

# ETHICS HANDBOOK

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## I. INTRODUCTION

The purpose of this Handbook is to lay out the framework for employees to understand their ethics responsibilities thereby ensuring that employees impartially carry out the governmental responsibilities entrusted to them, and that they serve as good stewards of public resources. Toward these goals, the mission of the ethics program centers on preventing conflicts of interest and the appearance of conflicts of interest that stem from financial interests, business or personal relationships, misuse of official position, official time, or public resources, and the receipt of gifts.

The Designated Agency Ethics Official or DAEO and any Alternates serve as Ethics Advisors for employees. They are available to discuss any questions or concerns that relate to ethics. Employees may contact them directly for advice or guidance. The Ethics Advisors also conduct annual ethics training, which is required for all employees, and oversee the annual financial disclosure process.

- A. The DAEO is Dev Jagadesan, Deputy General Counsel for Administration.
- B. The ADAEO is Nichole Skoyles, Administrative Counsel.
- C. The federal agency responsible for ethics in government is the Office of Government Ethics (OGE). They maintain a public web page with information on all aspects of federal executive branch ethics at [oge.gov](http://oge.gov).

## II. PRINCIPLES OF ETHICAL CONDUCT FOR FEDERAL EMPLOYEES

Public service is a public trust. Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws, and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in 5 CFR 2635.101 as well as the implementing standards set forth in the Code of Federal Regulations and supplemental agency regulations.

1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow improper use of such information to further any private interest.
4. An employee shall not, except as permitted by the Standards of Ethical Conduct, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.
6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.

13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in the Standards of Ethical Conduct. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

### III. GIFTS FROM OUTSIDE SOURCES

#### A. Definitions

1. “Gift” is defined in 5 CFR 2635.203(b). It includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement. The federal regulation contains numerous exceptions to this definition. Employees should consult an ethics advisor for assistance with specific situations.
2. A “prohibited source” is any person or entity who
  - a. Is seeking official action by the agency;
  - b. Does business or seeks to do business with the agency;
  - c. Conducts activities regulated by the agency;
  - d. Has interests that may be substantially affected by the performance or nonperformance of an employee’s official duties; or,
  - e. Is an organization the majority of whose members are (a)- (d) above.

**B. Responsibility:** Every employee has a fundamental responsibility to the nation and its citizens to place loyalty to the Constitution, laws, and ethical principles above private gain. An employee’s actions should promote the public trust that this responsibility is being met. For this reason, employees should consider declining otherwise permissible gifts if they believe that a reasonable person with knowledge of the relevant facts would question his or her integrity or impartiality as a result of accepting a gift.

**C. Solicitation and Acceptance:** Employees are not permitted to directly or indirectly solicit or accept gifts from a prohibited source. Employees may not solicit or accept a gift to be given because of the employee’s official position.

**D. Minimal Value:** An employee may accept and retain a gift of minimal value (but not cash). “Minimal value” is set by regulation at \$20 per occasion with an aggregate total of \$50 per calendar year from a single giver.

- E. **Special Circumstances:** If an employee is offered a gift of personal property while on official travel or from a foreign source, and refusal of the gift would be likely to have a negative effect on the interests of the United States (e.g., refusal is very likely to cause embarrassment to the giver or cause conflicts with local customs and practices), the employee may accept the gift on behalf of agency. (*Note: In such situations, the employee may take into consideration the value of the proffered gift and choose to decline a gift the value of which may cause a reasonable person to question the employee's integrity.*) Any gift accepted under these circumstances should be deposited with an ethics advisor as soon as reasonably possible. The ethics advisor will determine the value of the gift. If it is of minimal value, the employee will be given the option to keep it. If it exceeds minimal value, it becomes agency property.
- F. **Meals, Refreshments and Entertainment in Foreign Countries:** If an employee is traveling outside the United States on official business, he or she may accept an unsolicited offer of meals, refreshments, and entertainment in the course of a breakfast, luncheon, dinner or other meeting or event if all of the following conditions are met:
1. The market value in the foreign location of the food, refreshments, or entertainment provided at the meeting or event does not exceed the per diem rate allowable for the location.
  2. There is participation in the meeting or event by non-US citizens or by representatives of foreign entities or governments.
  3. Attendance at the meeting or event is part of the employee's official duties.
  4. The gift of meals, refreshments, or entertainment is from a person other than a foreign government.
- Employees are strongly encouraged to document any such occasion, including the names of the person or persons in attendance, what official business was conducted during the meal or event, and the date of the meal or event.
- G. **Social Events:** An employee may accept food, refreshments, and entertainment for the employee and an accompanying spouse or other guest, at a social event attended by several persons if:
1. The invitation is unsolicited and is from a person who is not a prohibited source;

