



U.S. Office of Government Ethics

Gifts Employee Crossword Puzzle Answers

Across

3. Accepting gifts too _____, even when permitted under the gift exceptions, is a bad idea

Accepting gifts too often, even when permitted under the gift exceptions, may lead someone to believe that you are using your government job for your own personal benefit. You are serving the public through your federal job. Anything that detracts from that purpose undermines the public's confidence in the government.

5 C.F.R. § 2635.202(c)(3) states:

Limitations on use of exceptions. Notwithstanding any exception provided in [the Gifts from Outside Sources] subpart, other than [gifts to the President or Vice President], an employee shall not accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe the employee is using his public office for private gain.

5. When the rules do not permit you to accept a gift, you cannot tell the donor to give the gift to your _____ instead

When the rules do not permit you to accept a gift, you cannot tell the donor to give the gift to your spouse – or parent, sibling, child, or even a charitable organization. That would be indirectly accepting a gift.

5 C.F.R. § 2635.202(a) states:

General prohibitions. Except as provided in [the Gifts from Outside Sources exceptions], an employee shall not, directly or indirectly, solicit or accept a gift:

- (1) From a prohibited source; or
- (2) Given because of the employee's official position.

5 C.F.R. § 2635.203(f) states:

A gift which is *solicited or accepted indirectly* includes a gift:

(1) Given with the employee's knowledge and acquiescence to his parent, sibling, spouse, child, or dependent relative because of that person's relationship to the employee, or

(2) Given to any other person, including any charitable organization, on the basis of designation, recommendation, or other specification by the employee, except as permitted for the disposition of perishable items by Sec. 2635.205(a)(2).

5 C.F.R. § 2635.205(a)(2) states:

An employee who has received a gift that cannot be accepted under [the Gifts from Outside Sources] subpart shall, unless the gift is accepted by an agency acting under specific statutory authority:...when it is not practical to return a tangible item because it is perishable, the item may, at the discretion of the employee's supervisor or an agency ethics official, be given to an appropriate charity, shared within the recipient's office, or destroyed.

An excerpt from 5 C.F.R. § 2635.204 states:

Exceptions. The [Gifts from Outside Sources] prohibitions...do not apply to a gift accepted under the [exceptions]...and an employee's acceptance of a gift in accordance with one of [these exceptions] will be deemed not to violate the [14 general] principles...including appearances. Even though acceptance of a gift may be permitted by one of the exceptions, it is never inappropriate and frequently prudent for an employee to decline a gift offered by a prohibited source or because of his official position.

- (a) Gifts of \$20 or less.
- (b) Gifts based on a personal relationship.
- (c) Discounts and similar benefits.
- (d) Awards and honorary degrees.
- (e) Gifts based on outside business or employment relationships.
- (f) Gifts in connection with political activities permitted by the Hatch Act Reform Amendments.
- (g) Widely attended gatherings and other events
 - (1) Speaking and similar engagements
 - (2) Widely attended gatherings.
- (h) Social invitations from persons other than prohibited sources.
- (i) Meals, refreshments and entertainment in foreign areas.
- (j) Gifts to the President or Vice President.
- (k) Gifts authorized by supplemental agency regulation.
- (l) Gifts accepted under specific statutory authority.

6. A cup of this is not a gift

A cup of coffee (alone and not as part of a meal worth more than \$20) is not a gift, because it is such a modest item. There are some other items that are not considered gifts, such as greeting cards, publicly available discounts, certain contest prizes, and things for which you pay market value.

5 C.F.R. § 2635.203(b) states:

Gift includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. It does not include:

- (1) Modest items of food and refreshments, such as soft drinks, coffee and donuts, offered other than as part of a meal;
- (2) Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation;
- (3) Loans from banks and other financial institutions on terms generally available to the public;
- (4) Opportunities and benefits, including favorable rates and commercial discounts, available to the public or to a class consisting of all Government employees or all uniformed military personnel, whether or not restricted on the basis of geographic considerations;
- (5) Rewards and prizes given to competitors in contests or events, including random drawings, open to the public unless the employee's entry into the contest or event is required as part of his official duties;
- (6) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer;
- (7) Anything which is paid for by the Government or secured by the Government under Government contract;
- (8) Any gift accepted by the Government under specific statutory authority, including:
 - (i) Travel, subsistence, and related expenses accepted by an agency under the authority of 31 U.S.C. 1353 in connection with an employee's attendance at a meeting or similar function relating to his official duties which takes place away from his duty station. The agency's acceptance must be in accordance with the implementing regulations at 41 CFR part 304-1; and
 - (ii) Other gifts provided in-kind which have been accepted by an agency under its agency gift acceptance statute; or
- (9) Anything for which market value is paid by the employee.

7. Generally you can't give your _____ a gift

With a few exceptions, the general rule is that you cannot give, make a donation to, or ask for contributions for a gift to your supervisor and anyone above your supervisor in the chain of command in your agency. Some exceptions – times when you may give your supervisor a gift – include occasions when gifts are traditionally given or exchanged, such as a birthday, Christmas, Hanukkah, or after a vacation trip. At those times, gifts valued at \$10 or less – but not cash – are permitted.

