



THE OFFICE OF THE GENERAL COUNSEL PRESENTS
THE DEPARTMENT OF THE AIR FORCE

ETHICS GUIDE

**A REFERENCE GUIDE FOR
THE STANDARDS OF ETHICAL CONDUCT**



FREQUENTLY ASKED QUESTIONS

The purpose of this frequently asked questions (FAQ) handout is to provide general information and examples of situations in which issues of government ethics often arise. Because it is intended to be general and informative in nature, this guide is not a substitute for legal advice. Asking an official ethics counsel at your local base legal office for advice is always advised due to the complexity of ethics laws and regulations, and the potential for exclusions and exceptions from the same. An official ethics counselor will apply the relevant ethics laws and regulations to a specific set of facts and circumstances in advising you on potential courses of action. While your set of circumstances may appear similar to any one of the situations below, slight changes in facts can make significant differences in ethics advice and risk assessments; thus, it is advisable to consult with your ethics counselor.

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This Ethics Guide is a living document and will be updated as needed, to include incorporating additional Q&A scenarios. If you have questions regarding content or would like us to include other scenarios, please reach out to saf.gca.ethics.workflow@us.af.mil. This guide was produced by the Department of the Air Force Ethics Office. Please address any issue-specific questions to your local base legal office. Be mindful that this is a half page document and is meant to be printed 2-up on an 8.5 x 11 sheet of paper and then folded to create a booklet. Access the guide on GCA Public Website:

www.safgc.hq.af.mil/Portals/80/GCA/Ethics/DAF-EthicsGuide2022.pdf

GIFTS

FROM OUTSIDE SOURCES ¹

As a general proposition, federal employees (both uniformed service members and civilian employees) may not directly or indirectly solicit or accept a gift from a “prohibited source” or solicit or accept a gift based on that employee’s official position.² This prohibition applies to gifts given with the employee’s knowledge and consent to the employee’s parent, sibling, spouse, child, dependent relative, or a member of the employee’s household, when the gift is given because of that person’s relationship with the employee.³

My spouse is an executive for ABC, Inc. For the last five years, ABC, Inc. hosts an all-expense paid retreat for Executives at an off-site location. Spouses are invited and their travel is also funded by ABC, Inc. My spouse was hired this year by ABC, Inc., as an Executive Vice President. May I attend this retreat and accept the gift of free travel?

Yes. An employee may accept meals, lodgings, transportation, and other benefits resulting from the business or employment activities of an employee’s spouse when it is clear that such benefits have not been offered or enhanced because of the employee’s official position.⁴ In this case, the all-expense paid retreat for executives and their spouses existed prior to the employee’s spouse’s current employment with ABC, Inc. and was, therefore, offered due to the spouse’s position with the company, and not the employee’s official position.



Recently, I attended an event at the Canadian Embassy to celebrate Canada's Armed Forces Day. This event was by invitation only and I attended, along with my spouse, in an official capacity as a representative for the Department of the Air Force. Upon departure, all guests received a thank you gift. The gift included items from the Canadian store "Roots," such as socks, lotions, candles, and a leather belt. It also included a few boxes of chocolates. Both my spouse and I accepted the gifts. Is this permissible?

Gifts from foreign governments have a different analysis than regular gifts. Generally, military and civilian members of the Air and Space Force, and their dependents, may not accept or solicit a gift from a foreign government that exceeds the current maximum value of \$415.00. ⁵ This amount is determined by the GSA and reviewed every three years. You must determine the fair market/retail value of the gift. You may use the price of the same or a substantially similar item offered for sale in a legitimate United States retail market such as department and specialty stores, U.S. military exchange, U.S. mail-order catalog, or reputable internet seller (but not a seller of second-hand items). Best practice is to determine the fair market/retail value of three similar items. As you and your spouse both accepted a gift, you must aggregate the total value to determine whether the gift exceeds \$415.00.

If the aggregate value is below \$415.00, then you may accept the gifts and it is your personal property. Please keep in mind the circumstances and appearance of accepting a gift, even if it can be accepted outright. You are required to keep a brief record of the circumstances surrounding the presentation of the gift (date, place, identity of the foreign government, presenter of gift, description, value, and how the value was determined).

If the aggregate value is above \$415.00, you must refuse the offer of a gift whenever it is practical to do so (e.g., advanced knowledge of a gift) but you may not refuse until so advised by the Department of State, via SAF/AA, to ensure refusal or return of the gift will not adversely affect U.S. foreign relations. When refusal is not practical, the gift becomes the property of the U.S. upon acceptance. Within 60 days of acceptance, the gift must be deposited with the Department of the Air Force (SAF/AA) for: (1) return to the donor; (2) approval for official use (including display) within the DAF; or (3) for disposition by the General Services Administration. You may not retain a gift that exceeds the minimal value.

