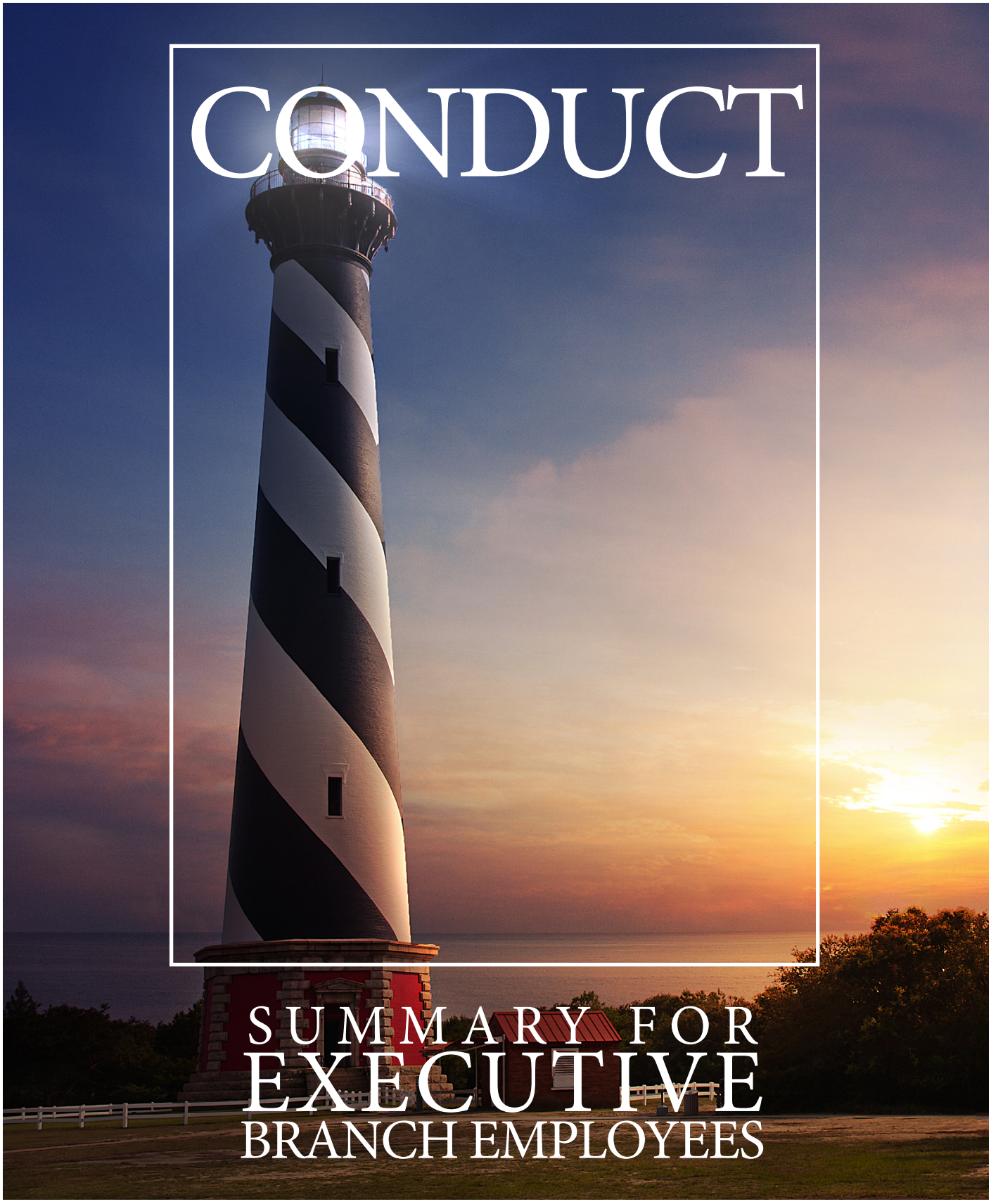
STANDARDS OF ETHICAL CONDUCT



SUMMARY FOR EXECUTIVE BRANCH EMPLOYEES

This booklet contains summaries of the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. These summaries are not a substitute for actual ethics advice. You should consult your agency ethics official for specific guidance about the application of these rules to your situation.

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As an employee, you cannot use your position with the Government for your own personal gain or for the benefit of others. This includes family, friends, neighbors, and persons or organizations that you are affiliated with.