2. No fee is charged to any person in attendance; and
  3. If either the sponsor of the event or the person extending the invitation is not an individual an ethics advisor has made a written determination that the employee's attendance would not cause a reasonable person with knowledge of the relevant facts to question the employee's integrity or impartiality.
- H. **Perishable Items:** A gift that is perishable and exceeds minimal value (e.g., cookies, flowers) should be shared with other employees in the office or disposed of.
- I. **Modest Refreshments:** An employee may accept modest items of food and non-alcoholic refreshments, such as soft drinks, coffee and donuts offered other than as part of a meal.
- J. **Rewards and Prizes:** An employee may accept rewards and prizes given to competitors in contests or events, including random drawings, open to the public unless the employee's entry into the contest or event is required as part of the employee's official duties.
- K. **Free Attendance:** A gift of free attendance to an event provided by the sponsor of the event may be accepted if,
1. The employee is assigned to present information on behalf of the agency at the event on any day when the employee is presenting; or
  2. The employee's presence on any day of the event is deemed to be essential by the agency to a presenting employee's participation in the event, provided that the employee is accompanying the presenting employee.

Free attendance for the spouse or one other guest of the presenting employee on any day when the employee is presenting may be accepted provided that others in attendance will generally be accompanied by a spouse or other guest, the offer of free attendance for the spouse or other guest is unsolicited, and an ethics advisor, orally or in writing, has authorized the presenting employee to accept.

- L. **Payment for Gift:** An employee may accept anything for which he or she has paid market value, which is defined as the cost that a member of the general public would reasonably expect to incur to purchase the gift. An employee who cannot ascertain the market value of a gift may estimate its market value by reference to the retail cost of similar items of like quality. The market value of a gift of a ticket entitling the holder to food,

refreshments, entertainment, or any other benefit is deemed to be the face value of the ticket. Employees are advised to document any transaction where they purchase a gift offered by a prohibited source or because of their official position.

- M. **Widely Attended Gatherings:** If an employee receives an unsolicited invitation of free attendance at a widely attended gathering, and the value of attendance is greater than \$20, the employee should file a Widely Attended Gatherings form (on the MyForms web page) to receive approval from the employee's supervisor and an ethics advisor before attending the event. A gathering is widely attended if it is expected that a large number of persons will attend, that persons with a diversity of views or interests will be present, and that there will be an opportunity to exchange ideas and views among invited persons.
- N. **Limitations on Use of Exceptions:** Notwithstanding any exception provided by regulation or rule, an employee may not:
1. accept a gift in return for being influenced in the performance of an official act;
  2. use or permit the use of the employee's official position, or any authority associated with their position, to solicit or coerce the offering of a gift;
  3. accept gifts from the same or different sources on a basis so frequent that a reasonable person would be led to believe the employee is using their public office for private gain;
  4. accept a gift in violation of any statute; or
  5. accept a gift in violation of any Executive Order.

