




November 5, 2018

MEMORANDUM

TO: The Secretary
Deputy Secretary
Chief of Staff
Executive Secretary
Heads of Operating and Staff Divisions
Regional Directors

FROM: Elizabeth J. Fischmann 
Associate General Counsel for Ethics
Designated Agency Ethics Official

SUBJECT: Holiday Gifts, Parties, and Charitable Fundraising

With the arrival of the holiday season, please remind your employees that the rules contained in the Standards of Ethical Conduct, [5 C.F.R. Part 2635](#), are applicable to holiday gifts, parties, and charitable fundraising. Federal employees must take special precautions to avoid inadvertently violating these rules.

In a nutshell, here are the basic rules. Generally, a federal employee may not solicit or accept gifts given because of the employee's official position or offered by any person or entity that is a "prohibited source" because of the donor's business or regulatory connection to the Department's operations. The term 'gift' includes food, entertainment, or any other thing of value. For example, free attendance at a holiday party funded by a contractor or regulated entity will be covered by this gift prohibition unless an exception applies. Additionally, federal employees are generally prohibited from donating to, or soliciting contributions for a gift to an official supervisor, or from accepting a gift from an employee receiving less pay.

A change occurred in 2017 regarding the solicitation and collection of money in the federal workplace in support of the Combined Federal Campaign (CFC). Under the new rules issued by the Office of Personnel Management (OPM), [5 C.F.R. § 950.502](#), the exception that allowed for fund raising events for the CFC no longer exists. CFC awareness events are still permitted to encourage employees to make donations through payroll deduction but these events may not include direct monetary solicitations, such as bake sales, raffles, or auctions.

There are many exceptions and caveats that apply to these general rules; but if you use this guidance as your compass, you should have a holiday season free from any unintended ethics violations.

To assist you in providing guidance to your employees, I am reissuing our detailed guidance document on these topics that is contained in the attached file along with the revised holiday gift

Page 2 – The Secretary

poem. I have noted in several places the 2017 changes that have been made to the gift rules and fundraising. The document addresses only those portions of the ethics rules that are encountered most frequently at this time of the year. Employees should be advised to consult the text of the regulations for more details or seek guidance from agency ethics officials.

Additional prohibitions, exclusions and exceptions, not discussed in the attachment, may apply in other circumstances. An electronic version of the attachment and the holiday gift poem will be available on the Ethics Division website at

https://intranet.hhs.gov/ethics/ethics_topics/holidaygifts.html.

If you have other questions, please call me or the Ethics Division staff at (202) 690-7258. Please accept my wishes for a safe, healthy, and happy holiday season for you and your family.

Attachments

cc: Deputy General Counsels
Associate General Counsels
Chief Counsels, Regions I-X
Deputy Ethics Counselors
Ethics Coordinators