Department of Defense

Employees' Guide to the Standards of Conduct

Office of General Counsel
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Whom to Call for Advice

The **DLA Energy Chief Counsel** is the Deputy Designated Agency Ethics Official (DAEO) for DLA Energy. DLA Energy has two designated Ethics Counsel to assist employees and military members who serve in DLA Energy:

Ethics Counsel:

[redacted] 703-767-5004 [redacted]
703-767-5173

Ethics Assistant:

[redacted] 703-767-5015 [redacted]

IMPORTANT ADVICE

If you're not positive that what you are about to do is appropriate, ask your ethics official using the contact information above. One mission of the DLA Energy Office of Counsel is to advise DLA Energy personnel and assist them to accomplish their goals without violating the standards of conduct.

In fact, disciplinary action for violating the standards of conduct will **not** be taken against you if you act in good faith reliance upon the advice of your ethics official, if you have made full disclosure of the relevant circumstances.

This Handbook provides a general summary of the rules. It does not include every exception, every requirement, or all the factors that must be considered in making certain decisions. If you are unsure of your actions, call your ethics official before you act.

General Principles of Public Service

Do's	Don'ts
Place loyalty to the Constitution, the laws, and ethical principles above private gain	Don't use nonpublic information to benefit yourself or anyone else
Act impartially to all groups, persons, and organizations	Don't solicit or accept gifts from persons or parties that do business with or seek official action from DoD (unless permitted by an exception)
Give an honest effort in the performance of your duties	Don't make unauthorized commitments or promises that bind the Government
Protect and conserve Federal property	Don't use Federal property for unauthorized purposes
Disclose waste, fraud, abuse, and corruption to appropriate authorities	Don't take jobs or hold financial interests that conflict with your Government responsibilities
Fulfill in good faith your obligations as a citizen, and pay your Federal, State, and local taxes	Don't take actions that give the appearance that they are illegal or unethical
Comply with all laws providing equal opportunity to all persons, regardless of their race, color, religion, sex, national origin, age, or handicap	

Remember: Violating ethics principles may result in disciplinary or corrective action, including criminal prosecution. Protect yourself from disciplinary action by seeking the advice of your agency ethics official.

GIFTS

Gifts From Outside Sources

Rule: You may not accept a gift given:

- Because of your **official position**, or
- By a **prohibited source**

Regardless of any exceptions that allow accepting gifts, it is **always impermissible** to:

- Accept a gift in return for being influenced in the performance of an official act. This is a bribe!
- Solicit or coerce the offering of a gift
- Accept gifts from the same or different sources so frequently that a reasonable person would think you're using your office for private gain
- Accept a gift in violation of a statute

Patty, a DoD employee, meets informally every week with representatives of defense contractors, who customarily treat her to a small breakfast. Although an exception might permit acceptance of these small breakfasts, Patty's recurring practice of accepting them is improper.

What's a Prohibited Source?

A prohibited source is any person who is, or any organization a majority of whose members are:

- Seeking official action by DoD
- Doing or seeking to do business with DoD
- Regulated by DoD, or
- Substantially affected by the performance of <u>your</u> official duties

Joe, a Computer.Com representative, is seeking to do business with DoD. He invites members of the acquisition dept. to a golf tournament, which his company will pay for. DoD acquisitions personnel cannot accept the gift of free golf greens fees unless an exception to the gift rule applies, because Computer.Com, by seeking to do business with DoD, is a prohibited source.

What's a Gift?

Anything of monetary value.

What's Not a Gift?

Here are examples of items that are not defined as "gifts":

- Modest items of food and refreshments (like coffee and donuts) when not served as a meal
- Prizes in contests open to the public
- Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, intended only for presentation
- Commercial discounts available to the public or to all Government civilian or military personnel
- Anything the Government acquires by contract or otherwise legally accepts
- Anything for which you pay market value

You may accept cups of coffee offered by a contractor at no charge.

If you enter your business card in a drawing sponsored by a DoD contractor that is open to the public, you may keep the prize.

Gifts That You May Keep

Remember, you don't have to accept a gift. It may be smart, depending on the circumstances, to decline a gift, even when it is allowed by the exceptions below.

