BOARD OF ETHICS AND GOVERNMENT ACCOUNTABILITY
Office of Government Ethics

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Holiday Gift-Giving and Gift-Receiving; Holiday Parties; Holiday Decor: A Guide for Council Employees[1]

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The holiday season is upon us, and this is the season of giving and receiving gifts. This season can cause challenges for District of Columbia employees who are subject to the District's strict gift regulations.

Please remember the District's gift regulations during this holiday season. This memorandum summarizes the ethics standards related to gifts and other holiday activities.

If you have any questions about these or other government ethics matters, you can contact either the **General Counsel to the Council, David Zvenyach at 202-724-8026, or the Board of Ethics and Government Accountability at 202-481-3411**, or bega@dc.gov.

Restrictions on gifts between District employees and from prohibited sources

As a general rule, a District employee may not solicit or accept a *gift* from:

- a lower paid District employee or subordinate, or
- a *"prohibited source"*

In addition, a District employee may not solicit or accept a gift given to influence or reward government action.

What is a *gift*? A "*gift*" is anything of value.

Restriction on gifts between employees

With a few exceptions, an employee cannot:

- accept a gift from another District employee who is paid a lower salary;
- make a donation to a superior; or
- ask another employee to donate cash for a superior.

[1] This guide has been prepared especially for Council staff, as opposed to employees who work in the Executive branch. This is because the Council Code of Conduct contains some differences to the District Personnel Manual with respect to the subjects covered herein.

For **Councilmembers and their staff**, the "lower salary" standard only applies when the gift-giver and recipient are in an actual subordinate/supervisory relationship (i.e, a staffer and the staffer's supervisor or Councilmember). In those cases there is an exception that permits non-cash gifts of up to $50.00 for occasions on which gifts are traditionally given (such as a holiday). See Rule V(c) of the Council Rules of Official Conduct. There is also an exception for food and refreshments shared by office staff and for hospitality provided at an employee's residence.

Restriction on gifts from Prohibited Sources

Who is a *prohibited source*?

A "*prohibited source*" is anyone who has or is seeking to do business with the District, conducts operations that are regulated by the District, or has an interest that may be favorably affected by the performance or non-performance of an employee's duties.

Exceptions to the prohibited source rule

Does the gift restriction mean an employee can't accept a gift at all? No. If the gift fits one of the following exceptions, the employee can accept it:

- The gift is from someone with whom the employee has a familial or personal relationship (like a grandfather);
- The gift is not cash (or a financial instrument like stock or bonds), is **"unsolicited"** and has market value of not more than **$50.00, not to exceed $100.00 aggregated in a calendar year (this exception does not apply to gifts from lobbyists)**; or
- The gift is in the form of a free invitation to a "widely attended" event such as a dinner, gala or reception, where there are at least 25 (non-District government) participants in attendance. For this exception to apply, attendance must be connected to the employee's official Council duties (this is a broad exception and could include a holiday party if attendance is "otherwise appropriate to the representative function of the Council."). One guest of the employee is permitted to attend as well.

Restriction on gifts given to influence or reward government action

An employee cannot solicit or accept a gift in return for being influenced in government work (also known as a bribe), or to reward an employee for government action (also known as a gratuity). Gi**fts from lobbyists should be avoided, no matter the value (lobbyists are in the business of attempting to influence legislative activity in order to obtain results for their clients).** An employee also cannot accept any gifts or payments from a non-District source for work as a District employee (also known as "salary supplementation"). It should be noted that **NONE OF THE GIFT-GIVING EXCEPTIONS DISCUSSED ABOVE APPLY IN SUCH CIRCUMSTANCES. THIS PROHIBITION IS ALSO A FEDERAL CRIMINAL LAW THAT APPLIES TO DISTRICT EMPLOYEES.**

What to do if an employee receives a gift from a prohibited source

If a prohibited source gives an employee a gift that doesn't fit into an exception, the employee has three options. First, the employee can return it. Second, the employee can pay the donor the value of the gift. Finally, if the gift is perishable and it is impractical to return it, the employee can share it with the office staff, donate it to charity, or destroy it. **Sharing with the office staff should not be a recurring remedy and the gift-giver should be warned about the impropriety of giving future gifts**.

Holiday parties

Although not strictly work-related, there is a long and entrenched tradition of holding holiday-themed office parties. Ideally, such parties should be held either during extended lunch periods or after hours so as not to unreasonably interfere with the work of the government.

Office parties should avoid the use of government resources, and managers must not require that employees pay for a party or that they attend it. Just as even a nominal gift to a superior for special non-recurring occasions must be entirely voluntary, attendance at a party must similarly be voluntary. Office holiday parties should avoid the express observances of any particular religion.

In general, employees should not attend parties hosted by vendors and other "prohibited sources" because such attendance would be a "gift." On the other hand, as discussed above, an employee may attend if the "widely attended" event exception applies.

Holiday Decor

The holidays are a special time, but employees, their co-workers, and visitors have a right to be safe and comfortable on government property at all times. Although not an ethics issue, employees should be mindful that there are federal and local laws regarding religious displays in and around government buildings. Questions about what may be displayed in common areas and in individual work spaces should be addressed to the Office of Human Rights at 202-727-4559. Safety and other display-related questions should be addressed to building management or to the Department of General Services at 202-727-2800.

Employees at all times are expected to exercise good judgment and office professionalism when celebrating on government premises during this holiday season.