1

USE OF GOVERNMENT POSITION

1

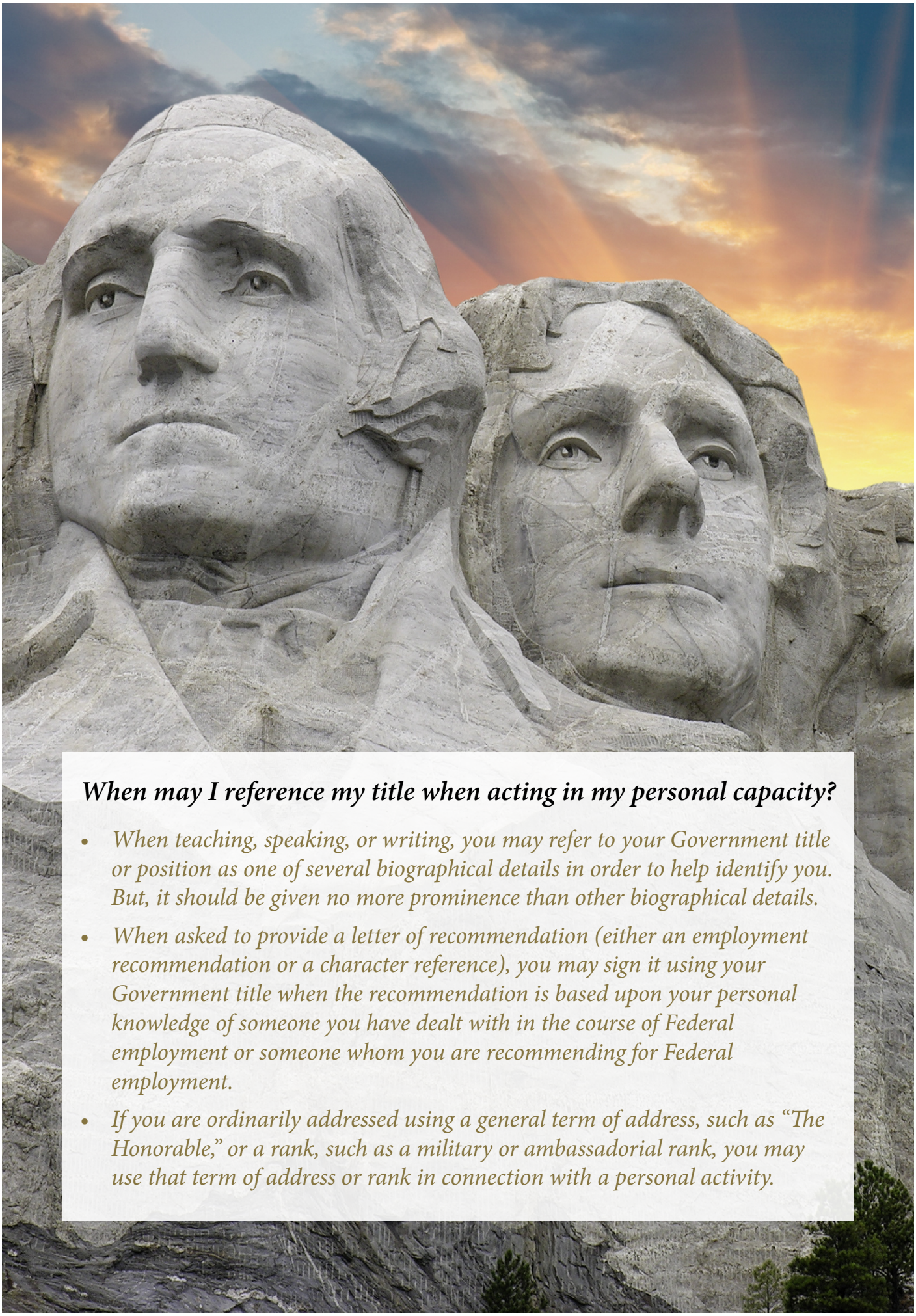
USE OF GOVERNMENT
POSITION AND RESOURCES

In order to ensure that your public office is not used for private gain, there are restrictions on your use of the authority associated with your Government position:

- **Inducement or coercion of benefits.** You may not use your Government position to induce or coerce anyone to provide a benefit to you or to another.
- **Endorsement.** You may not use your Government position to suggest that your agency or any part of the executive branch endorses organizations (including nonprofits), products, services, or people.
- **Use of title or agency's name.** Except in limited circumstances (see box), you may not use your Government title or agency's name to suggest that the agency or any part of the executive branch endorses your personal activities or the activities of another.

