



DEPARTMENT OF THE ARMY
ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY
105 ARMY PENTAGON
WASHINGTON DC 20310-0105

16 NOV 2012

MEMORANDUM FOR ALL HEADQUARTERS, DEPARTMENT OF THE ARMY
PERSONNEL

SUBJECT: Holidays and Good Judgment

1. Introduction. The holiday season of celebrations is fast approaching. Army leadership encourages each of you to enjoy the season with your friends, family, and coworkers. However, everyone should be aware of the rules for workplace ethics.

2. Use of Government Time. Some holiday celebrations may occur on Government time but only to a certain point. Time taken for an actual event—perhaps a “pot luck” luncheon in the office or a meal at a restaurant—is seldom an issue, but the preparation for these events can be. The key to avoiding a problem is to use good judgment. Supervisors may permit the limited use of duty time for preparations, but organizing holiday events should never become a significant part of any employee’s duties. For example:

- A committee of employees should never spend a duty day visiting potential restaurants to explore facilities and menus; followed by another day to inform the group, obtain votes, and develop consensus; followed by another trip to make final arrangements. On the other hand, a few telephone calls during the day to request faxes from restaurants, a couple of short planning discussions, and visits to one or two restaurants during lunch is permissible and an exercise of good judgment.
- A decorations committee should avoid wasting workdays visiting party shops, then other work time organizing decorations. However, a brief planning session and a few telephone calls to party shops on Government time, with visits and purchases made after duty hours and with decorations made during lunch periods or after duty, is permissible and a use of good judgment. In addition, you may never use appropriated funds to buy decorations for individual offices.

3. Fund-Raising. Your office may decide it wants to raise money to reduce the cost of a holiday event. As a general rule, no fund-raising may occur in the Federal workplace but an exception exists for office events.

a. The Joint Ethics Regulation (DoD 5500.7-R) permits employees to raise money among themselves for their own benefit when approved by the head of the organization and an ethics counselor. For example, employees may hold a bake sale to reduce the cost of tickets for the office holiday celebration. Conversely, a more complex or time-consuming fundraiser, such as a silent auction, is impermissible. Use the following checklist for fund-raising events:

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- Keep the event low-key.
- Minimize the use of Government time. No duty time should be used to bake or purchase cookies and refreshments. Some minimal time during the day may be used to plan the sale. Employees conducting the sale should do so on their personal time.
- Exercise good judgment when using Government resources. Government equipment, such as computers and printers, may be used at no cost to the Government. Items such as placards and announcements may never be ordered from the audiovisual or graphics office.
- Never solicit outside sources (such as employees of support contractors) to contribute to the event. Contractor employees and visitors who become aware of a bake sale may purchase items. The important point is to never personally solicit them or engage in a solicitation that targets them.
- Do not schedule holiday related fundraising during any official Combined Federal Campaign event.

b. Outside sources (local restaurants, department stores, professional associations, and contractors) may not be solicited for donations, including door prizes.

c. Raffles may not be used to raise money for office functions.

4. Contractor Employees. Contractor employees may attend our holiday celebrations, but:

- You should not officially encourage someone else's employees to leave their workplace. You can let it be known that they may attend 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 employee is absent, the contractor cannot bill for services it does not deliver 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 never be tasked or asked to volunteer to organize holiday events.

5. Gifts. Employees may exchange gifts during the holiday season but must be mindful of appearances. Good judgment is required 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. Specific rules follow.

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or favoritism. Gift giving in the workplace should be even-handed and democratic in spirit; no one should be left out. Specific rules follow.

a. The value of a holiday gift to a superior is limited to \$10 and you may not solicit contributions from other employees. No restrictions apply on gifts to peers and subordinates.

b. You must refuse a gift from anyone who makes less money than you do as a Federal employee, unless you are not in a superior-subordinate relationship and a personal relationship exists that would justify the gift. The exception is a gift valued at less than \$10 with no solicitation of contributions from other employees.

c. You may have a gift exchange among employees. If the exchange is open, \$10 is the limit for individual gifts. If the exchange is anonymous, a reasonable value should be established for the individual gifts. If contractor employees are participating in an anonymous gift exchange, the gift limit must be less than \$20.

d. As a general rule, Federal employees may not accept gifts from contractors or contractor employees. However, gifts (other than cash) valued at less than \$20 may be accepted as long as the employee has declined other gifts from the contractor that would exceed a total value of \$50 for the year.

