



Recce Town JA Newsletter

A Publication of the 9 RW Legal Office

17801 Warren Shingle Road
Beale AFB, California 95903

<https://aflegalassistance.law.af.mil>

November 2018

Legal Assistance Corner

Fundraising

Hello Beale AFB! I am First Lieutenant Kate Mudrak, a new Assistant Staff Judge Advocate here at Beale and your Chief of Legal Assistance. Today we are going to talk about Fundraising and the new changes to AFI 36-3101. You read that right –

NEW CHANGES!

OTHER FUNDRAISING (5.1)

- Ad hoc fundraising should *generally* not interfere with Combined Federal Campaign or Air Force Assistance Fund Campaigns; **however**, because of the annual timing, fundraising to support **unit holiday parties** is allowed during CFC.
- No workplace (desk-to-desk) fundraising or payroll deductions are authorized to support non-federal entities or private organizations other than AFAP and CFC. That means, sorry, no fundraising for the Salvation Army, homeless shelters, food kitchens, etc... during this time period.

“FOR US, BY US” (5.3.4)

• “For us, by us” funds are monies temporarily held by AF employees acting in official capacity for various small unit based activities. JER 3-210 allows “for us, by us” fundraising to support member and their families. **BUT** – private organizations **CANNOT** engage in “for us, by us” fundraising ever, even if the PO is primarily all service members and their families. Here are some examples of permitted “for us, by us” events in which funds may be collected:

- A unit collects funds for food and drink for an AF-hosted conference or meeting before that meeting occurs. Sometimes these are called “landing fees” and the purpose is so food and drink can be bought beforehand without the person buying it having to pay out of pocket and rely on reimbursement. This is allowed – including desk-to-desk collections.
- Small cash collections are allowed when a unit wants to assist another member in a personal misfortune (i.e. flowers for the death of a loved one, money for hotel after a house fire, etc...) But if you are going to solicit funds of this nature – read over the rules in 5 CFR 2635 Subset C because these types of gifts must always be voluntary, anonymous, and amount solicited should never be more than \$10.
- Funds for unofficial unit social events, like holiday parties and farewell parties, can be collected when the those funds will be used for the social event like paying for the venue, buying food and drink, and even gifts for the honoree – but again, pay attention to 5 CFR 2635 subset C to make sure the gift is on the up and up. *(continued to next column)*

- Also remember: these funds cannot have more than \$1000 in them over a three-month period unless you want to apply to be a private organization (of which you cannot engage in “for us, by us” anymore once PO status happens)
- Commanders should implement two-person accountability over the funds – one officer and one NCO is recommended.
- Events in which “for us, by us” money is used should be short events (lunch hour is appropriate,) and setup/cleanup may be authorized during duty day while in uniform.
- Supervisors should not act as sellers of goods or services during these events to avoid the appearance of coercion or favoritism.

OCCASIONAL (5.5)

- For Private Organizations wanting to hold fundraisers, the new definition for “Occasional” is **no more than three times per quarter**. It used to be two per quarter.

5 CFR 2635 Subset C (Gifts between Federal Employees)

General Rules:

- (1) Employees cannot give a gift or ask for money for a gift that will be given to an official superior.
- (2) Employee cannot accept gifts from someone who receives less pay than he or she does. Exception: if the two employees are personal friends and are not in a subordinate/superior relationship, then a gift may be given when one person makes less than the other.

Exceptions to the Rule:

\$10 or less

Food to be shared by the office among everyone

Customary personal hospitality provided at a residence (like bringing a bottle of wine to a dinner party)

Special (Infrequent) Occasions like celebrating marriage, birth, or adoptions

Going-away parties that end the subordinate/supervisor relationship, retirement, or resignation.

****Must be voluntary!**

I hope this article has been helpful in giving you some guidance on the changes to fundraising in AFI 36-3101. If you have any further questions, you may always make a legal assistance appointment and I’ll be glad to talk you through it in more detail.

1st Lt Katherine E. Mudrak
Chief of Legal Assistance

THIS PUBLICATION IS FOR GENERAL INFORMATION ONLY
AND SHOULD NOT BE RELIED ON AS LEGAL ADVICE.

FOR LEGAL ADVICE ABOUT A SPECIFIC SITUATION PLEASE
CONTACT THE LEGAL OFFICE AT 634-2928.