

## **DEO Ethics Reference – Gift FAQs**

### ***1. Do the gift rules apply while I am teleworking or under stay at home orders?***

Yes. All of the ethics rules continue to apply to employees while teleworking or under stay at home orders. An employee may not accept a gift while teleworking that he or she could not accept during regular Federal government operations. The general rule concerning gifts from an outside or non-Federal source (versus gifts between employees) is that a Federal employee may not accept a gift from a “prohibited source” or given because of his or her official position with the DOI. A gift is considered to be given because of your official position when the circumstances make it clear that you would not have received the gift, but for your employment status with the Federal government generally and/or the DOI specifically.

A “prohibited source” is any person, company, or organization that does business with the DOI, is seeking to do business with the DOI, conducts operations or activities that are regulated by DOI, or has any interests that might be affected by the performance or non-performance of your official duties, or is an organization a majority of whose members are described above, including non-profit friends groups and other organizations, contractors, concessionaires, partners, and entities that receive permits, grants, or other assistance from the DOI, etc. Please note that the definition of “prohibited source” may be limited for certain employees to their Bureaus or Offices and in those cases would not extend to all of the DOI. Please consult with your Bureau/Office ethics officials for further guidance.

### ***2. How do I determine whether I can accept a gift from a non-Federal source?***

It will depend upon the value of the gift and who offers it to you. The general rule is that you may not solicit or accept gifts given because of your official position or offered by a “prohibited source.” A “gift” is anything that has monetary value which you obtain for less than “market value.” A gift may include, but is not limited to, a gratuity, favor, discount, cash, gift certificate, gift card, entertainment, hospitality, loan, forbearance, or other item having monetary value. It also applies to services, training, transportation, travel, lodging, and meals. “Market value” is the retail price that a member of the general public would have to pay to purchase it. However, the ethics regulations provide a few exceptions and exclusions to the general rule and those that come up most frequently are discussed below.

### ***3. Can I accept a free meal or discount offered to all federal workers or the general public?***

Yes. As long as the offer is extended to all federal employees, even if the offer is restricted by geography, you may accept it. For example, you may accept a free meal or other benefit made available to anyone in the metro Washington, DC area who shows a federal employee ID card.

### ***4. Can I accept free meals, discounts, or other benefits offered only to teleworking employees?***

It depends on who is offering the free meal or other benefit. Employees may accept gifts offered to a class of government employees that does not discriminate on the basis of official duties or

rank (such as all teleworking federal employees) if given by an organization or person who is not a prohibited source. For example, you could accept a free month of online fitness class access offered to all teleworking employees as long as the gym is not a prohibited source.

If an organization is a “prohibited source,” you may accept tangible, non-cash gifts (such as a meal, hat, book, ticket to a movie, etc.) with a retail market value of \$20 or less, per occasion from that organization so long as the total value of gifts given to you from the organization does not exceed \$50 in a calendar year, and you do not accept gifts so frequently from this organization that a reasonable person would question your impartiality. If the gift has a retail market value in excess of \$20, you may not pay the difference in order to accept the gift, but rather you must pay the entire value of the gift to the donor in order to accept it.

***5. Can I accept a Visa cash gift card from an organization that does business with the DOI?***

No. You may never accept cash, cash gift cards issued by a credit card company or other financial institution (Visa, Mastercard, American Express, etc.), or checks made out to you, in any amount, from a “prohibited source” or if given because of your official position, under any circumstances.

***6. Can I accept an American Express cash gift card offered to only teleworking employees by a local organization that has no business before the DOI?***

No. You may never accept cash, cash gift cards issued by a credit card company or other financial institution (Visa, Mastercard, American Express, etc.) or checks made out to you, in any amount, given because of your official position under any circumstances.

***7. Can I accept a grocery store gift card that is offered to me by a local organization that does business with the DOI?***

In this case, it generally will depend on the donor and the amount of the gift card offered to you. The ethics regulations distinguish between gift cards issued by a credit card company or other financial institution, which are viewed as the equivalent of a gift of cash and may not be accepted, and gift cards issued by specific stores such as restaurants and grocery and retail stores, which may be accepted in certain circumstances. Although the local organization is a “prohibited source”, you may still accept a gift card to a grocery store offered to teleworking employees and valued at \$20 or less per occasion, so long as the total value of these gifts to you from the local organization does not exceed \$50 in a calendar year, and you do not accept gifts so frequently from the local organization that a reasonable person would question your impartiality.