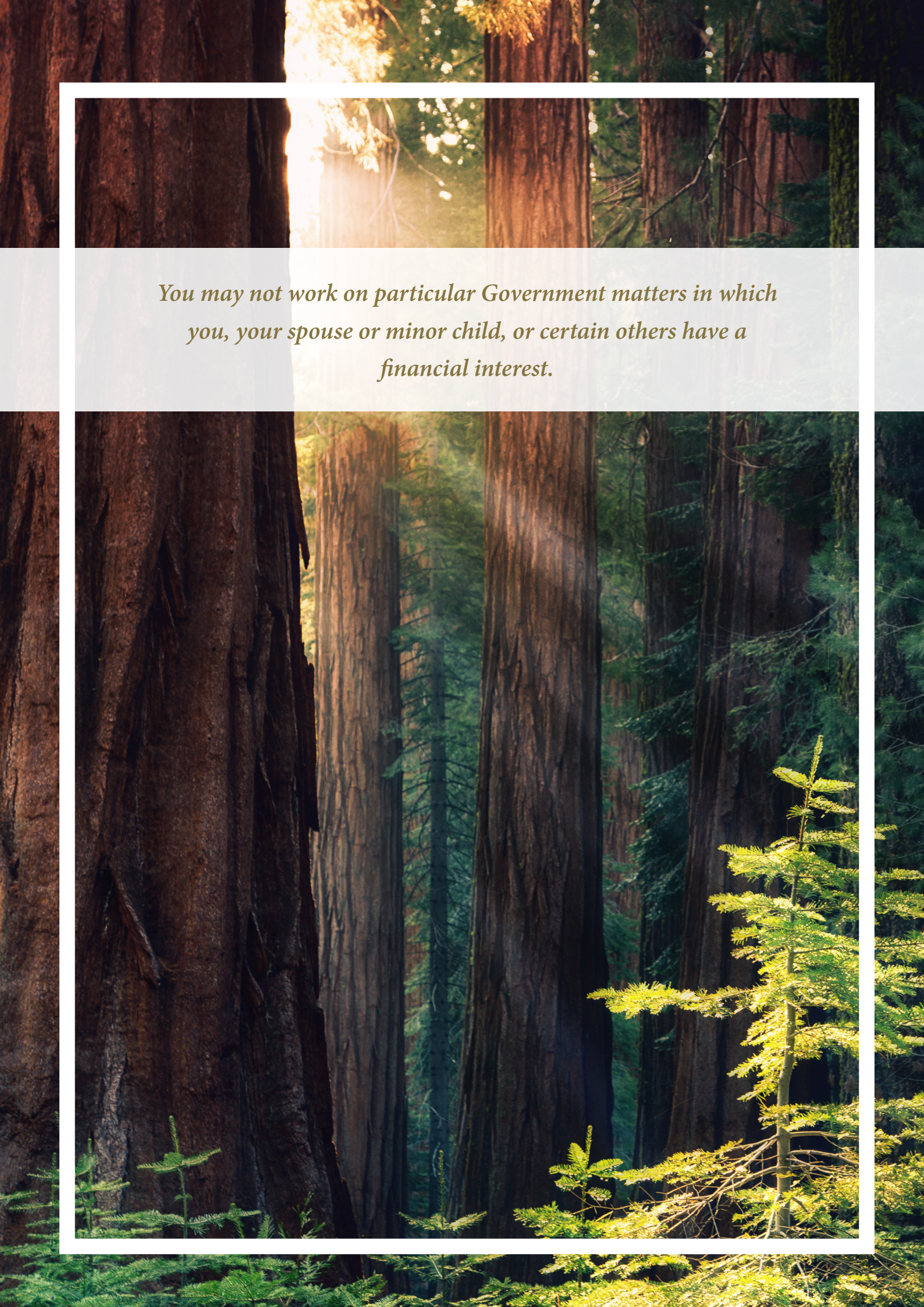
Likewise, there are also restrictions on the use of resources you have access to while performing your Government duties:

- **Use of Government information.** You may not use or allow the use of nonpublic Government information to further your own private interests or the private interests of others. If information has not been made known to the public and is not authorized to be made known upon request, then it is nonpublic information and cannot be disclosed.
- **Use of Government property.** You have a duty to protect and conserve Government property and may not use Government property, or allow its use, for purposes that aren't authorized.
- **Use of official time.** Except as otherwise authorized, you must use official time in an honest effort to perform your Government duties. Additionally, you may not ask or direct subordinates to perform activities other than those required in the performance of their Government duties.



