

HOLIDAY ETHICS GUIDE



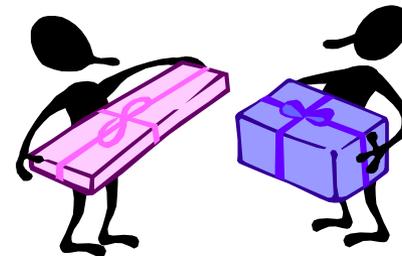
USPS Ethics Office

Ethics Helpline: (202) 268-6346

ethics.help@usps.gov

Ethics rules dealing with gifts

- Government ethics rules dealing with gifts apply to Postal Service employees all year long
- The general rule is that an employee may not accept a gift from a prohibited source, or one given because of the employee's official position, with some exceptions
- There are also rules about gift-giving between employees
- Because gift-giving is a common holiday tradition for both individuals and businesses, employees frequently have gifts questions during the holidays
- This guide addresses some of the most common gifts issues



Guide contents

- **What is a gift?**
- **What is *not* a gift?**
- **“Appearance” issues**
- **Gifts from outside sources**
- **Gifts between employees**
- **Attending events in your official capacity**
- **Where to get answers to gifts questions**



What is a gift?

A gift is broadly defined as anything of monetary value, including (but not limited to):

- Free attendance at parties/events
- Gift certificates
- Transportation
- Cash and cash equivalents
(ex: cards that can be exchanged for cash)
- Investment interests
(ex: stocks, bonds, CDs)
- Meals
- Merchandise
- Apparel
- Lodging
- Merchandise
- Transportation
- Event Tickets

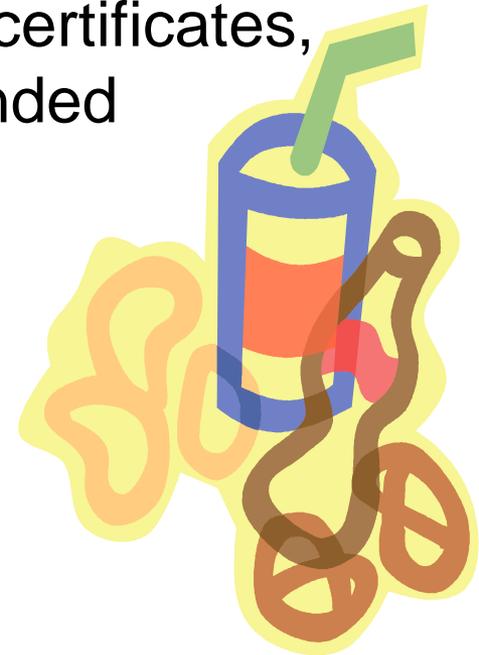
The definition of “gift” is the same for *gifts between employees* as it is for *gifts from outside sources*.



What is *not* a gift?

These items are *not* considered “gifts” under the ethics rules:

- Modest refreshments such as coffee, soda, doughnuts, cookies (“snacks” rather than “meals”)
- Items with little intrinsic value, such as certificates, plaques, trophies, and other items intended solely for presentation
- Items paid for and presented to the employee by the Postal Service
- Items for which the employee paid fair market value (usually retail cost)



“Appearance” issues

- Even when the ethics rules allow you to accept a gift, ask yourself: ***“Could accepting this gift appear to be improper?”***
- Employees must strive to avoid even the *appearance* that they are violating the law or ethics regulations
- Remember: ***you are never obligated to accept a gift!***
- The best way to avoid an appearance issue – and not have to worry about whether the gifts rules apply – is to graciously decline the gift



Gifts from outside sources

General rule:

- A postal employee may not, directly or indirectly, accept a gift from an outside (prohibited) source or given because of the employee's official position
- Exceptions may apply in certain situations



Who or what is a “prohibited source?”

A prohibited source is a person or organization:

- Doing business with USPS *-or-*
- Seeking to do business with USPS *-or-*
- Seeking official action by USPS *-or-*
- Regulated by USPS *-or-*
- Affected by the performance of an employee’s duties



Examples of prohibited sources

- Contractors
- Suppliers
- Customers
- Unions
- Mailer Associations



Exceptions

You may accept a gift from a prohibited source **if**:

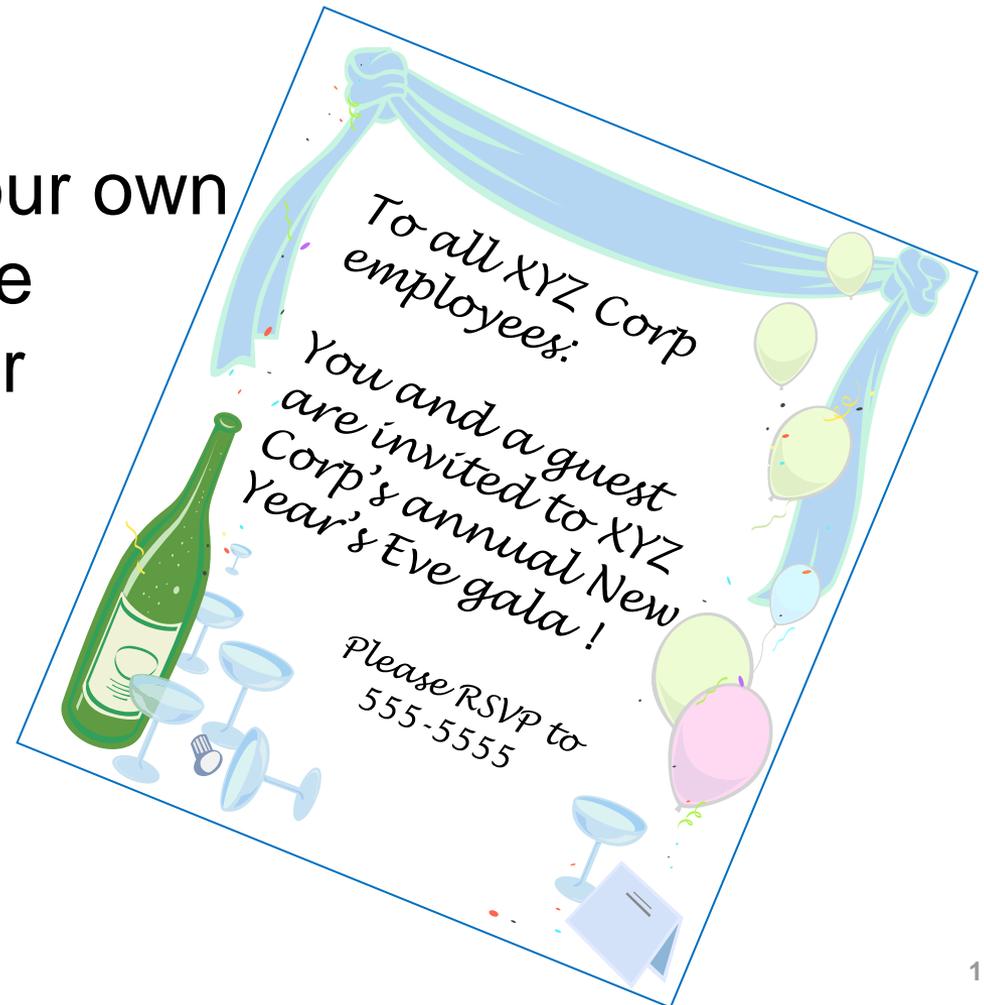
- The gift is NOT CASH **and** has a market value of \$20 or less **and** the total market value of all gifts you accepted from that source during the calendar year is less than \$50

OR

- Circumstances make it clear that the gift was given due to your family relationship or personal friendship, not your position

Gifts based on business or employment relationships unrelated to your position

You may accept a gift offered as a result of your own or your spouse's outside (non-postal) business or employment activities, *as long as it was not offered because of your postal position*



Gifts based on business or employment relationships unrelated to your position *(cont'd)*

For example, you may accept an invitation to the holiday party hosted by your spouse's employer, because the invitation was extended due to your relationship to the host's employee, NOT your postal position

However: It's best to be cautious about accepting a gift from a prohibited source, even if that source is your spouse's employer – so don't hesitate to contact the Ethics Office

What should I do with an unsolicited gift worth more than \$20?

Option 1:

Return it to the giver with a letter explaining that the ethics laws do not allow you to accept it

- The Ethics Office can help with this

Option 2:

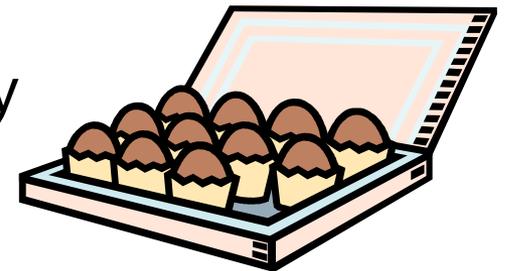
Pay the giver the “fair market value” of the gift

- Fair market value is what it would cost to purchase the gift at retail
- Payment for the gift is made from your personal – not postal – funds

What should I do with an unsolicited gift worth more than \$20? (cont'd)

Option 3:

- Perishable* gifts, such as flowers and fresh cut fruit, are likely to spoil while being returned to the giver
- If the gift will “perish” in transit, talk with your supervisor or an ethics official to decide how to properly dispose of it:
 - Donate to an appropriate charity
 - Share it with the office
 - Destroy it



** Not all consumable items are considered perishable; candy, nuts and treats with a reasonable shelf life can be returned.*