GIFTS

BETWEEN EMPLOYEES ⁶

Giving Gifts

As a general rule, an employee (whether a uniformed service member or a civilian employee) may not directly or indirectly give a gift to or make a donation toward a gift for an official superior or solicit a contribution from another employee for a gift to either his/her own or the other employee's official superior.⁷

Receiving Gifts from Subordinates

As a general rule, an employee may not, directly or indirectly, accept a gift from an employee who earns less pay than themselves unless (1) the two employees are not in a subordinate-official superior relationship; and (2) there is a personal relationship between the two employees that would justify the gift.⁸

Giving or Receiving Gifts Indirectly

Indirectly has the same meaning as previously provided. Indirectly also includes gifts given by the employee's spouse, parent, sibling, child, or dependent relative; or gifts given by a person other than the employee under circumstances where the employee has promised or agreed to reimburse that person or to give that person something of value in exchange for giving the gift.⁹



I recently started work in a supervisory position and my spouse decided to host a Sunday Brunch for the spouses of the employees I supervise. At the brunch, my spouse received two bottles of wine, valued at \$20.00 per bottle, and a \$50.00 Visa gift card to welcome us to our new home. The gifts were from the spouses of military members and civilian employees who are junior to me, including my personal staff. Are these considered gifts? If so, can my spouse accept the gifts?

Yes, these items are gifts. The spouse may accept the bottles of champagne but may not accept the \$50.00 Visa gift card. Gifts of personal hospitality provided at a residence which is of a type and value customarily provided by the employee to friends is one exception to the general rule.¹⁰ The bottles of champagne are a common hospitality gift when attending a social at another's home. The employee would likely give the same gift or something similar when attending a social event. Therefore, the champagne may be accepted. Gift cards would not fall within this same exception. One exception to the general prohibition of gifts between employees allows acceptance of items, other than cash, with an aggregate market value of \$10 or less.¹¹ First, the Visa gift card exceeds the \$10 limit. Second, even if it did not exceed \$10, the exception states "other than cash." The Office of Government Ethics has decided that general use, pre-paid gift cards are equivalent to cash. A Visa gift card is considered a general use, pre-paid gift card.

I was recently promoted to O-5. Throughout my career, my spouse and I established several personal relationships with other military families. I now outrank most, if not all, of our friends. Over the holidays, my spouse received a gift from the spouse of an officer junior to me. My spouse and I have been friends with this family for the last 15 years. My spouse and the other spouse often exchange gifts on the holidays, as well as other events such as birthdays. The gift was a scarf and gloves set. Can my wife accept the gift?

Yes. An employee may accept a gift given by an individual under circumstances that make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee.¹² Relevant factors in making such a determination include the history and nature of the relationship and whether the family member or friend personally paid for the gift.

I am an executive assistant to Brig Gen Jane Smith. She and her spouse just welcomed a baby girl. The staff would like to purchase a gift for the General and her spouse to congratulate them on the birth of their daughter. We would like to purchase a B.O.B. single jogging stroller. The value is \$295. I was going to ask the staff to donate \$20.00 each to fund the purchase. Can the General and her spouse accept this gift?

Yes; however, you cannot ask for \$20.00 donations. (1) Soliciting \$20.00 donations – Per the Department of Defense Joint Ethics Regulation (JER), you may only solicit a nominal value of \$10.00 from employees.¹³ All donations must be voluntary. However, should an employee make a truly voluntary donation of more than \$10.00, you may accept that amount towards the gift. (2) The jogging stroller – One exception to the general rule prohibiting gifts between employees is gifts given on special, infrequent occasions. A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or other employee receiving less pay in recognition of infrequently occurring occasions of personal significance such as the birth of a child. The JER limits this exception. It prohibits superiors from accepting a gift or gifts from a donating group if the market value exceeds an aggregate of \$300.00, and if the superior knows or has reason to know that any member of the donating group is his/her subordinate.¹³ Since the stroller is \$295, it may be presented to the General and she may accept it.

I supervise approximately 25 individuals; my spouse would like to purchase holiday gifts for them. What, if any, restrictions apply?

Provided the holiday gift is given to those junior to you, there are no restrictions. We do, however, recommend, the gift is reasonable and appropriate to the occasion to avoid an appearance of impropriety. Also, the same gift should be given to all the staff to avoid the appearance of favoritism.