#### IV. GIFTS AND DECORATIONS FROM FOREIGN GOVERNMENTS

- A. **Definition:** The term “employee” includes a person directly employed by agency, working for agency under an expert or consultant contract pursuant to 5 USC 3109 (or performing those services for an organization under contract under that provision), or serving under a personal services contract. It also includes the spouse and dependents of such persons.
- B. **Prohibition:** An employee may not request or otherwise encourage the tender of a gift or decoration from a foreign government and may not accept a gift or decoration except in accordance with the provisions of applicable law.
- C. **Acceptance of Gift of Minimal Value:** An employee may accept a gift or decoration from a foreign government as a souvenir or mark of courtesy if it is valued below the minimal value set by the General Services Administration when it is tendered and received. The employee is required to report receipt of the gift or decoration and deposit it with the DAEO.
- D. **Travel or Expenses:** With prior approval by the CEO and concurrence of the DAEO, an employee may accept from a foreign government gifts of travel or expenses for travel taking place entirely outside the United States (such as transportation, food, and lodging), when such acceptance is appropriate and consistent with the interests of the United States. When requesting approval, the employee shall provide a copy of their travel orders as well as the following information: (1) a description of the travel with an itinerary and an explanation justifying the need for the travel, (2) the identity of the foreign government, (3) the identity of the foreign official making the offer, and, (4) the cost of the gift travel in U.S. dollars. Such a gift of travel may be accepted without prior authorization only under unforeseen circumstances, and the employee must notify the DAEO as soon as possible.
- E. **More than Minimal Value:** An employee may accept a gift or decoration having more than minimal value when it appears that to refuse the gift would likely cause offense or embarrassment or otherwise adversely affect the foreign relations of the United States. Employees should carefully consider whether refusal will, in fact, cause such harm. It is possible that in some situations the employee may avoid a problem by explaining that a federal law discourages acceptance of such gifts by federal employees. Any such gift shall become the property of agency and shall be deposited with

the DAEO as soon as possible, but in no event more than thirty (30) days after the employee's return to the agency.

- F. **Notice to be Provided:** An employee who accepts a gift or decoration of more than minimal value shall provide the information listed below to the DAEO within thirty (30) days of acceptance of the gift: (1) a brief description of the gift or decoration and the circumstances justifying its acceptance, (2) the identity of the foreign government, (3) the name and position of the foreign official who tendered the gift or decoration, (4) the date the gift or decoration was accepted, (5) a good-faith estimate of the value of the gift or decoration in United States dollars, and, (6) the date the gift or decoration was transferred to the DAEO.
- G. **Estimated Value:** It is the responsibility of the DAEO to determine an estimated value for all gifts and decorations received by employees from foreign governments. The DAEO's determination shall be final. If the estimated value is below minimal value, the DAEO will transfer custody of the gift or decoration to the employee.
- H. **Disposition of Gifts:** Gifts and decorations that exceed minimal value shall, at the discretion of the CEO, be returned to the donor or forwarded to the Administrator of the General Services Administration for transfer, donation, or disposal in accordance with applicable law.
- I. **Annual Report:** Not later than January 31st of each year, the Protocol Officer, with the assistance of the DAEO, shall file a report with the Department of State containing information about all gifts and decorations valued in excess of minimal value, in accordance with the requirements of applicable laws and regulations.

## V. GIFTS WITHIN THE AGENCY

- A. With some exceptions, an employee generally may not give a gift to or donate toward a gift for an official superior or solicit a contribution from another employee for a gift to either his own or the other employee's official superior. In addition, an employee may not accept a gift from an employee receiving less pay than himself 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.
- B. **Traditional Gift-Giving Occasions:** On occasions where gifts are traditionally given or exchanged (e.g., birthday, holidays, etc.) these prohibitions do not apply if any of the following apply:
1. The gift is an item (other than cash) with an aggregate market value of \$10 or less per occasion.
  2. The gift is food and refreshments to be shared in the office among several employees.
  3. It consists of personal hospitality provided at a residence which is of a type and value customarily provided by the employee to personal friends.
  4. It is an item given in connection with the receipt of personal hospitality if of a type and value customarily given on such occasions (e.g., a host or hostess gift).
  5. It is a gift of leave transferred under applicable federal regulations to an employee who is not an immediate superior.
- C. **Special, Infrequent Occasions:** A gift appropriate to the occasion may be given by an employee or group of employees to an official superior or accepted from a subordinate or an employee receiving less pay if it meets one of the following conditions: (1) it is in recognition of an infrequently occurring occasion of personal significance such as a marriage, illness, or birth or adoption of a child, or (2) it is an occasion that terminates a subordinate-official superior relationship, such as retirement, resignation, or transfer.