5 C.F.R. § 2635.302(a) states:

Gifts to superiors. Except as provided in [the Gifts between Employees exceptions], an employee may not:

(1) Directly or indirectly, give a gift to or make a donation toward a gift for an official superior; or

(2) Solicit a contribution from another employee for a gift to either his own or the other employee's official superior.

5 C.F.R. § 2635.303(d) states:

Official superior means any other employee, other than the President and the Vice President, including but not limited to an immediate supervisor, whose official responsibilities include directing or evaluating the performance of the employee's official duties or those of any other official superior of the employee. An employee is considered to be the subordinate of any of his official superiors.

5 C.F.R. § 2635.304(a)-(c) states:

(a) *General exceptions.* On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:

(1) Items, other than cash, with an aggregate market value of \$10 or less per occasion;

(2) Items such as food and refreshments to be shared in the office among several employees;

(3) Personal hospitality provided at a residence which is of a type and value customarily provided by the employee to personal friends;

(4) Items given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions; and

(5) Leave transferred under subpart I of part 630 of this title to an employee who is not an immediate supervisor, unless obtained in violation of Sec. 630.912 of this title.

(b) *Special, infrequent occasions.* A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or other employee receiving less pay:

(1) In recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or

(2) Upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer.

(c) *Voluntary contributions.* An employee may solicit voluntary contributions of nominal amounts from fellow employees for an appropriate gift to an official superior and an employee may make a voluntary contribution of a nominal amount to an appropriate gift to an official superior:

- (1) On a special, infrequent occasion as described in paragraph (b) of this section; or
- (2) On an occasional basis, for items such as food and refreshments to be shared in the office among several employees.

An employee may accept such gifts to which a subordinate or other employee receiving less pay than himself has contributed.

11. An annual occasion when you may give your supervisor a gift worth \$10 or less

A birthday is an annual occasion when you may give your supervisor a gift. You may give your supervisor a gift on an occasion when gifts are traditionally given or exchanged, such as a birthday, Christmas, or Hanukkah, or after a vacation trip. At those times, gifts valued at \$10 or less - but not cash - are permitted. Remember that gift giving is strictly voluntary.

5 C.F.R. § 2635.304(a) states:

General exceptions. On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:

- (1) Items, other than cash, with an aggregate market value of \$10 or less per occasion;
- (2) Items such as food and refreshments to be shared in the office among several employees;
- (3) Personal hospitality provided at a residence which is of a type and value customarily provided by the employee to personal friends;
- (4) Items given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions; and
- (5) Leave transferred under subpart I of part 630 of this title to an employee who is not an immediate supervisor, unless obtained in violation of Sec. 630.912 of this title.

12. Accepting gifts worth _____ dollars or less from outside sources is usually ok

The twenty dollars or less gift exception may generally be used to accept any gift that is not worth more than \$20. If you don't know the actual value of an item, you may make a reasonable estimate. There are some things you should keep in mind before you use the \$20 exception. First, it allows you to accept, but not to ask for, something worth \$20 or less. Second, the rule allows you to accept gifts worth \$20 or less on a single occasion. That means if several gifts are given at the same time, their total value cannot exceed \$20. There is a \$50 per year limit on gifts from the same source. Lastly, you cannot accept cash or an investment interest.

5 C.F.R. § 2635.204(a) states:

Gifts of \$20 or less. An employee may accept unsolicited gifts having an aggregate market value of \$20 or less per source per occasion, provided that the aggregate market value of individual gifts received from any one person...shall not exceed \$50 in a calendar year. This exception does not apply to gifts of cash or of investment interests such as stock, bonds, or certificates of deposit. Where the market value of a gift or the aggregate market value of gifts offered on any single occasion exceeds \$20, the employee may not pay the excess value over \$20 in order to accept that portion of the gift or those gifts worth \$20. Where the aggregate value of tangible items offered on a single occasion exceeds \$20, the employee may decline any distinct and separate item in order to accept those items aggregating \$20 or less.

Down

1. As a general rule, don't accept gifts from employees who make less _____ than you do if you are in their chain of command

As a general rule, if an employee makes less money than you do and you are in his or her chain of command, you cannot accept the gift. There are some exceptions. For example, you may accept a gift from someone who makes less money than you do on your birthday and holidays when gifts are traditionally given. At those times, gifts valued at \$10 or less - but not cash - are permitted.

5 C.F.R. § 2635.302(a) and (b) states:

Gifts to superiors. Except as provided in [the Gifts between Employees exceptions], an employee may not:

- (1) Directly or indirectly, give a gift to or make a donation toward a gift for an official superior; or
- (2) Solicit a contribution from another employee for a gift to either his own or the other employee's official superior.

(b) Gifts from employees receiving less pay. Except as provided in [the Gifts between Employees] subpart, an employee may not, directly or indirectly, accept a gift from an employee receiving less pay than himself unless:

- (1) The two employees are not in a subordinate-official superior relationship; and
- (2) There is a personal relationship between the two employees that would justify the gift.

