

2021 *HOLIDAY ETHICS GUIDE*





Ethics Rules About Gifts

- In general, Postal Service employees may not solicit or accept a gift from an outside source, *or* accept a gift given because of the employee's official position. In some cases, there *may* be exceptions to these provisions that permit gift acceptance.
- There are also limits on gifts between employees.
- Because gift-giving is a common holiday tradition for both individuals and businesses, ethics questions about gifts frequently arise for employees during the holidays.

Contents

- I. What is a gift?**
- II. What is *not* a gift?**
- III. Soliciting a gift**
- IV. Gifts from outside sources**
- V. “Appearance” issues**
- VI. Gifts between employees**
- VII. Attending events in your official capacity**
- VIII. Where to get answers to gifts questions**





I. What is a Gift?

A person is shown from the side, focused on wrapping gifts. They are using a pair of white-handled scissors to cut a piece of green floral-patterned wrapping paper. Several wrapped gifts of various shapes and sizes are scattered on a wooden table. The gifts are wrapped in the same green floral paper. The background is a light-colored wall with a subtle floral pattern. The overall scene is dimly lit, with a soft glow from the person's hands and the scissors.

A gift is broadly defined as anything of monetary value, including (but not limited to)...



A few words about gift cards

“Cash Equivalent” Gift Cards

- Visa, Mastercard, or American Express logo
- Can be redeemed for cash
- Postal Service employees are prohibited from accepting a cash equivalent gift card (regardless of the amount)




Retail Gift Cards

- Can only be redeemed at a specific business or group of businesses, such as coffee shops, restaurants, grocery chains, online retailers, department stores, etc.
- Postal Service employee may accept a retail gift card valued at \$20 or less





II. What is not a Gift?

The background of the slide is a collage of various gift-wrapping patterns. It includes floral designs in shades of green, white, and red, as well as a pair of white-handled scissors. The overall aesthetic is festive and gift-oriented.

There are certain items that are not considered gifts under the ethics regulations, including...

Modest refreshments such as coffee, soda, chips, doughnuts, cookies (anything that could be considered “snacks” rather than a meal)

Items with “little intrinsic value,” such as certificates, plaques, trophies, and other items intended solely for presentation

Items paid for and presented to the employee by the Postal Service

Items for which the employee paid fair market value (i.e. the item’s retail cost)



III. Soliciting a Gift

Soliciting a gift... is a very bad idea

The federal ethics regulations prohibit an employee from *soliciting* a gift from an outside source.

Asking a customer or supplier for a gift – directly or indirectly – is a violation of the federal ethics regulations.



More on soliciting a gift

Sending a personal holiday card to your customers or suppliers is permissible (using personal funds), but *do not* include a message that directly or indirectly encourages them to give you a cash tip or a gift.



Here are some important things to keep in mind about holiday cards:

- Feel free to let your customers know *all year long* that you and the Postal Service appreciate their business.
- However, when sending holiday cards to customers, you **should not**:
 - Leave a personal card or flyer in a customer's mailbox unless it bears the required postage.
 - Encourage your customers to let you know if they appreciate your service this year by providing them with your home address.
 - Enclose a self-addressed envelope to encourage customers to respond to your holiday card with a gift.



IV. Gifts from Outside Sources



A Postal Service employee may not, directly or indirectly, accept a gift from an outside source, or accept a gift given because of the employee's official position.

****Exceptions may apply in certain situations.***

Who or What is an Outside or Prohibited Source?

An outside source is a person or organization:

- Doing business with USPS
- Seeking to do business with USPS
- Seeking official action by USPS
- Regulated by USPS, or
- Affected by the performance of an employee's duties



Because the Postal Service serves the American public, each and every postal customer is considered to be an outside source.

Examples of Prohibited Sources

**Business
partners
and
prospects**

Unions

All Postal Customers



Outside Sources

Suppliers

Contractors

**This includes contractors/contract employees who work side-by-side with you every day. Even though they are your coworkers, they are not postal employees, so under the gifts from outside sources provision, they are prohibited sources.*

**Management
associations**

**Mailer
Groups**

A collage of gift-wrapping scenes. The background is a light-colored surface with various gift-wrapping materials and tools. In the top left, a roll of white paper with a green vine pattern is visible. In the top center, two round, textured gift-wrapping balls are shown. In the top right, a roll of green paper with a white floral pattern is visible. In the middle left, a pair of white-handled scissors is shown cutting a piece of green paper with a white floral pattern. In the middle right, a gift wrapped in green paper with a white floral pattern is shown. In the bottom left, a gift wrapped in green paper with a white floral pattern is shown. In the bottom center, a gift wrapped in green paper with a white floral pattern is shown. In the bottom right, a hand is shown holding a piece of white paper with a green floral pattern. The word "Exceptions" is overlaid in a white, cursive font, with a vertical line to its left.

