



LAN TEAM

11/21/2006 06:57 AM
Please respond to
Margaret A Triebsch

To:
cc:
Subject: ALL EMPLOYEE MESSAGE Nationwide - Guidance for the Upcoming
Holiday Season

THIS MESSAGE SUPERSEDES THE PREVIOUS MESSAGE TO INCLUDE ADDITIONAL GUIDANCE FROM THE NEW DEPARTMENTAL MANUAL ON THE USE OF ALCOHOLIC BEVERAGES IN DOI OCCUPIED OR CONTROLLED FACILITIES, PART 310, CHAPTER 13.

(NOTE TO SUPERVISORS: Please ensure employees without access to e-mail receive a paper copy of this message.)

November 20, 2006

Memorandum

To: All Department Employees

From: MELINDA J. LOFTIN \s\ *Melinda J. Loftin*
Designated Agency Ethics Official

Subject: Guidance for the Upcoming Holiday Season

I would like to take this opportunity to wish each and every one of you a very merry and safe holiday season. Each year at this time many of us participate in holiday celebrations and activities occurring in and out of the office. While this is a time of celebration and joy, we must still be aware that there are rules and regulations which apply to all Federal employees. As a result, the Departmental Ethics Office generally receives a number of questions from employees on the appropriateness of certain holiday activities.

Therefore, in anticipation of the more common questions received by the Departmental Ethics Office, I am providing you a summary of the rules governing various holiday activities. It is important to remember our ethical principles and avoid even the appearance of impropriety.

Holiday Decorations

The Comptroller General has ruled that agencies may expend appropriated funds for reasonable seasonal decorations. Expenditures for seasonal decorations within the Department should be limited to those for use in the main entrances to the Departmental buildings, or the Departmental work areas where the buildings are shared, such as leased space. Decorations should not endorse, nor appear to endorse, any particular religious or political belief.

Expenditures are not authorized for decorating private areas or areas where the benefit is primarily for the employees who work in that area.

While appropriated funds may not be used to purchase decorations of a religious nature for private office space, nor for common areas, employees may decorate their office areas, if they purchase these decorations with their own funds. Such decorations may reflect the individual's cultural or religious beliefs (for example, a Christmas tree, a depiction of St. Nicholas, a menorah, or a Mkeka and Kinara), provided that such decorations do not interfere with the accomplishment of the Department's official responsibilities.

Alcohol

The Secretary has the authority to permit the use of alcohol for buildings utilized by DOI employees. The Secretary has delegated this authority to the NBC's Division of Facilities Management Services (DFMS). The Director, National Business Center, or his designee, is the authorized approving official for exemptions for the use of alcohol at the Main and South Interior buildings in Washington, DC. Contact DFMS at (202) 208-7182, or the NBC Special Events Office at 208-4412 to request a waiver of the alcohol beverage prohibition.

The authorized approving official for exemptions for other DOI facilities is the respective bureau/office head or his or her designee. Unless specifically designated otherwise, no manager or supervisor can approve a request for an exemption for his or her own facility.

For more information regarding the use of alcoholic beverages in DOI occupied or controlled facilities, employees are encouraged to visit the NBC web site at: http://www.nbc.gov/310DM13_Use_Alcoholic_Beverages_DOI_Occupied_Controlled_Facilities.pdf.

Acceptance of Gifts

1. Gifts from non-Federal sources.

As a general rule, Department employees may not, directly or indirectly, solicit or accept a gift from a prohibited source (e.g. person or organization that has or seeks business dealings with the Department, is regulated by the Department, or could be affected by the performance or nonperformance of an employee's official duties); or given because of the employee's official position.

There are exceptions to this rule. For example, employees may accept gifts from a prohibited source having a market value of \$20 or less per occasion, provided that the aggregate market value of individual gifts received from any one entity does not exceed

\$50 in a calendar year. However, employees should never accept cash.

Employees may accept gifts given under certain circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the employee's official position. When the donor of the gift is a personal friend or family member and also a prohibited source, it is appropriate to seek specific advice from an ethics counselor as to whether the gift should be accepted. In making this determination, the counselor will look to the history of the relationship and who is paying for the gift (the individual or the company).