My supervisor's husband was just admitted to the hospital for an emergency procedure. My coworkers and I really want to help her family out during this difficult time. Can I create a sign-up sheet for us to use in volunteering to make and bring his family meals? Can I send my teenager over to babysit their children? We wouldn't expect or want them to pay for our help - we know they'd do the same for us if our positions were reversed.

No. Unfortunately, these efforts would be considered gifts to a superior. Gifts to superiors may only be accepted during traditional gift giving occasions and with a value of \$10 or less. As to the offer of free babysitting, the same analysis would apply.

I can see my supervisor is very stressed at work today, having to jump from meeting to meeting without any breaks. Can I buy him lunch? Can I at least offer to go pick his lunch up for him?

No, purchasing lunch for a superior is considered to be a gift. Gifts to superiors may only be accepted during traditional gift giving occasions and with a value of \$10 or less. Getting your superior's lunch, even at their expense, is considered to be a misuse of subordinates.

My office has three inbound transfers arriving this month. Assuming I am their superior, can I buy them welcome baskets using government funds? Assuming one of these employees is my new boss, can I buy her a welcome basket?

No. There are no authorities available to use appropriated funds for welcome baskets for inbound government employees. Food is considered to be a personal expense with few exceptions, none of which apply to this circumstance. You may not buy a welcome basket for your new boss. Gifts to superiors may only be accepted during traditional gift-giving occasions and with a value of \$10 or less.



THE USE OF GOVERNMENT RESOURCES

As a general rule, employees have a duty to (1) protect and conserve Government property, and (2) refrain from using or allowing its use for purposes other than those for which it is made available to the public or those authorized in accordance with law or regulation.¹⁴

I am hosting a dinner at our on-base residence to welcome new spouses to the base and introduce them to other local spouses and their families. I do not own enough chairs to seat everyone. Can I borrow some government-owned chairs and tables from my spouse's office?

No. This event would be considered a social event. Government resources may only be used to support official DAF events. One option may be to contact your local MWR facility and ask if it has chairs available to “check out” and loan you under these circumstances.

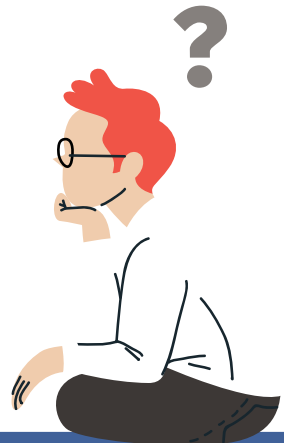
GOVERNMENT VEHICLES

As a general rule, DoD government vehicles may only be used for official purposes; this includes vehicles leased or rented with government funds.¹⁵ While non-government employees (such as spouses and dependents) may not operate government vehicles, under certain circumstances, they may travel in them as passengers.

More rules apply to the use of government vehicles in the Washington, D.C. area.¹⁶

I live outside the Washington, D.C. area and have been invited to speak at an awards dinner on Saturday evening. The speaking engagement was previously reviewed by your office. I was intending to use the government vehicle to attend the event. Is this legally permissible?

Yes. Approved speaking engagements are considered official events. Government vehicles may be used to support official government events. However, unless you have been approved domicile to duty travel, you would not be allowed to travel to this event from your home and back.



I live in the Washington, D.C. area and have been invited to speak at an awards dinner on Saturday evening. The speaking engagement was previously reviewed by your office. I was intending to use the government vehicle to attend the event. Is this legally permissible?

You may use the government vehicle only after you determine other modes of transportation are not readily available and would not meet mission requirements.

AI 109 governs the use of motor transportation and shuttles in the Pentagon area. It provides the order of transportation for both during normal and before/after working hours. The event you are speaking at occurs after normal working hours. Therefore, you must determine that options 1 through 4 are not capable of meeting mission requirements before utilizing a government vehicle:

DoD scheduled shuttle service

Scheduled public transportation (rail or bus)

Voluntary use of privately owned vehicles on a reimbursable basis

Taxicab (Lyft or Uber, too) on a reimbursable basis

DoD vehicle

I am attending a luncheon on Wednesday afternoon with local community leaders. The luncheon is to recognize military spouses' contributions to the community. I will be giving a few remarks at the opening of the event. I intend to use a government vehicle for transportation. May my spouse ride in the vehicle with me?

Yes, your spouse may ride with you on a space-available basis. You may not "request" or "switch" vehicles to a larger vehicle to ensure there is space.

My spouse is attending an event at the home of an acquaintance. The event is a social gathering for the holidays. I will be away on business and not attending. Can my spouse use a government vehicle to attend the event?

