

# “THE LEGAL BRIEF”

*Advice to the Guardians of the Great Lakes*



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## December 2010 – Guidance for keeping your Holiday Happy!

As another Holiday season rolls around, numerous units will be invited to attend parties, will receive gifts, and personally enjoy the holidays. The following is some short guidance we learned from the Ghost of Christmas Past, Present and Future:

**Gifts from outside sources:** Generally, Coast Guard personnel may not accept gifts offered because of their official positions or offered by a “prohibited source,” unless an exception applies. A prohibited source is anyone who seeks official action by the Coast Guard; does business or seeks to do business with the Coast Guard; has interests that may be substantially affected by the Coast Guard employee’s performance of duty; or, is an organization composed of members described above. Exceptions include: gifts other than cash not exceeding \$20 so long as the total gift amount from that source does not exceed \$50 per year or personal gifts based upon a bona fide relationship.

**Gifts between employees:** Supervisors may *not* accept gifts from subordinates or Coast Guard personnel who receive less pay, except gifts (other than cash) of **\$10 or less**; food and refreshments shared in the office including sharing in the expenses for the food; and, the subordinate may give the supervisor a hospitality gift of the type and value customarily given on such an occasion if invited to a social event at the supervisor’s residence. There are no legal restrictions on gifts given to peers or subordinates, however, common sense (and good taste) should apply.

**Parties, open-houses and receptions hosted by non-Coast Guard personnel:** (1) Coast Guard personnel may generally attend an open-house or reception, and accept free attendance and any gift of refreshments if it is a **widely-attended gathering**, and the employee's supervisor determines that it is in the agency's interest that the employee attend; (2) Events open to the Public: Coast Guard personnel may accept invitations (even from contractors) that are open to the public, all Government employees, or all military personnel; (3) Gifts unrelated to Federal employment: you may accept invitations offered to a group or class that is not related to Government employment (For example, if the building owner where your office is located throws a reception for all of the tenants of the building); (4) Modest Items of Food and Refreshments: Coast Guard personnel may accept food items consisting of soft drinks, coffee, pastries, or similar refreshments not constituting a meal may be accepted since they are not considered to be a gift; (5) Gifts based on Outside Business or employment relationships: you may accept attendance at events which are solely based on outside business or other employment relationships. For example, a Coast Guard employee’s spouse works for a Defense contractor. The Coast Guard employee may accompany the spouse to the contractor’s holiday party since the invitation is to the spouse as an employee, and not to the Coast Guard employee because of his or her position.

**Parties, open-houses, and receptions hosted by Coast Guard personnel.** If the invitation is from a subordinate, Coast Guard personnel may accept personal hospitality at the residence of a subordinate that is customarily provided on the occasion. If the invitation is from a supervisor or individual of comparable status, no restrictions. Enjoy!

**Tips for sharing the holiday spirit.** Remember, you may not solicit outside sources for contributions for your party. This includes funds, food, and items. Office parties are considered unofficial events, as such, you may not use appropriated funds to pay for them. Be aware that if you want to conduct an event with door prizes or drawings, you should seek legal guidance on structuring the event so that it is not considered gambling. Finally, you may not use appropriated funds to purchase and send greeting cards.

**Helping others.** Generally, the two entities the Coast Guard can officially raise money for is the Combined Federal Campaign and the Coast Guard Mutual Assistance. The collection of gifts in kind, meaning toys and food, is not considered fundraising. However, before you participate in any off-base efforts, please contact the legal office for specific guidance.

**Avoid over-indulging.** Tis the season for alcohol consumption and over-spending. If you drink alcohol, be responsible and plan accordingly. As a good shipmate, watch-out for others who are consuming alcohol by ensuring they do not drink and drive and that they get home safely. As you buy gifts for others, remember that credit card debt is a HUGE problem with military members. Set a budget and stay the course to spend only what you can afford.

**For Help:** Your district legal staff is really here for you and to ensure you can enjoy the holidays! We want to keep you out of trouble. Call us 216.902.6010 if you have questions or just need a “reality check.”

On behalf of the Ninth District Legal Staff, we wish all of you a relaxing and joyous holiday season! May 2011 bring great health, wellness and happiness to you and your family!