

MCCS-BJA

MEMORANDUM FOR AMEDDC&S AND FORT SAM HOUSTON PERSONNEL

SUBJECT: Holiday Activities and "**Good Judgment!**" Part II

1. As the time for holiday celebrations approaches, I encourage each of you to enjoy the season with your friends, family and co-workers. We need to be sensitive to the fact that not all of us celebrate the same holidays. What we call the celebration, how we refer to the season, and our greetings to one another should reflect this. At times, generic holiday references may be the most appropriate greeting. In order to keep holiday events enjoyable, there are some workplace ground rules that should be observed.

2. Gifts. Gifts among employees may be exchanged during the holiday season. However, be mindful of appearances. It requires Good Judgment to avoid creating the perception of partiality or favoritism. Gift-giving in the workplace should be even-handed and democratic in spirit. No one should be left out. Some specific rules apply:

- The value of a holiday gift to a superior is limited to \$10. And, we may not solicit contributions from other employees. There are no restrictions on gifts to peers and subordinates.
- We may not accept a gift from anyone who makes less money than we do as a Federal employee, unless there is no superior-subordinate relationship, and there is a personal relationship that would justify the gift. Again, the exception would be for a gift where the value does not exceed \$10, with no soliciting of contributions from other employees.
- We may have a gift exchange among employees. If it is an anonymous exchange, a reasonable value should be established for the individual gifts. (If it is not anonymous, \$10 is the limit.) If contractor employees are participating in an anonymous gift exchange, the gift limit should be \$20, as discussed in the point below.
- Federal employees may not accept gifts from contractors or contractor employees. However, gifts (other than cash) not exceeding \$20 may be accepted as long as the employee has not accepted other gifts from the contractor that exceed \$50 for the year.

3. Attendance at Parties.

- All employees and contractor employees are free to attend a private party hosted by a Federal employee. Food, refreshments and entertainment may be shared and enjoyed. Subordinates may bring hospitality gifts, such as a bottle of wine, but they must not be lavish. Hospitality gifts are not strictly limited to \$10 in value, but this should guide your use of **Good Judgment!** However, hospitality gifts from contractor employees are strictly limited to \$20 in value. Ideally, hospitality gifts will be edible.

- Federal employees may accept free attendance at a private party hosted by a contractor or a contractor employee if any of the following conditions apply. If none apply, then the invitation must be declined or the employee must pay for attendance.
 - v The average cost per guest does not exceed \$20.
 - v The invitation is based on a bona fide personal relationship with the contractor employee--not just a congenial office relationship.
 - v The party qualifies as a "widely-attended gathering"--that is, there will be more than 20 attendees representing a diversity of views and backgrounds, and the employee's supervisor determines that it is in the agency's interest for the employee to attend.
 - v The contractor is having an open-house, open to the public or to all Government employees or military personnel in the area.
 - v The invitation is offered to a group or class that is not related to Government employment, such as all GEICO, PFCU or USAA customers.
 - v You have been assigned to represent the Army at an official function.

4. Contractor Employees. Contractor employees may attend our celebrations. However:

- There should be no official encouragement for someone else's employees to leave their workplace. We can let it be known that they may attend and will be a welcome part of the event.
- Contractor employee time off, and the nature of the time off (leave, personal day, administrative absence) are between the contractor and its employees. When a contractor's employee is absent, the contractor cannot bill for services not delivered, and may have concerns about issues such as contract schedules, delivery dates, and other matters. Accordingly, the contractor must decide if, and under what conditions, its employees may be absent.
- Contractor employees may not be tasked, or asked, to organize holiday events.

5. Conclusion. Employees may plan and participate in holiday events. And, while parties and the exchange of gifts are permitted, we must use common sense and **Good Judgment!** I hope you have a happy and safe holiday season. If you have any questions, contact your Ethics Counselor, Office of the Staff Judge Advocate, at 221-0485/2373.

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