No, your spouse may not use a government vehicle. The use of government vehicles is limited to official purposes only. A social event is not an official purpose. Even if the event was official, your spouse still may not use the government vehicle. Individuals may only be transported in a government vehicle when accompanied by a sponsor under authorized use to accomplish official business and when there is space available. There are limited circumstances that allow an individual to travel in a government vehicle without the sponsor to an official function. However, all require the presence of the sponsor at the event.

My spouse and I are attending an event on Friday afternoon to recognize Space Force honor graduates from a master's program at a local university. I will be handing out certificates of achievement during the event. Unfortunately, I have another meeting that requires me to leave the event early. My spouse would like to stay. I have been authorized to receive domicile-to-duty transportation. Can the government vehicle return to the event to take my spouse home?

No. Dependents may travel independently to or from an official function when the function is in the best interest of the U.S. Government and circumstances have made it impracticable or impossible for the official to accompany the dependent en route. That is not the case here. The official portion of the event will be over when you depart. Therefore, if your spouse does not wish to utilize public transportation, Uber, or Lyft, your spouse should depart with you for transportation in the government vehicle.

I am traveling to the Air Force Association Symposium in Orlando. I have been invited to speak in my official capacity. I am currently planning on renting a vehicle at the Orlando International Airport using the Defense Travel System. Can my spouse come with me to Orlando? Can my spouse drive the rental vehicle to go to a theme park while I am at the symposium?

Your spouse may not accompany you on the temporary duty unless your spouse is traveling under an Invitational Travel Authorization (ITA). Your spouse may travel with you in a personal capacity and purchase an airline ticket with personal funds. You might not be authorized a rental vehicle if the Symposium and your room are in the same facility; the decision to rent a vehicle is predicated on need, the distance involved, and other conditions justifying its use to further the Department's mission. If your spouse has an ITA, your spouse is authorized ground transportation in direct support of the invitation only. Regardless of ITA or personal travel, your spouse may not drive the government rental vehicle, and your spouse may not use the government rental vehicle to go to a theme park.¹⁷



MILITARY AIRCRAFT (MILAIR)

This section primarily applies to senior leaders who are authorized to use MilAir for official transportation. Generally, the spouse of an authorized traveler (DoD Sponsor) of MILAIR may not travel on government aircraft unless the spouse reimburses the government for such travel.¹⁸

However, the spouse of an authorized traveler may be able to travel on MilAir at government expense when their spouse's presence would further the interest of the DoD, the military service, or the command.¹⁹

I am traveling to Texas on official orders and authorized use of MILAIR. My spouse would like to accompany me to visit family in the area. The aircraft has room for my spouse. Can my spouse fly MILAIR with me?

Yes, but your spouse will have to reimburse the government for the cost of travel since your spouse is not traveling on official business under an Invitational Travel Authorization (ITA). When no official basis can be established for official (non-reimbursable) travel, in certain circumstances, spouses may travel at a personal expense in the company of senior DoD personnel who are traveling on official business. Such unofficial travel is authorized on military aircraft only on a non-interference basis, the aircraft must already be scheduled for an official purpose, official travelers must not be displaced, and the travel results in a negligible additional cost to the Government, or the Government is reimbursed commercial coach class fare rate.

I am traveling on official orders to the Department of Defense Wounded Warrior Games and authorized use of MILAIR. I will be providing opening remarks at several sporting events and presenting medals. My spouse has been asked by the Wounded Warrior Games committee to meet with Wounded Warrior families over the course of three days and present medals at two of the events. Can my spouse travel on MILAIR with me?

Yes, your spouse may travel on MILAIR on a non-reimbursable basis. As the DoD Sponsor, you must determine in advance that, in your judgment under the circumstances, your spouse's presence would further the interest of the DoD, military service, or command. One of the exceptions for non-reimbursable travel on government aircraft is when a spouse travels to attend a function in which the DoD Sponsor is participating in their official capacity and in which the spouse is to address those assembled or otherwise play an active role and visible part.²⁰ Further, AFI 24-602, Volume 1 allows for spouse travel on MILAIR on a non-reimbursable basis when attending a function (with or without the DoD Sponsor) where a substantial portion of those present are military families, or where the focus is on matters of particular concern to military families.

THE USE OF OFFICIAL REPRESENTATION FUNDS (ORF)

This section primarily applies to senior leaders who are authorized to use Official Representation Funds to entertain foreign dignitaries and prominent U.S. citizens. As a general matter, ORF is a type of Congressionally authorized emergency and extraordinary expense fund.²¹ Its purpose is to extend official courtesies of the United States to foreign and domestic dignitaries.²²

Within the Department of the Air Force Headquarters (HAF), SecAF, CSO, and CSAF have access to ORF. Other senior leaders may be granted limited access to ORF only with advance permission in special cases (e.g., when hosting on behalf or in place of SecAF, CSO, or CSAF). SAF/AA manages and approves the use of ORF in the HAF.