- Gifts valued at $20 or less, **but**
  - not cash or investment interests
  - not more than $50 in total from one source in a year
- Gifts motivated by personal relationships
- Certain discounts and similar benefits offered
  - by professional organizations
  - to groups unrelated to Government employment (such as AARP)
  - to groups in which membership is related to Government employment, if the same benefits are available to other, similar organizations. (e.g.: discounted loans to Gov't. credit union members.)
  - by a *non*-prohibited source to any group as long as not discriminatory on basis of rank, type of responsibility, or pay.
- Gifts resulting from your or your spouse's outside business activities

On each of his quarterly visits, a sales representative of Overpriced Computers Inc. gave Bonnie, a DoD employee, a company T-shirt, valued at $10 each. During that period, Bonnie's brother Steve, who also works for Overpriced Computers Inc., purchased for her a birthday present valued at $60. Bonnie may keep all of the gifts given to her. The T-shirts don't exceed the $50 annual limit from one source, and the gift from her brother Steve is the result of a personal, not business, relationship.

Tom was offered two tickets valued at $30 a piece to a baseball game from an employee of a defense contractor. Since the price of each ticket exceeds the $20 limit, Tom may only accept the tickets if he pays the contractor $60, the full market value of the tickets. (Paying only $40 is not permissible.)

- Free attendance provided by a state, local government, or tax exempt civic organization when there is a community relations interest
- Gifts accepted under specific statutory authority, such as certain gifts from a foreign government
- Certain educational scholarships and grants (consult a DoD ethics official)
- Free attendance, food, and entertainment (not travel) *when provided by a sponsor:*
  - of an event on the day that you are speaking or presenting information, **or**
  - of a widely attended gathering, provided that your supervisor determines that your attendance is in the agency's interest. (If the sponsor has interests that may be affected by you, an additional conflict of interest determination is required.)
- Free attendance, food, and entertainment (not travel) *provided by a person other than the sponsor* of a widely attended gathering, if:
  - the market value of the gift of free attendance is $335 or less and more than 100 persons are expected to attend, **and**
  - your supervisor determines that your attendance is in the agency's interest. (If the person has interests that may be affected by the employee, an additional conflict of interest determination is required.)
- Meals, lodging, transportation, and other benefits in connection with employment discussions
- Awards for meritorious public service or achievement, and honorary degrees – see your ethics counselor
- Travel benefits and free attendance from political organizations in connection with certain political activities
- Food and entertainment (not travel and lodging), at social events, if: (1) the invitation is not from a prohibited source, **and** (2) the event is free to all attendees.

On account of his DoD position, an arms trade association invites Jared, a DoD officer, to an industry-wide, one-day seminar sponsored by the association, a $200 value. He is also invited to dinner, which costs $100, at a restaurant after the seminar with several industry executives. Jared may accept the seminar invitation, provided that his supervisor determines that his attendance furthers DoD's interests. Jared may not accept the free dinner invitation, which is not part of the seminar and is closed to other interested participants.

An annual dinner is held by a veterans' service organization that costs $125 per person. Representatives from veterans' groups, Congress, and the media will attend. Several DoD employees are given free tickets by Big Guns, Inc. At the dinner, a veteran will be honored. Since it is a widely attended gathering, the DoD employee may be able to accept the free tickets if his or her ethics official determines more than 100 persons are expected to attend the event, and there is an agency interest in the DoD employee's attendance.

- Gifts of food and entertainment (not to exceed the per diem rate) at meetings or events attended in an official capacity in foreign areas, when (1) *not* provided by a foreign government **and** (2) non-U.S. citizens participate in the meeting or event

Foreign Gifts

Rule: Federal employees may accept gifts from foreign governments if the gift is below the "minimal value" which, in January 2008, is $335. Check with your ethics counselor about appraising the gift or what the current threshold is.

Disposition of Improper Gifts

Rule: If you are offered a gift that you cannot accept, you should:

- Decline the gift
- Return the gift, **or**
- Pay the donor the gift's market value

Under certain circumstances, perishable items may be:

- **donated to charity**
- **destroyed**
- **shared within the office**

(check with your ethics official)

Subsequent reciprocity is not a solution

Gifts Between Employees

Rule: You may not accept a gift from an employee who earns less than you (unless you have a personal relationship with the employee, and you are not in the chain of command)

Rule: You may not give, make a donation toward, or solicit a gift for someone superior to you in the chain of command.