Additionally, if an organization were handing out packets of gift cards issued by specific stores or restaurants to all Federal employees, all Federal employees in a specific geographic area (e.g., all Federal employees in Oakland County), or anyone impacted by the pandemic (and the offer is not limited only to certain Federal employees, such as those employed by DOI, or only to teleworking employees), then you can accept the packet of gift cards even if the total amount of the various gift cards exceeds \$20.

Also, if a local organization were to offer packets of gift cards issued by specific stores or restaurants to any family or individual in need in the community, you could accept the packets of gift cards. Under the gift rules, any opportunities and benefits, including favorable rates and commercial discounts, available to the general public or to a class consisting of all Federal employees or all uniformed military personnel, whether or not restricted on the basis of geographic considerations, is not considered a prohibited gift and may be accepted.

**8. *Can I accept a commercial discount or benefit offered by a local business?***

Yes, you may accept commercial discounts or benefits available to the general public, to all Federal government employees, or to anyone impacted by the pandemic (so long as the offered discount or benefit is not limited to certain Federal employees, such as those employed by DOI).

**9. *If an accredited or licensed financial institution, such as a credit union, offers low or no interest loans, can I accept such a loan?***

It will depend on the terms of the loan offer. The ethics regulations exclude from the definition of gifts “loans from banks and other financial institutions on terms generally available to the public.” Additionally, you may accept opportunities and benefits, including favorable loan rates and commercial discounts, available to the general public or to all Federal employees, whether or not restricted on the basis of geographic considerations. The ethics regulations also permit you to accept opportunities and benefits, including favorable loan rates and commercial discounts, offered to members of an organization, such as an employee association or credit union.

**10. *Can I, or someone on my behalf, set up a crowdsourcing campaign such as a GoFundMe page or other online fundraising request to help with expenses related to the pandemic or stay at home orders?***

Generally, no. These kinds of online fundraising campaigns raise a variety of ethics concerns.

First, you, or someone acting on your behalf (such as a spouse), cannot solicit a gift based on federal employment. Therefore, you cannot use your agency, title, or status for any such solicitation for your own private gain or the private gain of another under the misuse of position rules. Therefore, any such online solicitation could not reference your employment with the DOI or your employment status with the Federal government.

Second, you are prohibited from soliciting or accepting gifts given from prohibited sources. Therefore, even if you do not use your agency, title, or status for a solicitation, you would need to be able to identify and reject any donations from prohibited sources. Due to the high likelihood of violating ethics rules, we strongly recommend that you seek guidance from an ethics official before engaging in any such online fundraising campaigns.

**11. *Can I accept assistance from a crowdsourcing campaign intended to provide assistance to federal employees impacted by the pandemic or stay at home orders?***

It depends. Such offers can only be accepted if offered to a broad class of government employees that does not discriminate based on responsibility, rank, or rate of pay and the campaign organizer is not a prohibited source.

More information on crowdsourcing and online fundraising requests can also be found in the Office of Government Ethics's most recent advisory on furlough and ethics-related issues at [https://www.oge.gov/web/OGE.nsf/Legal%20Advisories/9D4E04812177E26C852583A2005856F0/\\$FILE/LA-19-01.pdf?open](https://www.oge.gov/web/OGE.nsf/Legal%20Advisories/9D4E04812177E26C852583A2005856F0/$FILE/LA-19-01.pdf?open).

***12. May I present my Federal government identification badge to receive a permissible discount or benefit offered to all Federal employees?***

Yes. Employees may show their Federal government ID to prove they are eligible for an existing discount or benefit. Please remember that you may not use your Federal government ID to solicit or encourage a gift or special treatment - this is a misuse of position.

***13. Can I donate money and other items to other co-workers or accept assistance from co-workers?***

The limitations on gifts between employees remain in effect. Generally, employees may not give, donate to, or solicit contributions for, an official supervisor, and may not accept gifts from employees receiving less pay. However, employees may accept the following from subordinates or employees receiving less pay: (1) non-cash gifts with a value of \$10 or less, (2) gifts of personal hospitality of a type and value customarily provided, or (3) food and refreshments to be shared in the office. Additionally, gifts may be given on infrequently occurring occasions of personal significance, such as illness, marriage, birth of a child, *etc.* You should discuss offers of financial assistance between co-workers with your Bureau/Office ethics official if you have any questions.