The use of ORF for officially hosted functions in connection with official events should be modest and comply with socially acceptable norms of American society, while jointly serving the policy objectives of the U.S. and the taxpayer. Other ORF expenditures, such as gifts, mementos, and non-perishable items purchased for approved events, may be made within specified monetary limits. To ensure the costs of official courtesies are modest and kept to a minimum, the guidelines for ratios of non-DoD authorized guests to DoD attendees (including spouses) are strictly controlled.

I have been invited to a luncheon paid for with ORF honoring the visit of foreign dignitaries, may my spouse accompany me?

No. Normally, spouses of DoD attendees shall not be included as members of the official party for ORF-funded events. However, DoD spouses (or non-spouse guests) may be included in the official party at such events when the spouses of authorized guests are invited and expected to attend, and the authorized host determines that attendance of DoD spouses is appropriate and desirable. Your invite to the ORF-sponsored event will include an invite to your spouse or a guest if such an invite is appropriate.

ORGANIZATIONAL COINS

The use of coins remains a common means of recognition of achievement across the Department of the Air Force. There are limits on the purchase and distribution of coins.²³

As a general rule, the purchase of coins and their use (who can receive coins purchased with a particular type of funds) is governed by the type of funds available for their purchase – keep the funding source in mind when determining whether a coin is authorized. In limited circumstances, Departmental activities may use appropriated (O&M) funds to purchase organizational coins for distribution as awards (an award for mission accomplishment must be established by an existing AFI 36-series instruction, such as AFMAN 36-2806).

Each proposed presentation of a coin purchased with official funds must be assessed by examining three key factors: purpose, funding, and the recipient. Be sure an appropriate Department of the Air Force instruction or supplement can be cited before coins are purchased. DAF guidance also prohibits the presentation of coins purchased with appropriated funds to non-appropriated fund personnel or non-DoD personnel, including DoD contractors. Care must be taken in designing, procuring, and monitoring the use of coins purchased with official funds. DAF guidance places some specific limits on wording that can be included on coins purchased with official funds. Care must also be taken to ensure that coins purchased with different sources of funds are segregated for accountability purposes and not used/distributed interchangeably. A record should be kept of the particulars of coin presentations, especially ORF-funded coins. If a senior official purchases coins with his/her own personal funds, then he/she can generally give them to whomever he/she chooses.

I purchased organizational coins with O&M funds, may I present one to my spouse or the spouse of a subordinate?

Yes, in certain circumstances. If the coin is used as an award under a recognized award program, for example, a Volunteer Excellence Award under DAFI 36-3009, an organizational coin purchased with O&M funds may be given to a spouse. If you purchased coins with your own personal funds, you may give one to whomever you choose.

RESOURCES

REFERENCES

- ¹ 5 CFR Part 2635 Subpart B
- ² 5 CFR § 2635.202(a)(1) – (2) (for soliciting such gifts) and (b)(1) – (2) (for accepting such gifts)
- ³ 5 CFR § 2635.203(f)(1)
- ⁴ 5 CFR § 2635.204(e) – Gifts based on outside business or employment relationships
- ⁵ See AFI 51-506, Gifts to the Department of the Air Force from Domestic and Foreign Sources
- ⁶ 5 CFR Part 2635 Subpart C
- ⁷ 5 CFR § 2635.302(a)(1) – (2).
- ⁸ 5 CFR § 2635.302(b)(1) – (2).
- ⁹ 5 CFR § 2635.303(b)(1) – (2).
- ¹⁰ 5 CFR § 2635.304(a)(3).
- ¹¹ 5 CFR § 2635.304(a)(1).
- ¹² CFR § 2635.204(b).
- ¹³ 5 CFR § 2635.304(c) and JER 2-203.
- ¹⁴ 5 C.F.R. 2635.704.
- ¹⁵ Department of Defense Manual (DoDM) 4500.36.
- ¹⁶ DoD Director of Admin and Management AI 109
- ¹⁷ AFI 24-301 and the DTMO U.S. Government Rental Car Program, <https://www.defensetravel.dod.mil/site/rentalCar.cfm>
- ¹⁸ DoDD 4500.56.
- ¹⁹ See AFI 24-602, Volume I for additional guidance that may allow for spouse travel on MILAIR without reimbursing the government
- ²⁰ See DoDD 4500.56.
- ²¹ 10 U.S.C. § 127.
- ²² AFI 65-603.
- ²³ See DAFMAN 65-601v1, Budget Guidance and Technical Procedures