## VI. SEEKING OTHER EMPLOYMENT

When an employee is considering a career move outside the agency, they should take note of several federal requirements that may apply to their job search. It is a crime for a federal employee to participate in particular matters during their employment that may affect the interests of a prospective employer. A job-seeking employee may not use their official position to benefit a prospective employer. Any employee who is assigned to work on a matter involving a prospective employer should notify their supervisor and disqualify themselves from participating in the matter. Consultation with an ethics advisor is strongly recommended. (Note: employees who file a public financial disclosure statement are subject to additional requirements and should contact an ethics advisor for assistance.)

- A. **“Employment”** includes any form of non-federal employment or business relationship involving the provision of personal services by the employee whether or not the employee receives any consideration (e.g., pay, salary, commission, equity, or other tangible benefit). It includes but is not limited to personal services as an officer, director, employee, agent, attorney, consultant, contractor, general partner or trustee, and self-employment.
- B. **“Seeking employment”**: Engaging in negotiations for employment is considered to be seeking employment. This includes any discussion or communication mutually conducted with a view toward reaching an agreement on possible employment with the other person or entity. It also includes making an unsolicited communication to anyone (or their agent or intermediary) about possible employment. There are two exceptions to the unsolicited communications rule. If the communication was for the sole purpose of requesting a job application, or if the employee was merely submitting a resume or application they are not “making an unsolicited communication” for purposes of the law. In addition, an employee is not seeking employment if a search firm or other intermediary makes contact with the employee unless that person identifies the prospective employer to the employee.
- C. **Contact from Prospective Employer**: In many cases, an employee is contacted by a prospective employer first. If the employee makes any response other than rejection to an unsolicited communication from a prospective employer, they will be considered to be seeking employment. Deterring discussion for the foreseeable future does not negate this status.
- D. **No Longer Seeking Employment**: An employee is no longer considered to be seeking employment when the employee or the prospective employer rejects the possibility of employment and all discussions are at an end, or if

two months have passed since the employee last sent an unsolicited communication and has received no indication of interest from the prospective employer.

## VII. OUTSIDE EMPLOYMENT ACTIVITIES

Employees are prohibited from engaging in outside activities that conflict with their official duties. (5 CFR §2635.802) An outside activity will conflict with an employee’s official duties if it is prohibited by statute or under the standards set forth in 5 CFR §2635.402 and 5 CFR §2635.502, it would require the employee’s disqualification from matters so critical to the performance of his official duties that the employee’s ability to perform his job would be materially impaired.

- A. **Exclusion:** Prior approval is not required for an employee to serve as a volunteer for a non-profit organization, unless such service is as an officer, director, trustee, or related role.
- B. **Employee’s Status:** Outside activities must take place during the employee’s personal off-duty time or while in an approved leave status.
- C. **Procedure:** Employees must use the form on the MyForms web page to request approval of an outside activity. The request is routed to the employee’s supervisor for approval and then to an Ethics Advisor for review and approval.
- D. **Legal and Ethical Restrictions (in general):** The following table represents key federal laws affecting outside employment activities by employees. Employees are encouraged to contact an ethics advisor for assistance with questions related to outside activities.

Authority	Summary of Authority
18 USC §203 Bar on Receipt of Compensation for Representational Services	An employee may not receive compensation for the representation of anyone before any agency or court of the US (and certain other entities) on a matter in which the United States is a party or has a direct and substantial interest. This prohibition applies whether the employee renders the representation himself or shares in compensation from someone else's representation.
18 USC §205 Bar on Representations Before the Government	An employee may not act as an agent or attorney for prosecuting any claim against the US nor may the employee receive any gratuity or share in consideration for his assistance in prosecuting such claim. An employee may not act as an agent or attorney or otherwise represent anyone before an agency or court of the US (and certain other entities), with or without compensation, on a matter in which the US is a party or has a direct and substantial interest.