Exceptions

Exception #1: “\$20/\$50”

You **may** accept a gift from a prohibited source if:

The gift is NOT CASH (or a cash equivalent) **and** has a market value of \$20 or less **and** the total market value of all gifts you accepted from the same prohibited source during the calendar year is less than \$50.

** See slide 8 for more information about cash equivalents.*

Exception #2: Gifts based on family or personal relationships

You may accept a gift from a prohibited source if circumstances make it clear that the gift was given due to your *family relationship* or *personal friendship*, not your position.

**In determining whether the personal friendship exception applies, the Ethics and Legal Compliance team considers the history of the relationship, and whether the friend personally paid for the gift.*

Exception #3: Gifts based on business or employment relationships unrelated to your postal position

You may accept a gift offered as a result of your own or your spouse's *outside* (non-postal) business or employment activities, as long as the gift was not offered because of your postal position.

For example...

- If an employee and their spouse are invited to attend a gala, attendance at the gala would be a gift.
- Here, the employee's spouse is an employee of XYZ Corp.
- If attendance at the gala had been offered because of the employee's postal position, the employee would not be able to accept the gift.
- The employee may accept an invitation because it was extended due to the employee's relationship to the host's employee (their spouse), NOT because of the employee's postal position.

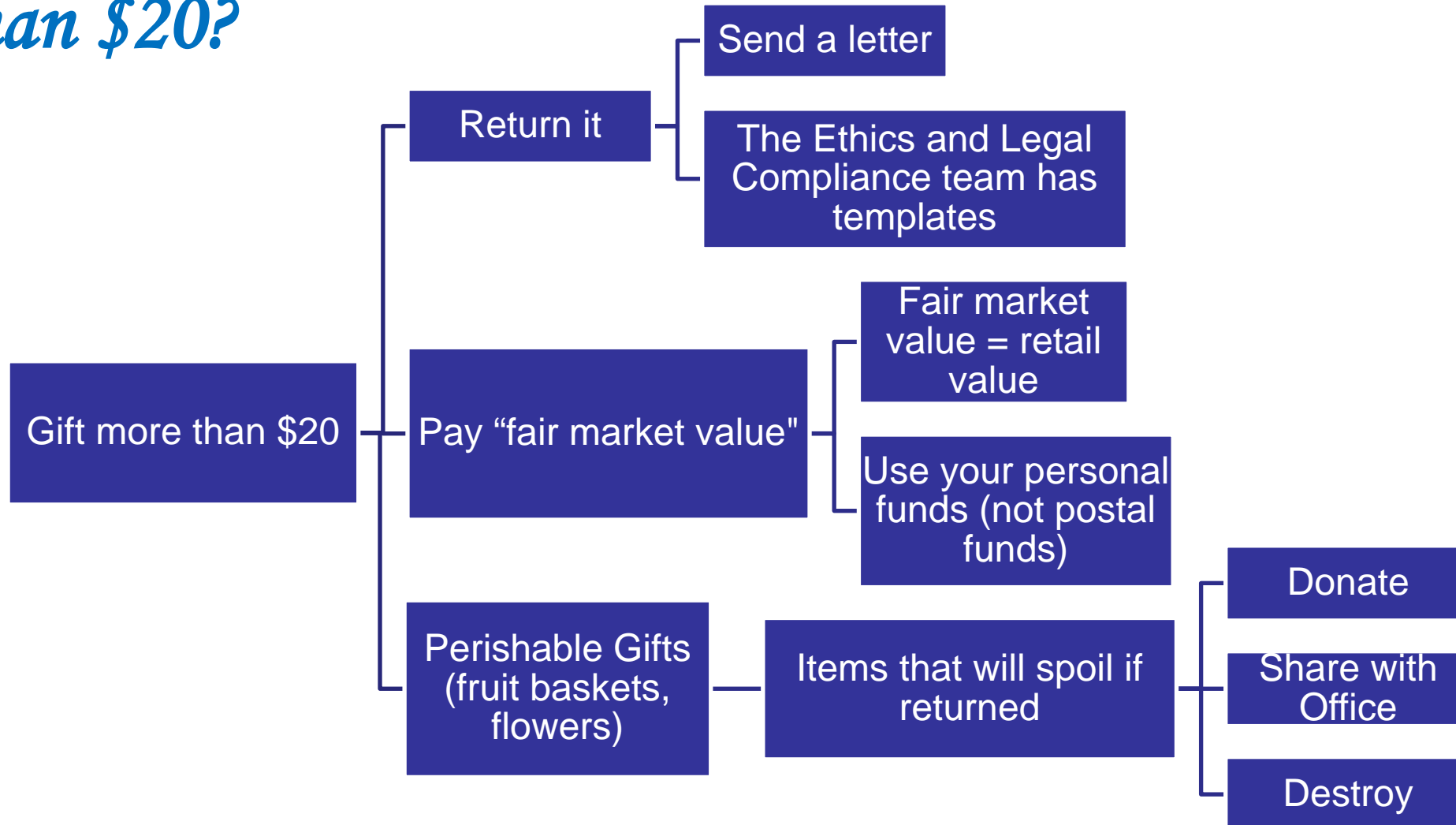




However:

It's best to be *cautious* about accepting a gift from a prohibited source, even if you think an exception may apply, so don't hesitate to contact the Ethics and Legal Compliance team for guidance.

What should I do if I am offered an unsolicited gift worth more than \$20?



Here are the most important things to remember regarding gifts from outside sources:

- You may *never, directly or indirectly, solicit a gift* from a prohibited source or given because of your official position.
- You may *never, directly or indirectly, accept a gift* from a prohibited source or given because of your official position, *unless* an exception or exclusion applies (contact the Ethics and Legal Compliance team).
- You may *never accept CASH, in any amount!*
- You are *never obligated to accept a gift*; if your acceptance of a gift would create an appearance that the ethics laws or regulations have been violated, it is wise to decline it.
- A gracious *“No, thank you – providing good service is my job!”* is a fool-proof way to avoid any gift-related ethics problem.



V. Appearance Issues