Bill asks his 4 coworkers each to pitch in $20 to purchase a $100 golf putter for Doreen, their boss, for Christmas. Doreen invites the office to a New Year's party, serving meals valued at $25. Bill brings a $20 bottle of wine.

- **Bill may not solicit, and he and his coworkers may not give, their boss a group gift or individual gifts at Christmas that exceed $10.**
- **The dinner and the wine are both appropriate.**

Exceptions to the Rule

1. On an occasional basis, such as holidays or birthdays, you may give to a superior or receive from a subordinate:
   - Non-monetary gifts of up to $10

- Personal hospitality provided at a residence (or an appropriate host/hostess gift),
- Food or refreshments shared in the office

2. On special, infrequent occasions,
   - of personal significance, such as marriage, illness, or birth or adoption of a child
   - that terminate the chain of command, such as retirement, resignation, or transfer

   you may
   - solicit voluntary contributions up to $10/person for a group gift
   - give an appropriate gift to a superior
   - accept appropriate gifts and group gifts that do not exceed $300 from subordinates (See your ethics counselor for exceptions.)

Doreen decides to retire. Bill, who works for Doreen, gives her a $20 book and again solicits for a going-away gift. He would like to get her a golf-related desk set that costs about $50.

- **Bill may give the $20 book, as it is an appropriate gift**
- **Bill may also solicit for a gift and contribute toward the group gift**
- **Bill has learned his lesson and does not suggest an amount to contribute**

CONFLICTS OF INTEREST

Conflicting Financial Interests

Criminal Rule: You may not do government work on a particular matter that will affect the financial interest of:

- You
- Your spouse
- Your minor children
- Your general partner
- Organizations with which you're negotiating or have arrangements for future employment, **or**
- Any organization for which you serve as an employee, officer, director, trustee, or general partner

If you think you may have a conflicting financial interest, consult your DoD ethics official immediately to determine the appropriate remedy.

Bryan, a DoD procurement officer, is about to award a contract for new computers. His wife, Deanna, owns a computer sales business, which has bid on the contract. Bryan may not participate in the contract award decision, since the decision will affect his wife's financial interests.

Bribery and Graft

Rule: You may not seek or accept anything of value, other than your salary, for being influenced in your official duties.

Commercial Dealings Between DoD Employees

Rule: You may not knowingly solicit or make solicited sales to personnel who are junior in rank, grade, or position (or their families). This includes insurance, stocks, real estate, cosmetics, household supplies, and other such goods and services.

Sue operates a cosmetics sales business out of her home after hours. During the day she is a supervisor at DoD. She may not make solicited sales to her DoD subordinates or the job or after work by calling them at home.

Representation of Others in Matters Affecting Government

Rule: You generally may not represent anyone outside the Government before a Federal agency or court, or share in any compensation for such representations made by anybody else, if the Government is involved in the particular matter.

- There are limited exceptions.
- There are special exceptions for consultants.
- Check with your ethics official.

Supplementation of Federal Salary

Rule: You may not accept compensation from any source except the Government for your services as a Government employee.

This rule does not apply, if:

- you are a "special Government employee" – *i.e.*, a consultant, or
- you serve without compensation, or
- your supplementation is a result of a public service award

IMPARTIALITY IN PERFORMING OFFICIAL DUTIES

Rule: Maintain your impartiality. Don't participate in any particular DoD matter if:

- the matter is likely to affect the financial interest of a member of your household, or a person with whom you have a "covered relationship" is involved in the matter, **and**
- a reasonable person with knowledge of the relevant facts could question your impartiality.

A senior VP from Blatz Corp. recently resigned from Blatz to become a senior official in DoD. Shortly after his arrival, the official's office is tasked to decide whether or not to renew Blatz's contract with DoD. Because the senior official was employed by Blatz within the last year, he may not make the decision

Who may be in a "covered relationship"?

- A member of your household or a relative with whom you're close,
- Someone with whom you have or seek to have a business relationship, other than a routine consumer transaction,
- An organization (other than a political party) in which you actively participate,
- Someone with whom you had, within the last year, a close business relationship, such as partnership or employment, **or**
- Someone with whom your spouse, parent, or dependent child has (or seeks to have) a close business relationship, such as partnership or employment.

