



**DEPARTMENT OF THE ARMY**  
DEFENSE LANGUAGE INSTITUTE FOREIGN LANGUAGE CENTER  
AND PRESIDIO OF MONTEREY  
OFFICE OF THE STAFF JUDGE ADVOCATE  
1336 PLUMMER STREET, BLDG. 275  
MONTEREY, CALIFORNIA 93944

REPLY TO  
ATTENTION OF:

ATZP-JA

July 2010

MEMORANDUM FOR ALL

SUBJECT: Gifts Between Employees

1. PURPOSE: To summarize the Joint Ethics Regulation (JER) rules concerning gifts between employees.

2. REFERENCES:

- a. The Joint Ethics Regulation (JER), DoD 5500.7-R
- b. DoDD 5500.07, Standards of Conduct, 29 November 2007
- c. 5 C.F.R. 2635.301-304, Gifts Between Employees

3. DISCUSSION:

a. General Rule: Employees may not:

(1) Give, or solicit contributions for, gifts to someone superior in the donor's chain of command; or

(2) Accept gifts from a lower-paid employee, unless there is no superior-subordinate relationship and there is a personal relationship justifying gifts.

b. Exceptions: The following are recognized exceptions to the aforementioned general rule:

(1) Gifts may be given on an occasional basis when:

(a) \$10 or less per occasion (e.g., birthday gift or a souvenir gift upon return from a vacation - never cash);

(b) Refreshments shared in the office;

(c) Personal hospitality at an employee's home; or

(d) Customary gifts given in connection with the receipt of hospitality.

(e) There is a personal relationship between the employees that would justify the gift.

(f) The employees are not in a subordinate-official superior relationship.

(2) Special and infrequent occasions. Subordinates may give a gift to a superior on special and infrequent occasions if it is appropriate to the occasion, such as a marriage, illness, or birth of a child. Occasions that terminate the subordinate-official superior relationship, such as retirement, resignation, or transfer, are considered special and infrequent occasions. Note that promotions are not considered special and infrequent occasions unless employee is also being transferred out of the chain of command.

(a) Value of Gift. Gifts normally should not exceed \$300 from a "donating group." The definition of "donating group" depends on the circumstances (e.g., companies for battalion commander; battalions for a brigade commander). DoD 5500.7-R § 2-203(a).

(b) Solicitation for Contribution. Contributions must be voluntary and solicitations may not exceed a nominal amount. DoD defines a nominal amount as \$10. While more than \$10 may not be solicited, an individual may offer to contribute more. An employee should not contribute as part of more than one donating group. If he or she does, the different groups become one donating group and the value of each group will be aggregated. 5 CFR 2635.304.

c. Gifts to Spouses. Gifts from an employee's spouse to another employee's spouse will be considered a gift between employees subject to the above rules, unless there is an independent basis for the gift to the spouse.

4. If you have any questions or need further information, please feel free to contact the Office of the Staff Judge Advocate, Administrative Law Division, at (831) 242-6402.



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