



REPLY TO
ATTENTION OF:

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

ATZP-JA

July 2010

MEMORANDUM FOR ALL

SUBJECT: Ethical Principles for Changes of Command

1. PURPOSE: To provide guidance on common ethical concerns relating to Changes of Command.

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
- d. 5 CFR 2635.202(a), .203(b)(2), .204(a), .807(a).
- e. DOD Instruction 7250.13, Use of Appropriated Funds for Official Representation Purposes, 30 June 2009.
- f. AR 37-47, Representation Funds of the Army (12 March 2004).

3. DISCUSSION:

a. Gifts between Employees. The general prohibition against superiors accepting gifts from subordinates does not apply when the superior-subordinate relationship ends because of PCS or retirement.

- (1) No more than \$10 may be solicited per person.
- (2) Gifts may not exceed \$300 in value per donating group.
- (3) Contributions by employees donating to more than one group are combined for purposes of the \$300.00 limit.
- (4) Gifts must be voluntary.

(5) Gifts of cash are prohibited.

b. Gifts from Contractors and Other Nonfederal Entity (NFE) Sources.

(1) Do not accept gifts from a prohibited source (anyone doing or seeking to do business with the Army, such as a contractor or subcontractor).

(2) Do not accept gifts offered because of official position unless an exclusion or exception applies.

(3) If a gift is not offered by a prohibited source, an employee, or offered because of position, no limitation on acceptance unless acceptance would undermine government integrity.

c. Exceptions permitting acceptance of an otherwise prohibited gift:

(1) Unsolicited gifts with a market value of \$20 or less, with a \$50 limit from same donor per calendar year.

(2) Gifts based on a personal or outside business relationship of the commander or spouse, warranting such a gift.

d. Non-gifts that may be accepted.

(1) Coffee, donuts, and similar modest refreshments.

(2) Greeting cards, certificates, plaques, and other items of little intrinsic value.

e. Gifts to Family Members. Gifts to a departing or retiring employee's spouse or other family member are considered gifts to the employee and are subject to the same rules listed above.

f. TDY Travel. The Sec Army Travel Policy provides that changes of command are considered official business.

(1) Limit TDY travel to the minimum number of personnel and days to accomplish the mission. - Use the most expeditious and economical means of transportation.

g. Funding. Use of Official Representation Funds (ORFs) for retirement; change of command; activation, establishment, deactivation, or disestablishment of command; or agency ceremonies and receptions for DOD civilian and military personnel is generally prohibited. The SA may approve limited expenditures for such ceremonies that he or she deems in the Army's interest.

h. New Commander Receptions. DOD Instruction 7250.13, authorizes the use of ORF to extend courtesies to "authorized guests," such as local government officials, community leaders,

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and university officials. ORF may cover the total cost of an event if the ratio of authorized guests to attending DOD personnel is met; for example, if a guest list contains 30 or more invitees, then at least 50 percent of the invitations must be to "authorized guests." If this ratio is not met, then DOD personnel in excess of the ratio may attend by paying their pro-rata share of the total expenses.

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.

A handwritten signature in black ink, appearing to read "Christopher Chatelain", with a long horizontal line extending to the right.

CHRISTOPHER CHATELAIN

1LT, JA

Chief, Administrative Law Division