When may I reference my title when acting in my personal capacity?

- *When teaching, speaking, or writing, you may refer to your Government title or position as one of several biographical details in order to help identify you. But, it should be given no more prominence than other biographical details.*
- *When asked to provide a letter of recommendation (either an employment recommendation or a character reference), you may sign it using your Government title when the recommendation is based upon your personal knowledge of someone you have dealt with in the course of Federal employment or someone whom you are recommending for Federal employment.*
- *If you are ordinarily addressed using a general term of address, such as "The Honorable," or a rank, such as a military or ambassadorial rank, you may use that term of address or rank in connection with a personal activity.*



You may not work on particular Government matters in which you, your spouse or minor child, or certain others have a financial interest.

2

CONFLICTING FINANCIAL INTEREST

CONFLICTING
FINANCIAL INTEREST

In addition to the Standards of Ethical Conduct, a criminal statute (18 U.S.C. section 208) prohibits you from working on Government matters that will affect your own personal financial interest, or the financial interests of certain other people, including:

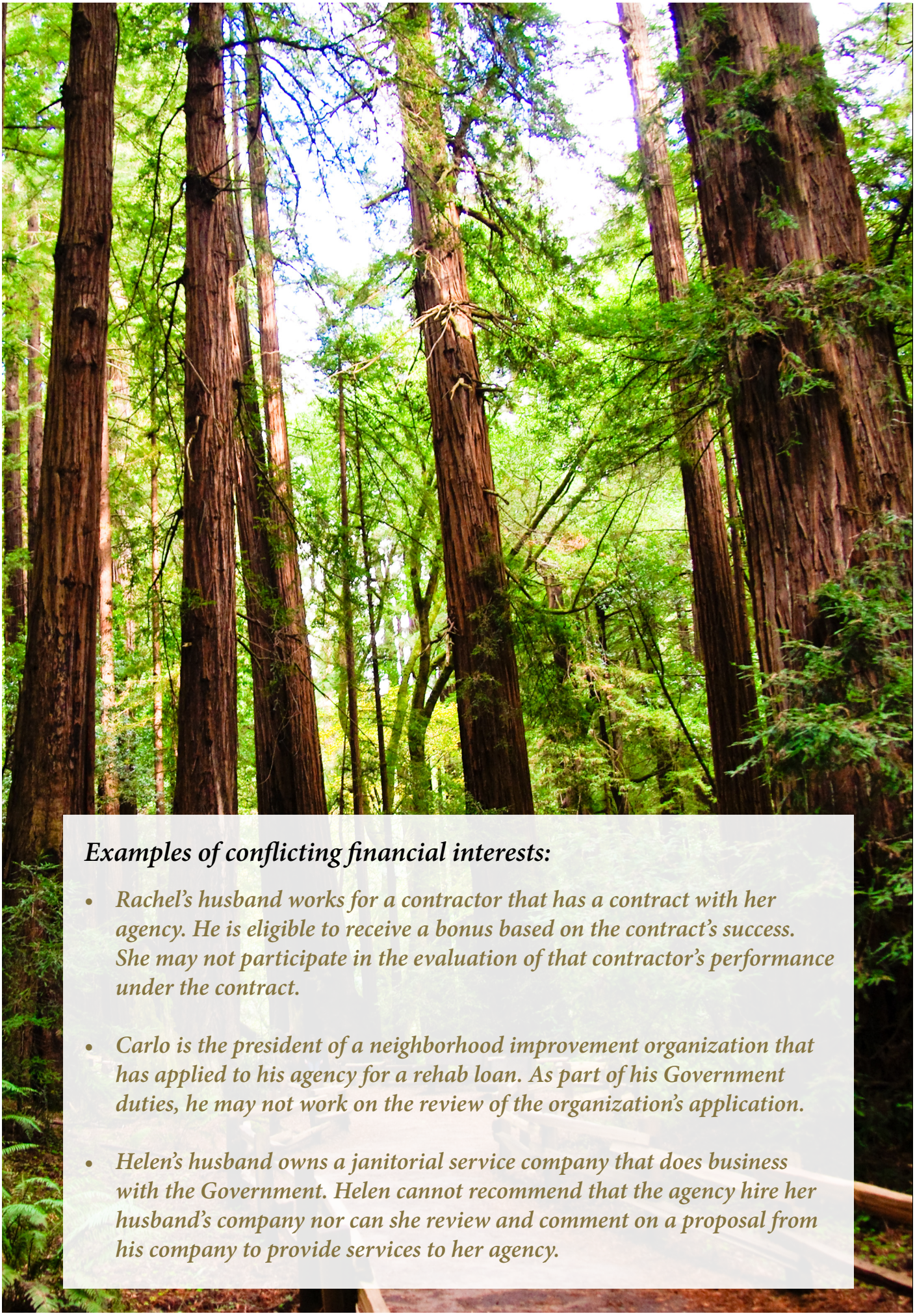
- **your spouse, minor child, or general partner;**
- **any organization in which you are serving as an officer, director, trustee, general partner or employee; and**
- **any person or organization with whom you are negotiating or have an arrangement for future employment.**

