

# Raising Funds to Assist Co-Workers & Charitable Fundraising in the Workplace

## Employees Raising Funds to Assist Individual Co-workers

**1. Are you allowed to “pass the hat” among your USDA colleagues to collect money for a co-worker or supervisor who has experienced a personal tragedy or event? (e.g. a fire, flood, tornado, hurricane, illness or death.)**

**A:** Yes. According to the Office of Government Ethics (OGE), the ethics rules do not prohibit the collection of cash among employees for the benefit of **an individual employee (Emphasis added)**. These funds must be donated freely by co-workers without pressure or coercion. The donor determines the amount of the contribution. The collected donations may be given directly to the affected employee or used to purchase items or gift cards. Even though if it is permissible to provide an individual donation of cash directly to an affected employee, OGE recommends that individual gifts are bundled, so that the affected employee is not aware of the amount donated by each employee.

The collection of funds given directly to a co-worker is not considered “fundraising” under the ethics rules. “Fundraising” is defined as the raising of funds for a nonprofit organization. “Fundraising” for a charity is allowed only as part of the Consolidated Federal Campaign (CFC).

*(Note: Generally, the ethics rules prohibit you from giving a gift over \$10 to a co-worker who is in a more senior position. However, an exception to this rule allows you to contribute money to a more senior employee for a “special, infrequent occasion.” “Special, Infrequent Occasions” include both joyous events like weddings or births and personal tragedies like fires, floods, illnesses and deaths 5 C.F.R. 2635.304(b)).*

**Example 1:** *A USDA employee dies leaving a young child. Her co-workers may collect cash donations from USDA employees, and provide the funds to the family to assist with the child’s needs.*

**Example 2:** *A USDA employee’s house burns down. The Red Cross provides immediate assistance to the employee and his family. A USDA co-worker wants to raise funds for the Red Cross to be directed to the affected employee’s family. The USDA employee is prohibited from fundraising for a charity on government property and/or using government resources, except through the CFC campaign. Therefore, he may not conduct a Red Cross fundraising activity for the USDA employee’s family in the workplace.*

**Note:** Solicitations should not be sent by supervisors or management and should include explicit language stating that donations are voluntary.

**2. Are you allowed to collect money from co-workers to send flowers to a funeral?**

**A:** Yes. The contribution must be voluntary and given freely without pressure or coercion. The donor must determine the amount of the contribution.

**Example of email text:** “Many employees have asked for information about John’s memorial service. It is scheduled for this Saturday at (provide time, location, etc.) If you are interested in contributing funds for a flower arrangement to be displayed at the service please contact (name of employee contact.)

Note: Solicitations **should not** be sent by supervisors or management and should include explicit language stating that donations are voluntary.

### **3. Are you allowed to send out an e-mail notifying employees about a bank account that has been set up for an employee who has suffered a personal tragedy or event?**

**A:** Yes. If your Line Officer/Station Director approves, an email may be sent to the employee’s co-workers. The donations must be voluntary and the donor must determine the amount of the contribution.

**Example of email text:** “Employees have asked how they can help. A joint account at the Wells Fargo Bank is accepting donations. Those who are interested may contact any banking branch of a Wells Fargo Bank. The account is called the “Susan and John Smith Donation Account.”

Note: Solicitations **should not** be sent by supervisors or management and should include explicit language stating that donations are voluntary.

### **4. GoFundMe (Crowd-source-funding) Donations in the Federal Workplace (Disasters and Special Infrequent Occasions).**

**Q:** Can we distribute information about a GoFundMe (or other crowdsourcing) campaign for a **disaster-affected or (ill or deceased) co-worker**, to other Federal employees?

**A: Yes,** if your Line Officer/Station Director approves. This type of solicitation falls under the Special Infrequent Occasions exception in the rules for Gifts Between Employees. Just make sure you follow these guidelines:

- Solicitations **should not** be sent by supervisors or management and should include explicit language stating that donations are voluntary.
- Avoid using official email distribution lists.
- Time limits apply to ensure solicitations are actually “infrequent.” Contact us for more information.

#### **Certain GoFundMe activities are prohibited altogether:**

- You may not solicit donations for your own GoFundMe campaign, or for your family’s, on government time or equipment.

