



DEPARTMENT OF THE ARMY

HEADQUARTERS, U.S. ARMY ALASKA
600 RICHARDSON DRIVE #5000
FORT RICHARDSON, ALASKA 99505-5000

REPLY TO
ATTENTION OF:

APVR-RJA

DEC 6 2002

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Gift Policy (CG/CofS Policy Statement #0-19)

1. As federal government employees, the giving and receiving of gifts in connection with one's federal government employment is subject to restrictions set out primarily in the Joint Ethics Regulation (JER). Because public service is a public trust, I expect every member of this command, soldiers and civilians alike, to adhere to the JER restrictions and the rules set forth below. Questions regarding the propriety of giving or receiving a gift should be directed to a designated United States Army Alaska (USARAK) Ethics Counselor in the Office of the Staff Judge Advocate (SJA).

2. GIFTS FROM OUTSIDE SOURCES: Employees may not accept or solicit, either directly or indirectly, a gift from any person or entity who does business with the Army, is seeking official action from the Army, or is seeking to do business with the Army. Employees may also not solicit or accept gifts which are given because of the employee's official position.

a. Definition of "gift": Certain items such as coffee and donuts and similar modest food items that are not offered as part of a meal are not considered a "gift" subject to the above limitation. Additionally, certificates, plaques, and similar items of little intrinsic value; rewards and prizes from contests open to the public; commercial discounts available to the general public; and loans available to the general public are not considered gifts.

b. Exceptions: Even if an item which constitutes a gift and is given by a prohibited source or given because of an employee's official position, there are nonetheless certain exceptions which allow the gift to be accepted. The details and nuances of these exceptions should be discussed with an Ethics Counselor before accepting a gift based on one of these exceptions. Some of the more common exceptions are gifts with a value of \$20 or less; gifts based on a personal relationship; discounts offered to broad classifications of individuals such as all federal employees; awards; gifts based on outside business or employment; widely attended gatherings; social invitations from other than prohibited sources; and food and refreshments in foreign areas.

c. Appearance of Impropriety: Even if an exception exists, because of the basic obligations of public service, if acceptance of a gift would create an appearance of impropriety or ethical violation, the gift may not be accepted. For this reason, it is frequently prudent to decline a gift offered by a prohibited source or offered because of one's official position.

3. GIFTS TO DEPARTING SUPERIORS: While recognizing that it is common practice and customary to present commanders and other superiors with a gift upon their departure on behalf of a unit, directorate, or other group of subordinate employees, it is important to ensure such gifts do not violate the JER because if they do and a superior accepts them, the superior could be sanctioned for having accepted an improper gift. Bottom line, don't put your boss in the position where he/she must decline a gift, pay for the gift, or donate the gift in order to avoid violating ethics rules.

a. The market value of a gift from a group of subordinate employees may not exceed \$300:

(1) A departing superior may accept a gift from more than one group of subordinate employees. The appropriate number of such groups depends on the circumstances and the application of common sense. For example, if a brigade commander were departing, it would be permissible for the brigade staff and each battalion to present the brigade commander with separate gifts. However, each group's gift is limited to \$300 in value and if an employee contributes to more than one group, then the value of both groups' gifts must be combined and may not exceed \$300. Also, if an employee chooses to individually give a small gift to a superior, then that employee may not donate to a group gift.

(2) Groups may not work together to circumvent the \$300 rule. For example, if a battalion commander is departing, two companies cannot join together to purchase a \$500 framed print by agreeing that one company buy the \$300 print and the other company buy the \$200 frame.

(3) The cost of food and refreshments for an event at which a departure gift will be presented are not included in the \$300 gift limit. Accordingly, employees may voluntarily contribute a nominal amount toward such expenses in addition to any amount contributed toward a gift.

b. Gifts must be appropriate to the occasion: What is considered appropriate to the occasion depends on the circumstances and the use of common sense and good judgment. However, under no circumstances is a cash gift or other monetary gift appropriate. Plaques, photographs, and other sentimental mementos are the types of gifts which are generally accepted as being appropriate to the occasion.

c. Employees may be asked to voluntarily contribute toward a group gift provided the amount asked for does not exceed \$10: All solicited contributions toward a superior's departure gift must be strictly voluntary and this fact must be clearly communicated to everyone. No one may coerce or pressure another to donate toward a superior's departure gift. To avoid any appearance of coercion, a junior employee should collect donations. Lists of contributors and the amount contributed or lists of those who did not contribute may not be maintained.

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d. A gift to a superior's spouse is considered a gift to the superior: As with the prohibition against different donating groups working together to circumvent the \$300 limit, different groups may not circumvent the \$300 limit by giving separate gifts totaling more than \$300 to a superior and his/her spouse. However, this rule does not apply if there is a legitimate independent basis for giving a gift to the spouse.

4. FOREIGN GIFTS:

a. Accepting Gifts: Employees may accept gifts of a minimal value (i.e. currently determined by the Government Accounting Office to be gifts with a U.S. retail value of \$285 or less) offered as a souvenir or courtesy from a foreign government official. If more than one gift is offered to an employee at a single presentation by the same source (i.e. within the same level of government), the value of the gifts must be aggregated and the total may not exceed \$285. However, if gifts from the same source are offered at different presentations (even if on the same day), the value of the gifts need not be aggregated. A gift to an employee's spouse is deemed to be a gift to the employee.

b. Giving Gifts: Official Representation Funds (ORFs) are a special category of appropriated funds and are the only type which may be used to purchase gifts for foreign dignitaries and officials. Additionally, who may use such funds is very limited. Within USARAK, any commander or directorate who desires to present an official gift to a foreign official must obtain the Commanding General's authorization to do so in advance and any gift purchased must be purchased with ORFs, not individual unit O&M funds. USARAK Protocol maintains ORF funds.

5. Questions regarding this policy and the applicability of these rules should be addressed to the appropriate Ethics Counselor in the Office of the Staff Judge Advocate (Fort Richardson: 384-0420, Fort Wainwright: 353-6554).



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Chief of Staff

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