MISUSE OF POSITION

Rule: You may not use, or permit the use of, your Government position, title, or any authority associated with your office:

- To induce or coerce another person to provide any benefit to you or anyone with whom you are affiliated

The General Counsel has been asked by his college to serve on the Alumni Association. He may serve in his personal capacity, but may not allow his position as General Counsel to be used on the college letterhead or other promotional literature.

- To imply that DoD or the Government endorses personal activities
- To endorse any product, service, or enterprise, except as provided by statute or regulation

USE OF GOVERNMENT RESOURCES

Rule: Use Federal Government equipment and property, including communications systems, only for official purposes or authorized purposes as approved by your supervisor.

Rule: Use official time in an honest effort to perform official duties, and don't ask subordinates to perform tasks outside their official duties.

FUNDRAISING

Rule: You may raise funds for organizations in your personal capacity, but you may not use your official title, position, or authority to fundraise, nor may you solicit subordinates or prohibited sources.

Oscar, who is the deputy director of a DoD office, is in charge of raising funds for his son's Little League team. Oscar may not ask his subordinates to contribute.

TEACHING, SPEAKING, AND WRITING

Rule: You may accept payment for teaching, speaking, or writing that is unrelated to your official duties and that was not prepared on official time.

- If your employment by DoD is identified, you must make a disclaimer.

Stu, an ethics attorney at DoD, has been offered $1500 to teach a 1-day course on Federal ethics to employees at Big Contractor, Inc. Because the topic relates to his official duties, he may not accept the compensation.

OUTSIDE ACTIVITIES

Rule: If you file a financial disclosure report, you need your supervisor's prior written approval before you engage in business activity or employment with a DoD "prohibited source" (see page 2). Presidential appointees and certain non-career employees have additional restrictions – consult your ethics counselor.

Rule: You may not have outside employment or activities that would materially impair your ability to perform your duties.

Jill, who tests new computers for the office, wants to work on weekends for the vendor of those computers. Since her outside employment would cause a conflict of interest with her Government duties, she should not accept the job.

POLITICAL ACTIVITIES

Most Federal civilian employees may actively participate in political campaigns and other partisan activities. However, they may not engage in such activities on duty, or in any Federal workplace, vehicle, or while in uniform.

While the Hatch Act loosened restrictions on political activity for most Federal civilian employees, Federal laws still limit the political activities of military personnel, law enforcement, national security, and career SES employees. Moreover, by policy within DoD, employees appointed by the President and employees appointed by the Secretary to non-career SES positions may not engage in any activity that could be interpreted as associating DoD with any partisan cause or issue.

If you plan to engage in any partisan political activity, you should consult your ethics counselor.

EMPLOYMENT ISSUES

Janelle, a procurement specialist, is doing work as a Government employee on a contract worth $500,000. She is offered an interview for a job by the contractor. Janelle must disqualify or recuse herself and inform her supervisor and ethics official.

Seeking Employment

Rule: If you are seeking non-Federal employment (e.g., sending resumes to select employers), you may not do Government work on a particular matter that will affect the financial interests of any of your prospective employers. You must give a written disqualification statement to your supervisor.

Post-Government Employment

Rule: Always consult your ethics counselor before separating from the Government. He or she will advise you on the restrictions that will apply to your activities in the private sector in light of your specific duties and level of responsibility as a Government employee.

OFFICIAL TRAVEL BENEFITS

You may keep promotional items such as frequent flyer miles that are awarded for official travel that is funded by the Government. If Government travel is funded by a non-Federal entity, you may keep promotional items that are awarded for that travel if the non-Federal entity does not object.

You may also keep promotional items given to compensate you for being voluntarily bumped from a flight. You may voluntarily surrender your seat ONLY if doing so does not adversely affect the performance of your official duties and does not result in additional cost to the Government.

You may not keep promotional items given to compensate you for being involuntarily bumped from a flight.

SOURCES OF FURTHER INFORMATION

If you have further questions, consult your ethics counselor. In DLA Energy, contact ethics counsel by one of the means described on page ii.

Additional information is available in:

1. **Standards of Conduct for Employees of the Executive Branch**

   The U.S. Office of Government Ethics has developed a comprehensive set of regulations to assist Federal employees with their ethics questions. This is a primary source of guidance on ethics and standards of conduct. It may be found on the Office of Government Ethics website: www.usoge.gov.

2. **DoD 5500.7-R, the Joint Ethics Regulation ("JER")**

   The JER contains supplemental regulations for DoD employees.

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