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## Office of Government Ethics

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### Letter to an Individual dated January 13, 1997

This is in response to your letter dated December 18, 1996, that this Office received on December 24, asking whether there is a Federal regulation that prohibits Government employees from accepting monetary gifts. Specifically, you wanted to know if you could give your letter carrier a yearly Christmas gift of \$10 in cash. The short answer to your question is that your letter carrier would be prohibited by the Standards of Ethical Conduct for Employees of the Executive Branch (Standards of Conduct) from accepting a \$10 gift of cash.

As a general matter, employees in the executive branch are prohibited from soliciting or accepting a gift from a prohibited source or a gift given because of an employee's official position. Employees in the United States Postal Service (USPS) are subject to the Standards of Conduct, which are found at part 2635 in title 5 of the Code of Federal Regulations. We note that under the Standards of Conduct, the definition of the term "gift" is defined very broadly and that almost anything conferred upon an employee having monetary value could be a gift. In the case at hand, your letter carrier is prohibited from accepting a gift of money *unless* the gift is excluded from the definition of the term "gift" or the item falls within one of the gift exceptions provided for in the Standards of Conduct.

Certain items and things of value have been excluded from the definition of the term "gift" as used in the Standards of Conduct. These items can be accepted by executive branch employees without regard to the gift prohibition. Examples of excluded items include: soft drinks, coffee, donuts, and other

modest items of food and refreshments when not offered as part of a meal. Under this exclusion, for example, an employee could accept a cup of coffee and a muffin or any other modest item of food or refreshment without violating the Standards of Conduct. However, your proposed yearly gift of \$10 in cash does not fall within any of the gift exclusions provided for in the Standards of Conduct.

Additionally, the Standards of Conduct contain certain exceptions to the gift rule that would permit employees to accept gifts that would not otherwise be allowed. The most relevant exception in your case is the exception for 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.) This exception would permit an employee to accept, for example, a bottle of wine whose market value is less than \$20 without violating the Standards of Conduct. However, even under this exception, your letter carrier could not accept a gift of cash.

Because of the general nature of your ethics inquiry, we have provided you with a brief overview of the gift rule's application to employees of executive branch agencies. However, it is often best that you contact an ethics official of the employee's own agency for specific advice on the application of the Standards of Conduct. As a general matter, each executive branch agency is required to have a designated agency ethics official appointed to administer the agency's ethics program and have ethics officials available to provide advice and counseling on ethical matters to agency employees. Moreover, we note that some agencies have published supplemental rules that apply to their employees only which are in addition to the Standards of Conduct or have other related statutes that are unique to their agencies.

Therefore, should you have any additional questions or need additional information (such as the names and telephone

numbers of ethics officials at your local USPS office), you may contact USPS' Designated Agency Ethics Official. We appreciate your ethics inquiry and wish you the best in the new year.

Sincerely,

Stephen D. Potts  
Director