- You may not use government email to distribute GoFundMe links to people or organizations **outside** of the Federal government.
- While in the Federal workplace or using government equipment, you may not solicit donations for a GoFundMe campaign that benefits a nonprofit or charitable organization (e.g. Red Cross, St. Jude’s Children’s hospital) the Combined Federal Campaign is the only authorized workplace solicitation for such organizations.
- Federal employees may not solicit or accept GoFundMe donations from **prohibited sources** (aka any person or organization doing business with or that seeks to do business with the USDA). Thus, even where GoFundMe campaigns for the benefit of the employee are managed by another (friend or family member) **the employee is responsible for reviewing the donor list and returning any donations that come from prohibited sources**. Since this requires being able to identify the donor **no ‘anonymous’ donations may be accepted**.
- Federal employees should not be involved with ‘creating’ such pages or campaigns themselves (official government time and resources to create/administer a GoFundMe or other campaign is not permissible).
- An employee (or a person acting on the employee’s behalf) may not solicit a gift based on the employee’s federal employment. Therefore, an employee’s agency, title, or status as a federal employee should not be used in any such solicitation”. (Note: the agency should not distribute any link to a GoFundMe, or other, campaign that violates this rule).

Example: A law enforcement officer loses her house to a fire while out performing her FS duties. The employee’s family or friends may create a GoFundMe or other crowdsource funding campaign on her behalf but they may not use a photo of her in uniform next to her government (law enforcement) vehicle with text that indicates that she is a Forest Service Law Enforcement Officer. Additionally, the FS employee is responsible for reviewing the list of donors and returning donations to prohibited sources (a donation from Axon Inc, who supplies body cameras to the FS is a prohibited source). Lastly, since donors must be able to be identified no anonymous donations may be accepted.

## 5. Collections of Gifts-in-Kind (USDA Employee)

**Q: Are you allowed to conduct food/clothing/kitchen/toy drives to aid a USDA employee?**

**A:** Yes. Collection of in-kind of items (food, clothing, toys) are permitted in the workplace at any time of year with management and facilities approval (this is consistent with CFC authority 5 C.F.R. 950.102(b)).

- Note: the collection for a **USDA employee** also **may** include the donation of funds (see discussion above 1-4).

## 6. **Collections of Gifts-In-Kind (Charity):**

**Q: Are you allowed to conduct food/clothing/kitchen/toy drives to aid a charity in the community?**

**A: Yes.** Collections-in-kind of items (food, clothing, toys) are permitted in the workplace at any time of year with management and facilities approval. However, this is limited to the collection of in-kind items.

- Note: Collections-in-kind for charitable organizations **cannot** include the collection or donation of funds.

## 7. **Are you allowed to ask (solicit) a donation from a contract employee to assist a Federal employee?**

**A: No**, contract employees are not Federal employees. They are “prohibited sources” under the Federal ethics rules. You may not solicit funds or gifts from a prohibited source.

*(A “prohibited source” includes any person, company, or organization that does business with the USDA, is seeking to do business with the USDA, conducts operations that are regulated by the USDA, or has any interests that might be affected by the performance or non-performance of your official duties, or is an organization a majority of whose members are described above.)*

An agency employee may, however, accept an unsolicited gift from a contractor employee, if permitted by any of the gift exceptions (consult with ethics).

**Example:** An agency employee is organizing a dinner in honor of her supervisor’s upcoming retirement and would like to invite several contractor employees who share the same workplace. The agency employee may not solicit a contribution from the contractor personnel for a retirement gift. Any contractor personnel who attend the dinner may contribute their appropriate share for the cost of their own meals (which would not be considered a gift). Moreover, all employees of the same contractor may give the retiree a single, unsolicited gift valued at \$20 or less (OGE 06x7).

## **Recognized Employee Association (Welfare and Recreation Organizations) Fundraising**

### **8. May a **\*\*Recognized Employee Association (Welfare and Recreation Organizations)** solicit funds on federal property?**

**A: Yes**, a recognized employee association may collect funds in the workplace (among their members only) for the benefit of welfare funds for their members.

- Funds must be given freely without pressure or coercion.
- The donor (donating employee) must determine the amount of their own contribution.
  - (a) Solicitations are made **only to other members of the organization** who are current Federal employees *[solicitation of non-employee members and non-members on Federal property, is prohibited];*
  - (b) Solicitations are for organizational support or for the benefit of welfare funds for their members. *(e.g., an Employee Association could not solicit donations amongst its members to benefit a memorial scholarship given to a selectee at a local school as this would not be for the support of the association or benefit the welfare fund).*
  - (c) Members do not directly solicit from an employee member whom they know to be their subordinates;
  - (d) All messages and notices communicate that the event is **open only to members of the welfare and recreation organization**; and,
  - (e) Any member of a welfare and recreation organization may provide to that organization a written request that the organization not solicit donations from that member, either on or off Federal Property and on official time, and that request kept in the files of that organization, and honored, until the employee provides to the organization a written rescission of the request.

