

Subject: De Minimis Gifts for Employees (small employee gifts of appreciation)	Author: Kerry Kohl
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In general, a de minimis benefit is one for which, considering its value and the frequency with which it is provided, is so small as to make accounting for it unreasonable or impractical. This would include such items as:

- Occasional employee use of photocopier
- Occasional snacks, coffee, doughnuts, etc.
- Occasional tickets for entertainment events
- **Holiday gifts, Gifts of Appreciation**
- Flowers, fruit, etc., provided under special circumstances

In determining whether a benefit is de minimis, you should always consider its frequency and its value. An essential element of a de minimis benefit is that it is **occasional** or **unusual** in frequency. It also must not be a form of disguised compensation. The IRS has ruled that non-cash items (tangible gifts) with a value exceeding \$100 could not be considered de minimis and would need to be reported on a W-2 or 1099-Misc. form. In cases where an employee is presented with **any** form of cash payment as a reward/award, the payment should be made via the Payroll process. If the employee is presented with any form of non-cash gift and the value is greater than \$100, the employee will be required to complete a W-9 form prior to disbursement of the item. The University may be required to report this payment on their W-2 at the end of the calendar year. Any gift in the form of cash or any non-cash gift (**including gift cards/certificates that are redeemable for general merchandise of any amount**) or have a cash equivalent value are not a de minimis benefit and are taxable.

Please see the following link to the IRS's website for further clarification:

<http://www.irs.gov/govt/fslg/article/0,,id=184791,00.html>

Departments are encouraged to work with the Controller's Office when planning these transactions to ensure that they are handled in an appropriate manner. Blanket approval for recurring awards may be given.