Important things to remember regarding gifts from outside sources

- You may never, directly or indirectly, *solicit* a gift from a prohibited source or given because of your official position
- You may never, directly or indirectly, *accept* a gift from a prohibited source or given because of your official position, *unless* an exception or exclusion applies (check with the Ethics Office)
- *You are never obligated to accept a gift*, if your acceptance of a gift would create an appearance that the ethics laws or regulations have been violated, it is wise to decline it
- A gracious “No, thank you – providing good service is my job!” is a fool-proof way to avoid any gift-related ethics conflict



Gifts between employees

General rule

- Unless an exception applies, a postal employee may not, directly or indirectly:
 - Accept a gift from a subordinate or an employee who receives less pay
 - Give, donate to, or solicit contributions for, a gift for an official superior or higher paid employee



Exceptions

- An employee may accept a gift from another employee who receives less pay, *as long as*:
 - The two employees are not in a subordinate/official superior relationship, **AND**
 - There is a personal relationship between the two that would justify the gift



Exceptions (cont'd)

- An official superior may accept a gift from a subordinate or lesser-paid employee given on an **occasional basis**, such as a holiday, birthday, or anniversary, if:
 - The gift is not cash, and has a fair market value of \$10 or less



Exceptions for special, infrequent occasions

- On occasions that **occur infrequently*** and are of **“personal significance”** (such as the birth/adoption of a child, or marriage), an employee may give a superior an individual gift, so long as the gift is appropriate to the occasion
- Individual contributions to a group gift on these occasions are limited to \$10 or less, but the market value of the gift can be more than \$10
- On these occasions, the gift may be cash



★ *This exception does not apply to occasional (annual) events such as birthdays, anniversaries, and holidays – including, for example, Christmas, Hanukah, Diwali, Kwanzaa, and Valentine’s Day*

More exceptions for special, infrequent occasions

- When the official superior-subordinate relationship ends due to retirement or transfer, the former subordinate may give, and the former superior may accept, an **individual gift** that:
 - Has a market value of more than \$10
 - Is appropriate to the occasion
- Individual contributions to a **group gift** are limited to \$10 or less, but the market value of the gift can be more than \$10
- The gift may be cash



Soliciting for group gifts recognizing special, infrequent occasions

- An employee may solicit contributions to purchase a **group gift** for an official superior or higher-paid employee only if:
 - The gift will mark a special, infrequent occasion (e.g., retirement, marriage, birth/adoption of a child), **AND**
 - Contributions are entirely voluntary, **AND**
 - Each individual contribution is of a nominal amount (the Ethics Office has determined that “nominal” generally means any amount up to but not more than \$10)



Office parties

- Food and refreshments may be shared in the office with co-workers at all levels, provided that:
 - Employee participation is entirely voluntary, AND
 - Employee contributions – whether monetary (nominal amounts of \$10 or less) or non-monetary (refreshments, paper goods, decorations, etc.) – are also completely voluntary
- If the office party will be catered or held at a restaurant, the amount contributed by each employee who wishes to participate may be specified to cover the per-person cost (even if it is more than \$10 per person)

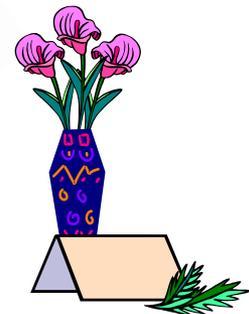
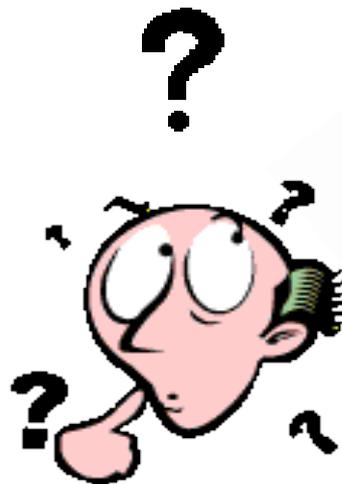


Attending non-postal events in your official capacity

- When an invitation you receive from a non-postal person or organization is based *entirely* on a personal relationship and *does not involve* a prohibited source, it *usually* doesn't pose ethics issues
- However, ***whenever you receive an invitation in your official capacity***, the safest course is to check with the Ethics Office to help you determine whether:
 - You may accept the invitation free of charge
 - The Postal Service should consider paying your way
 - You should pay out of your personal funds
 - There are appearance issues that may preclude you from attending

Please keep in mind...

- Even when the ethics rules allow you to accept a gift, *always consider appearances*
- This presentation only briefly summarizes the most common holiday-season gifts issues – it doesn't cover all questions or situations



Where to get advice

To get answers to specific questions on gifts, parties, and other ethics topics, please contact the Ethics Office:

USPS Ethics Office, Headquarters

Ethics Helpline: (202) 268-6346

***“Ethics Help”* in Outlook**

ethics.help@usps.gov

