ETHICS

National Guard
Technician Personnel Management Course
SMALL GROUP EXERCISE
Definitions

- **Ethics**: a subset of morals that deals with the behavior of a given profession

- **Ethical**: conforming to accepted professional standards of conduct
Ethical Conduct

*Principles* - public service is a public trust, requiring:

- Loyalty of employees
- Honest effort in performing duties
- Impartiality
Ethical Conduct

Principles (continued)

- Protection of Federal property
- Disclosures of waste, fraud and abuse, etc.
- Adherence to EEO laws
- Satisfaction of financial obligations
Ethical Conduct

Basic Concepts – employees shall…

- Apply principles to propriety of conduct
- Avoid appearance of violation of the law governing ethics (5 CFR Part 2635)
- Seek advice of agency “Ethics Official” (usually JAG) whenever in doubt
Ethical Issues

- Gifts from...
  - Outside sources
  - Between employees
- Conflicting financial interests
- Impartiality in performing official duties
Ethical Issues to be Considered

- Seeking other employment
- Misuse of position
- Outside activities
- Political/social activities
**Gifts from Outside Sources**

*Basic prohibitions:* an employee shall not solicit or accept a gift given because of his/her official position or from a prohibited source.
Gifts from Outside Sources

Exceptions:

- Unsolicited items less than $20 per occasion / $50 per CY from any one source
- Certain awards and honorary degrees
- Free attendance provided to an event the employee is participating in
- Travel/entertainment for employment purposes
Gifts from Outside Sources

- **Limitations on use of exceptions:** an employee may not use exceptions to solicit/coerce the offering of a gift or to accept gifts.

- **Disposition of gifts:** various methods – market value payment; return; donation; destruction; or in some cases, sharing.
Gifts Between Employees

- **Basic prohibition – an employee may not…**
  - Give to or solicit a gift from a superior
  - Accept a gift from a lower-paid employee, unless donor/recipient are not in a superior/subordinate relationship

- **Definition of a gift:** almost anything of monetary value
Gifts Between Employees

Exceptions:

- Items (non-cash) less than $10 per occasion
- Office shared food
- Personal hospitality at residence
- Leave sharing under OPM guidelines
- Infrequent occasion of personal significance or upon termination of superior/subordinate relationship
Conflicting Financial Interests

Employees financial interests are subject to criminal conflict of interest statute (18 U.S.C. 208) or agency supplement thereto.

Disqualifying interests affect finances of:

- Self
- General partner
- Spouse
- Minor child
- Others served
Official Duties

- **Impartiality in performance:** need specific authorization required if impartiality in question

- **Matters covered:** any involving interests of self, member of household, close personal or any business relationships

- **Disqualification:** applies (as under financial interests)
**Seeking Other Employment**

*Seeking other employment:* any form of non-federal business relationship involving provision of personal services. This includes…

- Mutually conducted employment negotiations
- Sending an unsolicited resume or proposal
- Employment contact by or through others
Misuse of Position

Involves:

- Use of public office for private gain
- Revelation of non-public information
- Unauthorized use of government property
- Performance of unofficial duties on official time
Outside Activities

*Restrictions imposed by other laws:*

- Acceptance of office/title/compensation from a foreign government
- Engaging in representational activities before the U.S. government
- Prohibition of employees’ participation in certain partisan political activities
Outside Activities

- When serving as an expert witness: must not represent anyone other than the U.S. if the U.S. is a party to or has a direct interest in any court proceedings
- Fundraising: may engage in charitable efforts if in a personal capacity
Outside Activities

- Teaching, speaking and writing: an employee shall not receive compensation if related to his/her official duties.

  (there are exceptions for teaching courses that may be related to duties)
Nepotism

(5 USC 3110/ 5 CFR210/ TPR 310.1)

- A public official may not appoint, promote or advocate employment of a relative within his/her agency
- *Who is a “public” official?* This category includes military or civilian personnel who have the authority to appoint, promote or recommend employment
Hatch Act – Political Activity of National Guard Technicians

(5 USC 7324/5 CFR 733)

Federal employees may…

- Be candidates for public office in nonpartisan elections
- Contribute money to political organizations
- Attend political fundraising functions
- Attend/be active at political rallies/meetings
- Make campaign speeches for candidates in partisan elections
- Hold office in political clubs or parties
Hatch Act – Political Activity of National Guard Technicians

(5 USC 7324/5 CFR 733)

*Federal employees may not*…

- Use official authority or influence to interfere with an election
- Solicit or discourage political activity of anyone with business before their agency
- Solicit or receive political contributions
- Be candidates for public office in partisan elections
- Engage in political activity while on duty
QUESTIONS