Authority	Summary of Authority
<p>18 USC §208 Bar on Acting in Matters Affecting a Financial Interest</p>	<p>An employee is prohibited from participating personally and substantially in a particular government matter if that matter will have a direct and predictable effect on the employee's own financial interest or on the interests of others that are imputed to him under the statute.</p>
<p>18 USC §209 Bar on Receiving Salary or a Supplementation of Salary from Any Source but the Government</p>	<p>An employee is prohibited from receiving any salary or contribution to or supplementation of salary from anyone but the Federal government as compensation for services as a government employee.</p>
<p>5 CFR §2635.502 Impartiality in Performing Official Duties</p>	<p>An employee should not participate in a particular matter involving specific parties in which the employee knows a person with whom the employee has a covered relationship is or represents a party if a reasonable person would question his impartiality.</p>
<p>5 CFR §§2635.702 – 705 Misuse of Position</p>	<p>An employee shall not use his public office for his own private gain or for the private gain of others with whom he is affiliated in a nongovernmental capacity. An employee shall not use or permit the use of his position, title or authority to: induce or coerce a benefit; to imply that his agency or the government sanctions or endorses his personal activities; or to endorse any product, service or enterprise. An employee shall not misuse nonpublic information, government property, or official time.</p>
<p>5 CFR §2635.802 Conflicting Outside Employment and Activities</p>	<p>An employee shall not engage in outside employment or any outside activity if:</p> <ol style="list-style-type: none"> <li>1. It is prohibited by statute or regulation; or</li> <li>2. It would require the employee's disqualification from matters so central or critical to the performance of his duties that it would materially impair his ability to perform his job.</li> </ol>
<p>5 CFR §2635.807 Teaching, Speaking and Writing</p>	<p>An employee shall not receive outside compensation for teaching, speaking or writing that relates to the employee's official duties per 5 CFR 2635.807(a)(2)(I).</p>
<p>5 CFR §2635.808 Fundraising Activities</p>	<p>An employee may engage in fundraising in his personal capacity provided he does NOT:</p> <ol style="list-style-type: none"> <li>1. Solicit funds from a subordinate or from anyone known to the employee to be a prohibited source; or,</li> </ol>

<b>Authority</b>	<b>Summary of Authority</b>
	2. Use or permit the use of his title, position or authority to further the fundraising effort.

## VIII. CONFLICTS OF INTEREST

- A. **Financial Conflicts:** A federal employee may not knowingly participate personally and substantially in a particular matter in which he or she (or certain other persons) has a financial interest if the particular matter has a direct and predictable effect on that financial interest. A “particular matter” is something that involves deliberation, decision, or action focused on the interests of a specific person or identifiable groups of persons. Particular matters include such things as applications for loans and insurance, contracts, claims, investment decisions, and employment decisions, to name a few. If an employee’s involvement in a particular matter is of significance to the matter—not merely perfunctory or only administrative—then it is “personal and substantial.” The issue turns on the importance of the employee’s effort or role in the particular matter. If there is a potential for gain or loss by the employee or someone whose interests are imputed to the employee from an official action on a particular matter, he or she has a “financial interest” in that matter. Examples of financial interests include stocks, bonds, partnership interests, real estate, employment and retirement benefits.
- B. **Imputed Interests:** In addition to an employee’s own financial interests, those of several other persons are attributable to the employee for purposes of the conflict of interest laws. Interests belonging to a spouse, minor child, partner in a general partnership, or an organization in which the employee serves as an officer, director, trustee, general partner, or employee are all imputed to the employee. In addition, interests of any person or organization with whom he or she may be negotiating or have any arrangement concerning prospective employment are imputed to the employee.
- C. **Exemptions:** There are several exemptions to the general rule of financial conflicts. The most commonly applied one relates to ownership of securities. If the financial interest is in securities (common and preferred stock, corporate bonds, municipal securities, long-term federal securities, and limited partnership interests) it is exempt from the prohibition so long as, (1) the securities are publicly-traded or are long-term government or municipal bonds, and, (2) their aggregate value does not exceed \$15,000. Interests held in diversified mutual funds are exempt, and interests in sector mutual funds are exempt under certain conditions. NOTE: this is an area where guidance from an ethics advisor can be very valuable.