Employees must strive to avoid even the *appearance* that they are violating the law or ethics regulations. Even when the ethics provisions allow you to accept a gift, you should always ask yourself: *“Could accepting this gift appear to be improper?”*

Remember, *you are never obligated to accept a gift!* The best way to avoid an appearance issue – and worrying about whether the gifts provisions apply – is to graciously decline the gift (*a simple “No, thank you” never got anyone in trouble*).

More on appearance issues

Before accepting a gift from an outside source, consider:

Value: Does the gift have a high market value?

Timing: Does the timing of the gift create the appearance that the donor is seeking to influence an official action?

Identity of the donor: Was the gift provided by a person who has interests that may be substantially affected by the performance or nonperformance of your official duties?

Access: Will acceptance of the gift provide the donor with significantly disproportionate access to you and/or other postal employees?





VI. Gifts between Employees

Unless an exception applies, a postal employee* may not, directly or indirectly:

- **Accept a gift from a subordinate or an employee who receives less pay**
- **Give, donate to, or solicit contributions for, a gift for an official superior or a higher paid employee**

**Reminder: The contractors/contract employees who work side-by-side with you every day are your coworkers, but they are not postal employees. Gifts from contractors/contract employees are covered by the "gifts from outside sources" provision, not "gifts between employees." Contractors/contract employees are prohibited sources.*

What if you don't know whether another employee is higher paid?

Then, do *not* give a gift to, or accept a gift from, a coworker who holds a similar position, or whose position is classified at the same level as yours.



A collage of gift-wrapping supplies. It features various pieces of patterned wrapping paper with floral and leaf designs in shades of green, white, and red. A pair of white-handled scissors is prominently placed in the center. Several gift boxes are shown, some wrapped in the patterned paper and others in plain white paper. A hand is visible in the bottom right corner, suggesting the process of wrapping. The entire scene is set against a light-colored wooden background.

Exceptions

Exception #1

An employee may accept a gift from another employee who receives less pay *as long as*:

- The two employees are not in a subordinate/official superior relationship

and

- There is a personal relationship between the two that would justify the gift.

Exception #2

A superior *may* accept a gift from a subordinate or lesser-paid employee given in recognition of a *regularly-occurring occasion* (such as a holiday, birthday, or anniversary), *if*:

- The gift is not cash

and

- The gift has a fair market value of \$10 or less.