Additionally, an employee may receive a gift from the business or employment relationship of an employee's spouse, or from the employees outside business or employment activities when it is clear that the gift is not offered or enhanced because of the employee's official position. Please seek advice from an ethics counselor if the benefit is from a prohibited source.

There are other exceptions to the gift rules. For additional information about exceptions to the general prohibitions regarding gifts from non-Federal sources, employees should refer to the Department's Ethics web site at: www.doi.gov/ethics.

Additional guidelines are provided below for attending holiday gatherings outside of the office where food or refreshments are served.

2. Gifts between employees.

Generally, the gift rules prohibit an employee from:

- Giving, donating to, or soliciting contributions for, a gift to an official superior; and
- Accepting a gift from another employee who receives less pay.

There are exceptions to this rule, such as when the two employees are not in an official subordinate-superior relationship and there is a personal relationship between the two employees that would justify the gift.

There also is an exception for occasional gifts given to an official superior or accepted from a subordinate or other employee receiving less pay, if the gift is not cash or other form of money and has a market value of \$10 or less per occasion.

For more information on the rules and exceptions for gift giving, employees are encouraged to visit the Department's Ethics web site at: www.doi.gov/ethics.

Soliciting Contributions for Holiday Parties

Employees may solicit voluntary contributions of nominal amounts from fellow employees and contractors working alongside federal employees in the office on an occasional basis for items such as food and refreshments to be shared. If a contractor employee contributes money the funds must be from the individual employee, not the contractor. It is important to note that a contribution is not voluntary unless it is made in an amount determined by the contributing employee. Regulations issued by the U.S. Office of Government Ethics require a statement that an employee may choose to contribute less, or not at all, to accompany any recommendation of an amount to be contributed.

Remember, such contributions must be voluntary, and an employee who declines to contribute should not be excluded from a holiday celebration that is held in the office during business hours. Contact your ethics counselor for additional assistance in this regard.

Holiday Cards

The purchase, printing and delivery of holiday cards may not be done at the Government's expense.

The distribution of holiday cards has long been considered to be a personal rather than an official function. Accordingly, holiday cards may not be sent in Government envelopes or using the Department's internal mail system.

Business Related Parties and Related Events

During the holiday season, some employees may be invited as guests to parties or related events that are sponsored by persons or organizations that have or plan to have business dealings with the Department. In such cases, employees may attend the party or related event if:

- They have the approval of their supervisor; and
- The gift of food, beverage, and entertainment does not exceed \$20 in value for each event.

Employees may also accept the gift of free attendance to a widely attended holiday event, with prior supervisory and ethics approval (documented on Form DI-1958), when it has been determined that the employee's attendance at the event will be in the interest of the Department because it will further enhance the Department's programs and operations.

An event is considered widely attended if, for example, it is open to members from throughout a given industry or profession or if those in attendance represent a wide range of views.

Ethics Counselors approving an employee's Form DI-1958 should ensure that the employee's acceptance of a gift of free attendance to a widely attended event from a non-sponsor of the event does not exceed \$305 and that more than 100 people are expected to attend the event. The form DI-1958 may be downloaded from the Department Ethics Office Web Site at: www.doi.gov/ethics.

Special Issues Relating to Contractor and other Non-Governmental Personnel

While employees working side by side with contractors in the Federal workplace have become increasingly common, it is important to remember that contract employees are not subject to the same ethics rules as are Federal employees. Federal employees must maintain an arm's length relationship with contract personnel even during the holiday season.

Contract personnel may attend government official social functions provided that the contract personnel do not bill the government for the hours spent at the social gathering. If contract personnel use their own time to attend a government social gathering, or if the underlying contract does not include hourly billing, then contract personnel may attend government social functions.

Federal employees should remember that contractors are a prohibited source and therefore all applicable regulations concerning the employees' interaction with a prohibited source, as mentioned above, should be followed. In addition, non-governmental personnel such as grantees, partners, detailees from state governments and other invited guests may attend government social functions as long as there is no additional cost to the Government.

For any additional guidance regarding ethics related matters, please contact the Departmental Ethics Office on (202) 208-7960.