- D. **Disclosure:** When in doubt about whether an employee may have a conflict, the best option is always disclosure. Employees are encouraged to talk to an ethics advisor as soon as they learn about the possible conflict. It is possible that the assignment will need to be given to another employee, so the sooner the potential conflict is addressed, the less difficult it will be for the matter to be reassigned. In rare cases an employee may need to be reassigned if recusal involves matters that are so central or critical to the performance of the employee's job that, for all practical purposes, the employee is unable to perform the duties of their job. In such cases, an employee may be required to divest the financial interest in order to remain employed.
- E. **Impartiality Conflicts:** Federal employees are required to treat all persons impartially when making decisions and exercising official authority. Impartiality requires that all persons having business with the agency be treated fairly without regard to any outside interests or personal connection. It is equally important to avoid even the appearance of a lack of impartiality. For example, when participating in a sporting event, one expects the referee to be impartial, otherwise one would not have confidence in his or her ability to fairly apply the rules. But if the referee were also a member of one of the teams in the game, anyone would have a right to be concerned that he or she would be biased in favor of their own team. In the context of the agency's work, it is of highest importance that every party (including the public) see the agency as impartial in its dealings. For this reason, the regulations prohibit an employee from being involved in a matter if it will directly affect the interests of persons with whom they have a "covered relationship." These include:
1. Members of an employee's household
  2. Relatives with whom an employee has a close personal relationship
  3. Anyone for whom the employee, his or her spouse, minor child or parent serves or seeks to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee
  4. Anyone with whom an employee has or are is seeking a business or financial relationship
  5. Anyone for whom an employee has served within one year as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee
  6. Any organization in which an employee is an active participant

## **IX. DISQUALIFICATION ARISING FROM PERSONAL OR POLITICAL RELATIONSHIP**

- A. Unless authorized under this section, no employee shall participate in facilitating or approval of support of a project if that employee has a personal or political relationship with:
1. Any person or organization substantially involved in the project seeking support from the Agency; or
  2. Any person or organization which the employee knows has a specific and substantial interest that would be directly affected by support to a project.
- B. An employee assigned to or otherwise participating in facilitating or approval of a project who believes that participation may be prohibited by this section shall report the matter and all attendant facts and circumstances to an ethics advisor. If the ethics advisor determines that a personal or political relationship exists between the employee and a person or organization described in paragraph (A) of this section, the ethics advisor shall recommend to the employee's supervisor that the employee be relieved from participation unless a written determination is made that:
1. The relationship will not have the effect of rendering the employee's service less than fully impartial and professional; and
  2. The employee's participation would not create an appearance of a conflict of interest likely to affect the public perception of the integrity of the approval process.
- C. **For the purposes of this section:**
1. "Political relationship" means a close identification with an elected official, a candidate (whether or not successful) for elective public office, a political party, or a campaign organization, arising from service as a principal adviser thereto or a principal official thereof; and
  2. "Personal relationship" means a close and substantial connection of the type normally viewed as likely to induce partiality. An employee is presumed to have a personal relationship with his father, mother, brother, sister, child and spouse. Whether relationships (including friendships) of an employee to other persons or organizations are "personal" must be judged on an individual basis with due regard given to the subjective opinion of the employee.

- D. This section pertains to agency management and is not intended to create rights enforceable by private individuals or organizations.

## X. MISUSE OF POSITION

The first Principle of Ethical Conduct reminds federal employees that “Public service is a public trust” and part of that trust means that they will not take advantage of public offices for personal gain—theirs or someone else’s. It is a misuse of that office to use influence or access in order to provide an unfair advantage to anyone seeking services, funding, contracts, or other benefits.