There are various ways you could experience a conflict of interest between the work you perform and a financial interest you or others hold. Stock ownership is one example. If you or your spouse or minor child owned $30,000 of stock in a company that would be affected by your job duties, you would not be able to perform those duties until certain measures are taken to resolve the conflict. This would be true even if the extent of the gain or loss is small or isn't known.

Keep in mind, however, that conflicts can arise from interests other than stock. For example, if you are on the board of directors of an organization, you could not act on a grant or contract that would benefit that organization.

In some cases, the law recognizes that your financial interest may be so remote or inconsequential that the interest should not prevent you from being involved in a particular assignment. However, your agency may also have additional restrictions that prohibit you from holding certain interests or outside positions.

If you think you might have a conflicting financial interest, you should discuss it with your supervisor or your ethics official. They can provide you with guidance to address the conflict. This might include not working on the Government matter, selling stocks, or resigning from an outside position. Your ethics official will be able to assist you with your particular circumstances.



Examples of conflicting financial interests:

- *Rachel's husband works for a contractor that has a contract with her agency. He is eligible to receive a bonus based on the contract's success. She may not participate in the evaluation of that contractor's performance under the contract.*

- *Carlo is the president of a neighborhood improvement organization that has applied to his agency for a rehab loan. As part of his Government duties, he may not work on the review of the organization's application.*

- *Helen's husband owns a janitorial service company that does business with the Government. Helen cannot recommend that the agency hire her husband's company nor can she review and comment on a proposal from his company to provide services to her agency.*

In general, you should not act on a Government matter if a reasonable person who knew the circumstances of the situation could legitimately question your impartiality.

3

IMPARTIALITY

IMPARTIALITY

First, and perhaps most intuitively, your impartiality could be questioned if the Government matter on which you are working is likely to affect the financial interests of a member of your household.

However, your impartiality could also be questioned if you were to work on a Government matter where someone with whom you have a "covered relationship" is involved—they are a party or represent a party to the Government matter.