6. Attendance at Parties

a. All employees and contractor employees may 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 the gifts must be modest in cost. Although the gifts are not strictly limited to a \$10 value, subordinates should use that amount as a guide. Hospitality gifts from contractor employees are strictly limited to a \$20 value. Ideally, hospitality gifts will be consumable.

b. Federal employees may accept free attendance at a private party hosted by a contractor or contractor employee if any of the following conditions apply. If none of these conditions applies, the employee must decline the invitation or pay to attend:

- The average cost for each guest is less than \$20.
- The invitation is based on a bona fide personal relationship with the contractor employee instead of a congenial office relationship.
- The party qualifies as a “widely attended gathering”—that is, it has more than 20 attendees representing a diversity of views and backgrounds, and the employee’s supervisor (or ethics counselor for general officers and political

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appointees) determines that it is in the agency's interest for the employee to attend.

- The contractor is having an open house for the public or all Government employees or military personnel in the area.
- The invitation is offered to a group or class that is unrelated to Government employment, such as all GEICO or Pentagon Federal Credit Union customers.
- You have been assigned to represent the Army at an official function.

7. Holiday Greetings

a. You may not use appropriated funds to purchase holiday greeting cards. Superiors may never allow subordinates to prepare or address personal greetings. Also, use of official resources—including paper, printers, envelopes, and postage—is unauthorized for holiday greeting cards.

b. Electronic greetings with digital photographs, video, sound, or other large file attachments are unauthorized for transmission on official Army systems. Sending such messages with executable attachments, including files that end in “exe” or “jgb” (such as Santa Elf Bowling), or opening such attachments is inappropriate.

8. Alcohol. The general policy within the Department of Defense is that alcohol in the workplace should not be encouraged, should be available only in moderation for special events (such as holiday celebrations), and should be limited to the end of the day or non-work hours when possible so as not to interfere with official business. Consistent with paragraph 3-4 in Army Regulation 600-85 (The Army Substance Abuse Program), functions must never glamorize the consumption of alcohol and nonalcoholic beverages must be made available. Alcoholic beverages may never be given as prizes. For events at the Pentagon and in Washington Headquarters Services (WHS)-managed leased facilities, agencies must comply with the Army's implementation of 32 C.F.R. § 234.11 and 41 C.F.R. § 102-704.405 as follows.

a. Requests by Army organizations to serve alcoholic beverages must be submitted for approval to the Administrative Assistant to the Secretary of the Army (AASA) at least two weeks before the event. Requests must be signed or endorsed by a Principal Official or deputy and include the following information on agency letterhead:

- purpose of event and estimated number of attendees;
- time, date, and location;
- type and volume of alcohol to be served (for example, three 1.5 liter bottles of wine, two 12-packs of beer); and

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- point of contact, telephone number, and email address.

b. The AASA will review requests for the consumption of alcohol in Army-managed space. If the request is approved, the AASA will give a copy of the approval to the requestor's point of contact, WHS, and the Pentagon Force Protection Agency. The consumption of alcoholic beverages in the public space of the Pentagon, such as corridors, requires the approval of both the AASA and the Director, WHS Defense Facilities Directorate. Points of contact should keep a copy of the approval with them as they bring alcoholic beverages into the building and during the event to show upon request to building managers, contract guards, and Pentagon Force Protection Agency officers.

c. If agencies plan to hold a hallway party, they must have an approved DD Form 2798 (Application/Permit for Use of Space on the Pentagon Reservation), and the approved permit must be onsite at the time of the event. A fillable version of the form is available at <http://www.dtic.mil/whs/directives/infomgt/forms/eforms/dd2798.pdf>.

9. Holiday Safety. Within the Pentagon, fire protection and safety requirements have been established to ensure safe holidays, including regulations on holiday decorations and office parties. For questions or additional information about fire protection and safety requirements, contact the Office of the Pentagon Fire Marshal at FireInfo@whs.mil or (703) 695-3300.

10. Closing Remarks. Employees may plan and participate in holiday events. Although limited use of Government resources and time is permitted, each of us must use common sense and good judgment to enjoy a happy, healthy, and safe holiday season. If you have any questions, please contact the Deputy General Counsel (Ethics and Fiscal) at (703) 614-8130.


JOYCE E. MORROW