**\*\*NOTE** Only REA's which are established and duly recognized by the Dept or Agency under the rules and procedures set out in [USDA Departmental Directive 4020-251-01](#) may enjoy the privileges (facilities use, member solicitation, use of government email, etc.) set out above and in this directive [see also USFS Guidance Letter, "Authority to Approve Employee Welfare and Recreation Organizations" signed 2/23/2016, by Lenise Lago, Deputy Chief of Business Operations].

## **9. Are employees allowed to conduct a raffle (or sell tickets) on Federal property to raise money for an employee or for the employee association?**

**A: No.** Gambling is prohibited on Federal property. The legal definition of gambling requires three elements:

- (1) A game of chance: A game of chance includes, but is not limited to, a raffle, lottery, sports pool, game of cards, or any game for money or property.

- (2) Consideration for the opportunity to play the game: Consideration includes a participation fee, a wager of money, or something of value in return for the possibility of winning a reward or prize.
- (3) An offering of a prize: A prize would include a monetary award, or a tangible or intangible item. Examples include meals, drinks, gift certificates, tickets to events, or cash.

If an event meets all of these elements then it is prohibited and **neither the event/drawing nor ticket sales may occur on federal property** (OGE opinion 91x28).

***Example 1:*** An employee association wants to raise money for their activities by raffling off a new iPad. The association plans to charge employees \$5.00 a ticket. This activity meets all three of the elements of the “gambling” definition and, therefore both the ticket sales and the drawing itself are prohibited on Federal property.

## Charitable Donations in the Workplace

### 10. Are you allowed to start a fundraising drive in the workplace for a Charitable Organization (e.g. Red Cross) or for a ‘fund’ to support the victims (including federal employees) of a natural disaster?

**A:** Such fundraising drives are allowed only if the Director of the Office of Personnel Management (OPM) specifically authorizes it. Generally, OPM forbids charitable fundraising in the Federal workplace, except for the Combined Federal Campaign (CFC). The CFC is conducted during a specific time period, typically September 1 through December 15. The only charitable fundraising allowed in the workplace, inside or outside this time period, must be authorized by the **Director of OPM** to victims in cases of emergencies and disasters. Outside of the workplace, employees may donate to a charity of their choosing. If the Director of OPM authorizes a special fundraising drive involving Department or Agency employees, you will receive notification from the Office of the Secretary.

For example, following Hurricane Katrina (2005) the USDA obtained approval from OPM to establish fundraising capacity to assist hurricane victims who were USDA employees. Under that approval, the USDA had a Memorandum of Understanding (MOU) with the Federal Employee Education and Assistance (FEEA) organization. Employees could be solicited in the workplace, outside of the CFC, and donate to this FEEA administered USDA fund for the benefit of our employees who were victims of the disaster.

### 11. May an office display a tree with tags identifying gifts for employees to purchase for a charitable organization or for a family in need?

**A: Yes.** This event is similar to a clothing or toy drive. In-kind donations of items or goods are allowed at any time of year. However, no cash may be donated to the charity (see 5-6 above).

- General-use prepaid gift cards (e.g., those with a Visa/Mastercard/American Express logo) are considered cash equivalents and cannot be contributed.
- Store gift cards are not considered cash equivalents and may be contributed.

**Example:** *The Regional Office sets up a Salvation Army holiday giving tree in the lobby of the building. The tree is decorated with gift tags. Each tag contains the description of an individual person and a specific item that the individual needs. USDA employees may choose a tag and purchase the gift or a store gift card to put under the tree.*

**12. Are you allowed to send an email note to USDA employees identifying charities for donations on behalf of a deceased colleague?**

**A: No.** You may not use your official position/title/status to endorse any organization or to give the impression that the agency sanctions such activities. However, you may send to employees a link to an obituary notice in the newspaper or the funeral home. Often those notices contain information from the family regarding charitable donations.

**Example** of allowed email text: *Tragically, USDA employee Sally Smith died Monday, August 28, in an auto accident near her home in Alexandria, Virginia. The funeral for Ms. Smith is scheduled for Monday, September 3. If you would like to contribute funds for a floral arrangement, please contact Bob Johnson at (phone number and email address.) For information about the funeral USDAs, please visit [http://www.funeral home/obituary](http://www.funeralhome/obituary).*

**Example** of prohibited email text: *Tragically, USDA employee Sally Smith died Monday, August 28 in an auto accident near her home in Alexandria, Virginia. The funeral for Ms. Smith is scheduled for Monday, September 3. As many of you know, Ms. Smith was a leader in the Girls Club of America organization. Her family has indicated they would appreciate donations in Ms. Smith's name to be sent to the Virginia Girls Club chapter.*

***This overview is only designed to provide general information over a broad area. If you have questions, please contact us at:***

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