

GIFTS UPON PERMANENT CHANGE OF STATION (PCS) OR RETIREMENT

FACT SHEET

SUBJECT: Gifts Upon Permanent Change of Station (PCS) or Retirement

1. PURPOSE. To provide information on the rules for gifts upon a PCS or retirement. These rules apply to both soldiers and DoD civilian employees, all of whom will be referred to as "departing employees."

2. FACTS

a. As a general rule, the Joint Ethics Regulation (JER) permits an appropriate gift to a superior on special infrequent occasions. A PCS or retirement is a special infrequent occasion.

b. The value of the PCS/ETS gift should not normally exceed \$300 per donating group. Although there is no definition in the JER for a donating group, it is proper for each identifiable group or discrete organization to present a gift as a separate donating group. If an individual donates to more than one donating group, the groups are aggregated for purposes of determining the \$300 limit.

c. When soliciting contributions for a gift, you may not solicit a donation in excess of \$10 from an individual. An individual may, however, voluntarily offer to contribute more. Consider appointing junior personnel to solicit contributions to ensure individuals do not feel coerced into making a contribution.

d. A gift to a departing employee's spouse is considered a gift to the departing employee and is subject to the limitations above, unless there is an independent basis for the gift. An independent basis is one that is not linked directly to the person's status as a spouse. For example, a close friend may give a commander's spouse a gift upon the spouse's departure from Fort Leavenworth that honors their friendship. In that case, the gift does not have to be appropriate to the permanent change of station or uniquely linked to the tour of duty at Fort Leavenworth.

e. Gifts given to a departing employee and his or her spouse by a single donating group may not exceed a combined value of \$300, unless the gifts are appropriate to the permanent change of station and are uniquely linked to the tour of duty at Fort Leavenworth.

3. Violations of these provisions require the departing employee to either return the gift or pay fair market value. Additionally, such violations are likely to embarrass the departing employee and the Command.

4. Due to technical requirements, gifts exceeding \$300 should be coordinated with the Administrative Law Division, Office of the Staff Judge Advocate at 4-4926.