Exception #3: Special, Infrequent Occasions

On occasions that *occur infrequently* and are of “*personal significance*” (such as the birth or adoption of a child, marriage, retirement, resignation, transfer, family tragedy, natural disaster), an employee may give a superior an individual gift worth more than \$10, as long as the gift is appropriate to the occasion. Additionally, on infrequent occasions of personal significance, a cash gift is permissible.

**This exception does not apply to occasional (annual) events, such as birthdays, anniversaries, and holidays – including, for example, Christmas, Hanukah, Diwali, Kwanzaa, Bosses’ Day, Valentine’s Day, Halloween, Independence Day, etc.*

Group Gifts for Special, Infrequent Occasions

If a group gift collection is conducted, employee contributions must be voluntary and cannot exceed \$10 per contributor (*remember, contributions for group gifts cannot be solicited or accepted from contract employees*).

While individual employee contributions to a group gift are limited to up to \$10, the market value of the gift may be more than \$10.



Soliciting for group gifts recognizing special, infrequent occasions

A Postal Service employee may solicit contributions to purchase a *group gift* for an official superior or higher-paid employee **only if**:

- The gift recognizes a special, infrequent occasion (e.g., retirement, marriage, birth/adoption of a child), **and**
- Contributions are entirely voluntary, **and**
- Each individual contribution is of a nominal amount (meaning any amount up to but not more than \$10).

**Contributions may be solicited ONLY from other postal employees – not from contract employees, former employees, or anyone else who is not currently employed by the Postal Service.*



Office Parties

Food and refreshments may be shared in the office with coworkers at all levels, provided that:

- Employee participation is entirely voluntary, AND
- Employee contributions – whether monetary (nominal amounts of \$10 or less) or non-monetary (refreshments, paper goods, decorations, etc.) – are also completely voluntary.



**Keep in mind that contract employees in your office may be invited to participate, but they may not be solicited for donations unless there is a specific per-person cost that all participants must pay.*

More on Office Parties

- If an office party will be catered or held at a restaurant, the organizers determine the per-person cost of food and refreshments and require participants to pay that amount.
- For example, if the office party will be held at a restaurant, and the per-person cost of the buffet luncheon is \$20 (tax and gratuity included), each participating employee may be required to pay \$20 to the organizer for the luncheon.
- If the office's holiday party will be held onsite using a local caterer, and the organizer determines that the per-person cost of the catered lunch (including a beverage) is \$25, each participating employee may be required to pay \$25.

* Employees who do not wish to participate cannot be required to contribute. *Employees must not be required to participate in office parties, holiday luncheons, etc. Participation must be completely voluntary. If there are specific party costs, the organizers may require a per-person amount from each participant in order to cover the costs.*



VII. Attending Non-Postal Events in Your Official Capacity

When an invitation you receive from a non-postal person or organization is based entirely on a personal relationship and does not involve a prohibited source, it usually doesn't pose ethics issues.

However, *whenever you receive an invitation in your official postal capacity*, the safest course is to check with the Ethics and Legal Compliance team to help determine whether:

- You may accept the invitation free of charge;
- The Postal Service should consider paying your way;
- You should pay out of your personal funds; or
- There are appearance issues that may preclude you from attending.

Please keep in mind...

Even when the ethics provisions allow you to accept a gift, ***always consider appearances.***

This presentation only summarizes the most common holiday season gift issues – it does not cover ***all*** questions or situations!



VIII. Where to Get Advice

For answers to specific questions on gifts, parties, and any other ethics topic, please contact the Ethics and Legal Compliance team!

**Ethics and Legal Compliance
USPS Law Department (HQ)
Ethics Helpline: (202) 268-6346
“Ethics Help” in Outlook
ethics.help@usps.gov**



Your **SMART
BUSINESS** Moment™



Gifts from Outside Sources

Gifts from Outside Sources

- Thanks, but no thanks.
- While there are some exceptions, you cannot accept a gift given to you because of your job.

Gifts from Outside Sources

Our customers, suppliers, and the public should know that they will be treated fairly and professionally no matter what, and accepting gifts can leave the opposite impression. Declining inappropriate gifts is not only the law, it's smart business.

*Contact the Ethics Office
(ethics.help@usps.gov) for more information
about the ethics regulations addressing gifts.*