- A. **Confidential Information:** Misuse includes using non-public information, such as knowledge of pending transactions or confidential business information, to benefit one’s self or others. Employees may not engage in financial transactions using nonpublic information learned as part of their official duties. This includes information learned from customers as well as information created by the agency. It is advisable to assume that information is not publicly disclosable unless it is available on the agency’s web site. Queries about whether a piece of information is publicly disclosable should be directed to the FOIA Office.
- B. **Use of Public Office for Private Gain:** Employees are not allowed to use their positions for their own or another’s private gain, or for the endorsement of any product, service, or enterprise. They are also prohibited from using any position or title in any manner intended to coerce or induce another person—including a subordinate—to provide any benefit, financial or otherwise, to themselves or to friends, relatives or anyone with whom they are affiliated in a nongovernmental capacity. Fundraising activities during official business hours or using agency resources are not allowed unless they comply with federal workplace regulations on solicitations. The Combined Federal Campaign may directly solicit funds from employees. The agency may also occasionally engage as an agency in food or clothing drives as allowed by federal regulations. Outside of the agency, an employee may engage in fundraising in his or her personal capacity, but they may not personally solicit funds from a subordinate or a prohibited source, and may not use their title, position, or authority to further the fundraising effort.
- C. **Use of Government Property:** Employees have a duty to protect and conserve Government property and may not use it, or allow its use, for other than authorized purposes. This includes physical items such as office supplies, telecommunications equipment and services, records, and vehicles as well as the services of contractor personnel. Employees may make reasonable personal use of computers and related equipment, but

there is no expectation of privacy in any information created or stored in the agency's systems.

## **XI. POLITICAL ACTIVITIES**

The Hatch Act is the federal law that governs what federal employees may do when participating in the political process. Federal employees are permitted to engage in nearly every type of political activity, but they may not engage in them (1) on federal time, (2) in federal buildings, or (3) using federal resources. Here are some examples of things that employees are and are not permitted to do under the Hatch Act. Note that this list is not exhaustive, and employees are encouraged to contact an ethics advisor with specific questions.

### **A. Permitted**

1. Be candidates for public office in nonpartisan elections
2. Register and vote as they choose
3. Assist in voter registration drives
4. Express opinions about candidates and issues
5. Contribute money to political organizations
6. Attend political fundraising functions
7. Attend and be active at political rallies and meetings
8. Join and be an active member of a political party or club
9. Sign nominating petitions
10. Campaign for or against referendum questions, constitutional amendments, municipal ordinances
11. Campaign for or against candidates in partisan elections
12. Make campaign speeches for candidates in partisan elections
13. Distribute campaign literature in partisan elections
14. Hold office in political clubs or parties including serving as a delegate to a convention
15. Work as volunteer pollwatchers, registrars, election judges, and campaign workers

### **B. Not Permitted**

1. Engaging in political activity while on duty

2. Soliciting, accepting, or receiving political contributions (unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee)
3. Using official authority or influence to interfere with an election
4. Knowingly soliciting or discouraging the political activity of any person who has business before the agency
5. Engaging in political activity while in any government office
6. Engaging in political activity while wearing any indicia of any federal agency
7. Engaging in political activity while using a government vehicle
8. Being a candidate for public office in partisan elections except for certain local elections (consult an ethics advisor in advance for more information)
9. Wearing political-themed buttons, clothing, etc. while on duty

## **XII. FINANCIAL DISCLOSURE**

- A. **Financial Disclosure Process:** The DAEO is responsible for establishing and maintaining a system for filing, reviewing, approving, and retaining financial disclosure reports that complies with the requirements of the Office of Government Ethics. The DAEO determines which positions require disclosure filing, maintains lists of the positions required to file and notifies employees who are required to file.
1. The DAEO will provide filers with information, including instructions on accessing online systems, to allow them to file financial disclosures.
  2. The contents, procedures, deadlines, and other requirements for financial disclosure filing are governed by federal regulations established by the Office of Government Ethics.
  3. Annual confidential financial disclosure reports must be filed no later than February 15 of each year unless an extension is granted by the DAEO.
  4. New entrant confidential financial disclosure reports are due by the thirtieth calendar day of employment unless an extension is granted by the DAEO.
  5. Annual public financial disclosure reports must be filed no later than May 15 of each year unless an extension is granted by the DAEO.
- B. **Additional Requirements for Public Financial Disclosure Filers:**
1. Public financial disclosure filers are required to file a written notification statement with the DAEO within three business days after commencing negotiations or entering into an agreement with a non-USG entity to accept post-employment or compensation.
  2. Public financial disclosure filers must execute a written recusal from participation in any particular matter that would have a direct and predictable effect on the financial interest of an entity with whom they are negotiating or have entered into an agreement for employment.
  3. Public financial disclosure filers are required to file monthly transaction disclosure reports for months in which they have a qualifying transaction.

4. In accordance with the law and applicable regulations, the agency is required to make public financial disclosure reports available to the public upon request. A request must be in writing and must comply with the requirements of 5 CFR 2634.603.
  5. On or before the thirtieth day after termination of employment in a public financial disclosure filing position, the former employee is required to file a termination public financial disclosure report. The DAEO may grant extensions to the filing period.
- C. **Public Financial Disclosure:** The following categories of persons are required to file public financial disclosure reports.
1. Chief Executive Officer
  2. Deputy Chief Executive Officer
  3. Vice Presidents
  4. Employees, including Special Government Employees, in positions that are excepted from the competitive service by reason of being of a confidential or policy-making character.
  5. Any employee not otherwise described above whose position is classified above GS-15 of the General Schedule, or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate equal to or greater than 120% of the minimum rate of basic pay for GS-15 of the General Schedule.
  6. The Designated Agency Ethics Official (DAEO)
  7. Any employee whose position is designated as a public disclosure filer position.
  8. If an employee occupies a filing position but is not reasonably expected to perform the duties of the office or position for more than 60 calendar days in any calendar year, he shall not be required to file a public financial disclosure.
- D. **Confidential Financial Disclosure:** Confidential financial disclosure reports are confidential by law and may not be disclosed to any member of the public except as provided by federal court order or in accordance with the Privacy Act. Disclosure to agency officials or officials of other federal

entities must be approved by the DAEO. The following categories of employees are required to file annual confidential financial disclosure reports.

1. Any employee whose position is classified at GS-15 or below of the General Schedule, or the rate of basic pay for which is fixed, other than under the General Schedule, at a rate which is less than 120% of the minimum rate of basic pay for GS-15 of the General Schedule, whose position's duties and responsibilities require the employee to participate personally and substantially through decision or the exercise of significant judgment, and without substantial supervision and review, in taking official action regarding
  - a. Contracting or procurement;
  - b. Administering or monitoring grants, subsidies, licenses, or other federally conferred financial or operational benefits;
  - c. Other activities in which the final decision or action will have a direct and substantial economic effect on the interests of any non-Federal entity; or
  - d. The DAEO determines that the duties and responsibilities of the position require the employee to file such a report to avoid involvement in a real or apparent conflict of interest, and to carry out the purposes behind any statute, Executive Order, rule, or regulation applicable to or administered by the employee.
2. Members of the Board of Directors
3. Members of the Agency's advisory committee

### **XIII. REPORTING FRAUD, WASTE, AND ABUSE**

Employees who believe that any type of fraud, waste or abuse is occurring or has occurred within any program or activity are strongly encouraged to notify their supervisor and/or the Office of Inspector General.

### **XIV. ETHICS REGULATIONS AND LAWS**

The following links are provided to enable employees to reference relevant provisions of the federal regulations and laws. Click on the underlined text to open a web page for the law or regulation indicated.

- A. [5 CFR 2634 Executive Branch Financial Disclosure, Qualified Trusts, and Certificates of Divestiture](#)
- B. [5 CFR 2635 Standards of Ethical Conduct for Employees of the Executive Branch](#)
- C. [5 CFR 2641 Post-Employment Conflict of Interest Restrictions](#)
- D. [Compilation of Federal Ethics Laws](#)