celebrate the same holidays in the same way, it is wise to consider what we call the celebration, how we refer to the season, and our greetings to one another. In order to keep these events enjoyable and comply with the Federal ethics requirements, there are some workplace rules that everyone must observe. These rules and this guidance apply to similar activities throughout the year.

3. Use of Government Time. Some holiday celebrations may occur on Government time, but only up to a point. Time taken for an actual event -- such as a "pot luck" in the office or a luncheon at a restaurant -- is not typically an issue. Preparations for these events can create issues. Supervisors may permit some use of duty time for preparations; however, preparing holiday events should not become a significant part of any employee's duties. For example:

a. A party committee should not spend days visiting potential restaurants to see facilities and menus, develop consensus, etc. A few telephone calls during the day requesting faxes from restaurants, a couple of short planning discussions in the office, and visiting one or two restaurants during lunch are permissible.

b. A decorations committee should not spend a day visiting party shops and another workday organizing decorations (also, appropriated funds may not be used to purchase decorations). A brief planning session on Government time followed by a few telephone calls to party shops, with visits and purchases made after duty hours, and decorations made during lunch periods or after work are fine.

4. Fundraising. Your office may decide they want to raise money to reduce the cost of a holiday event. The general rule is "no fundraising in the Federal workplace." However, the DoD Joint Ethics Regulation (JER), DoD Reg 5500.07-R, generally permits fundraising within an organization and its members for their collective benefit when approved by the head of the organization in coordination with an Ethics Counselor. For example, an organization could have a bake sale to reduce the cost of tickets for the office holiday party. Use the following guidance for such events:

- Keep it low key.
- Ensure compliance with local installation fundraising rules.

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- Use minimal Government time to plan and set up. No duty time should be used to bake or purchase cookies. The actual selling of cookies should only be during personal time.
- Government equipment, such as computers and printers, may be used at no cost to the Government – if the boss approves.
- Do not solicit outside sources (such as contractors) to contribute baked goods.
- Contractor employees and visitors who learn of the bake sale may purchase items. But, you may not personally solicit them or target them.
- Outside sources (local restaurants, car dealerships, hotels, professional associations, and contractors) may not be solicited for donations -- to include door prizes.
- Raffles may not be used to raise money for office functions.

5. Contractor Employees. Contractor employees may attend government office celebrations, subject to the following limitations:

- There should be no official encouragement for someone else's employees to leave their workplace. The office may let it be known that contractors may attend and are a welcome part of the event.
- Contractor employee time off, and the nature of the time off (leave, personal day, administrative absence), are between the contractor and its employees.
- Contractor employees may not be tasked, or asked to volunteer, to organize holiday events.
- Contractor employees who do attend events may properly contribute their “fair share” of the expense for the event to the same extent as Soldiers and DA civilians.

6. Gifts. Gifts among employees may be exchanged during the holiday season; however, all personnel should be mindful of the appearance created by such gifts. Avoid creating the perception of favoritism. Gift-giving in the workplace should be even-handed and democratic in spirit - no one should be left out. Use the following guidance:

- Personnel may not generally accept a gift from another Federal employee who makes less money -- *unless there is a personal relationship that would justify the gift and there is no superior-subordinate relationship.*
- A holiday gift to a superior is OK *if* it is worth \$10 or less. However, you may not solicit contributions from other employees for such a gift.
- There are no restrictions on gifts to peers and subordinates; but, we recommend the same \$10 limit. Avoid appearances of favoritism.
- Voluntary gift exchanges among staff are allowed. These exchanges may include contractor employees.

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- Federal employees generally may not accept gifts from contractors or contractor employees. Gifts (other than cash) not exceeding \$20 in value may be accepted from contractors as an exception to the JER. The employee may not accept other gifts from the contractor that exceed a total value of \$50 for the year.
- **Be safe and avoid confusion – set the gift limit value at \$10 for all.**

7. Attendance at Parties.

a. All employees and contractor employees are free to attend a private party hosted by a Federal employee. Food, refreshments and entertainment may be shared and enjoyed. When attending a party at the boss's residence, subordinates may bring hospitality gifts, such as a bottle of wine, but they must not be lavish. These hospitality gifts are not strictly limited to \$10 in value, but personnel should use common sense and not go overboard. Hospitality gifts from *contractor employees* are strictly limited to \$20 in value. Hospitality gifts that are edible are recommended for such events in order to avoid ethics issues.

b. Federal employees may accept free attendance at a private party hosted by a contractor or a contractor employee if *any* of the following conditions apply. If none apply, then the invitation must be declined -- or the employee must pay to attend:

- The average cost per guest does not exceed \$20.
- The invitation is based on a bona fide personal relationship with the contractor employee -- not just a congenial office relationship.
- The party qualifies as a "widely-attended gathering" -- that is, there will be more than 20 attendees representing a diversity of views and backgrounds, AND the employee's supervisor determines that it is in the agency's interest for the employee to attend.
- The contractor is having an open-house, open to the public or to all Government employees or military personnel in the area.
- The invitation is offered to a group or class that is not specifically related to Government employment, such as all GEICO, USAA, or AUSA members.
- You have been assigned to represent the Army at an official function (such as an embassy event).

8. Holiday Greetings.

a. Appropriated funds may not be used to purchase holiday greeting cards. Subordinates may not be given the task of preparing or addressing personal greetings. Finally, official resources --including paper, envelopes and postage -- may not be used for holiday greeting cards.

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b. Electronic greeting cards with digital photographs, video, sound, or other large file attachments should not be transmitted on official Army systems -- they tend to jam the system.

9. Alcohol. Organizations must take special care if they plan on using alcohol in their holiday events. Paragraph 3-2b, AR 600-85, *Alcohol and Substance Abuse Program*, prohibits consumption of alcohol during duty hours at the workplace unless specifically approved by the first General Officer in the chain of command, or the Garrison Commander if the CG is not reasonably available. This provision includes off-post events that are designated as the "place of duty" for employees. These functions will not encourage or glamorize consumption of alcohol, and alcoholic beverages may not be given as prizes.

10. Conclusion. Soldiers and employees may plan and participate in holiday events. However, they must use common sense regarding the limited use of Government resources and time and be aware of all of the applicable ethical restrictions. Please contact an Ethics Counselor with the USARJ OSJA at 263-3372 if you have any questions regarding this information.

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