See 5 C.F.R. § 2635.304(a)-(c) on page 4 for the exceptions.

2. Generally, don't accept gifts given because of your official _____

With some exceptions, you may not accept a gift from anyone who is giving the gift to you because of your official position. Ask yourself if the gift would have been offered if

you were not working for the Government. If the answer is no, then the gift is being offered because of your Government position. You cannot accept it unless an exception applies.

5 C.F.R. § 2635.202(a) states:

General prohibitions. Except as provided in [the Gifts from Outside Sources exceptions], an employee shall not, directly or indirectly, solicit or accept a gift:

- (1) From a prohibited source; or
- (2) Given because of the employee's official position.

See page 2 for a list of the exceptions to the Gift from Outside Sources prohibitions.

4. One type of prohibited source is someone who does _____ with your agency

The general rule is that you may not accept a gift from people or organizations who are prohibited sources – those who do business with, or seek to do business with your agency, who seek some official action by your agency, or who have activities regulated by your agency. You must also turn down a gift from those who have interests that may be significantly affected by your official duties, as they are also considered prohibited sources. There are a number of exceptions to the gift rule that permit employees to accept gifts that would not otherwise be allowed. Some more frequently-used exceptions are the ones that allow employees to accept certain unsolicited gifts with a value of \$20 or less per occasion (but not cash gifts and not gifts that add up to over \$50 in value in any year from any single source) and gifts clearly given because of a family relationship or personal friendship.

5 C.F.R. § 2635.203(d) states:

Prohibited source means any person who:

- (1) Is seeking official action by the employee's agency;
- (2) Does business or seeks to do business with the employee's agency;
- (3) Conducts activities regulated by the employee's agency;
- (4) Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or
- (5) Is an organization a majority of whose members are described in (1) through (4) above.

See page 2 for a list of the exceptions to the Gift from Outside Sources prohibitions.

8. Generally don't accept gifts from this type of source

With some exceptions, you may not accept a gift from people or organizations who are prohibited sources – those who do business with, or seek to do business with your agency, who seek some official action by your agency, or who have activities regulated by your

agency. You must also turn down a gift from those who have interests that may be significantly affected by your official duties, as they are also considered prohibited sources. Again, there are some exceptions.

5 C.F.R. § 2635.202(a) states:

General prohibitions. Except as provided in [the Gifts from Outside Sources exceptions], an employee shall not, directly or indirectly, solicit or accept a gift:

- (1) From a prohibited source; or
- (2) Given because of the employee's official position.

5 C.F.R. § 2635.203(d) states:

Prohibited source means any person who:

- (1) Is seeking official action by the employee's agency;
- (2) Does business or seeks to do business with the employee's agency;
- (3) Conducts activities regulated by the employee's agency;
- (4) Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or
- (5) Is an organization a majority of whose members are described in (1) through (4) above.

See page 2 for a list of the exceptions to the Gift from Outside Sources prohibitions.

9. Collecting money for an employee's retirement gift? You may ask for _____ contributions for a group gift

You are allowed to ask for contributions of nominal amounts from fellow employees on a strictly voluntary basis for a group gift on special, infrequent occasions. Examples of such occasions include marriage, illness, birth or adoption, or occasions that ends your employee-boss relationship, such as retirement, resignation, or transfer outside of your chain of command. The contribution must be voluntary, because employees should not feel coerced or pressured to give gifts to their bosses.

5 C.F.R. § 2635.304(c) states:

Voluntary contributions. An employee may solicit voluntary contributions of nominal amounts from fellow employees for an appropriate gift to an official superior and an employee may make a voluntary contribution of a nominal amount to an appropriate gift to an official superior:

- (1) On a special, infrequent occasion as described in paragraph (b) of this section; or
- (2) On an occasional basis, for items such as food and refreshments to be shared in the office among several employees.

An employee may accept such gifts to which a subordinate or other employee receiving less pay than himself has contributed.

5 C.F.R. § 2635.303(f) states:

Voluntary contribution means a contribution given freely, without pressure or coercion. A contribution is not voluntary unless it is made in an amount determined by the contributing employee, except that where an amount for a gift is included in the cost for a luncheon, reception or similar event, an employee who freely chooses to pay a proportionate share of the total cost in order to attend will be deemed to have made a voluntary contribution. Except in the case of contributions for a gift included in the cost of a luncheon, reception or similar event, a statement that an employee may choose to contribute less or not at all shall accompany any recommendation of an amount to be contributed for a gift to an official superior.

10. This type of gift is permitted when your supervisor is a bride

As a general rule, you may not give your supervisor a gift. However, one exception to the rule permits appropriate gifts on special, infrequent occasions. Marriage is one such occasion. Therefore, you may give your supervisor a wedding present. Other special, infrequent occasions when you may give your supervisor a gift include illness, the birth or adoption of a child, and occasions that end your employee-supervisor relationship, such as retirement, resignation, or transfer outside of your chain of command.

5 C.F.R. § 2635.304(b) states:

Special, infrequent occasions. A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or other employee receiving less pay:

(1) In recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or

(2) Upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer.