

# 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