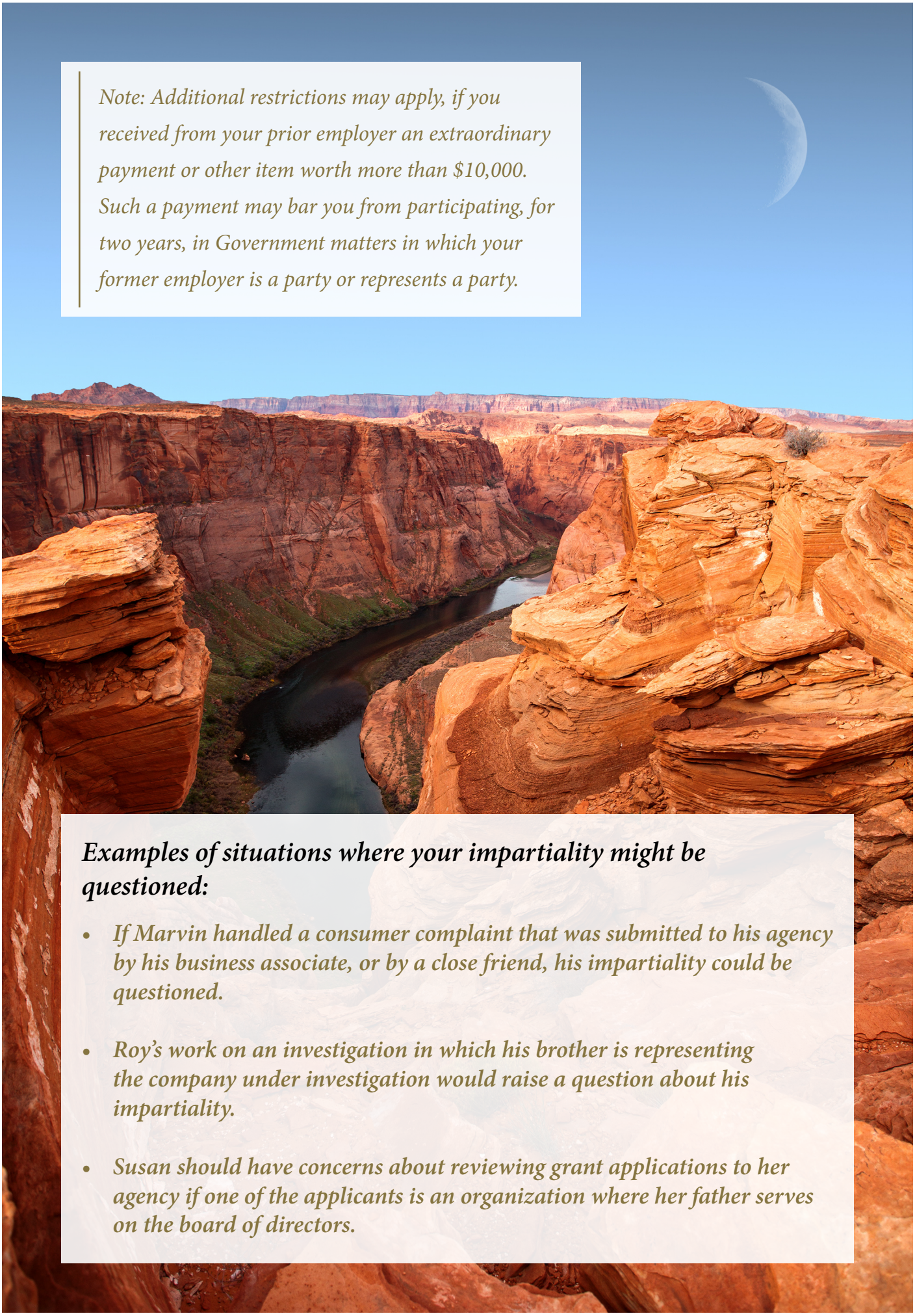
The rule lists a number of "covered relationships" with people and organizations that could create an improper appearance. These "covered relationships" include:

- **a person with whom you have or seek to have a business, contractual, or other financial relationship;**
- **a person who is a member of your household or a relative with whom you have a close personal relationship;**
- **a person or organization for whom your spouse, parent, or dependent child serves or seeks to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee;**
- **any person or organization for whom you have, within the last year, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee; and**
- **any organization, other than a political party, in which you are an active participant.**

Finally, there may be circumstances other than those described here that would raise a question regarding your impartiality.

If you have a situation that you think might raise such a concern, then you should immediately talk to an ethics official at your agency. He or she will be able to tell you whether or not there is an appearance problem and give you advice on how to deal with it.

Note: Additional restrictions may apply, if you received from your prior employer an extraordinary payment or other item worth more than $10,000. Such a payment may bar you from participating, for two years, in Government matters in which your former employer is a party or represents a party.



Examples of situations where your impartiality might be questioned:

- *If Marvin handled a consumer complaint that was submitted to his agency by his business associate, or by a close friend, his impartiality could be questioned.*
- *Roy's work on an investigation in which his brother is representing the company under investigation would raise a question about his impartiality.*
- *Susan should have concerns about reviewing grant applications to her agency if one of the applicants is an organization where her father serves on the board of directors.*

If you are seeking other employment – either a future position or part-time work performed in your off-duty hours – you may not work on Government matters that would affect the prospective employer's financial interests.

4

SEEKING OTHER EMPLOYMENT

SEEKING OTHER
EMPLOYMENT

Before you begin seeking employment, you need to know whether the person or organization that you are thinking about working for could be affected by projects and other matters you work on for the Government. If the project could affect your prospective employer, then you may need to stop working on that project before you make any employment-related contacts.

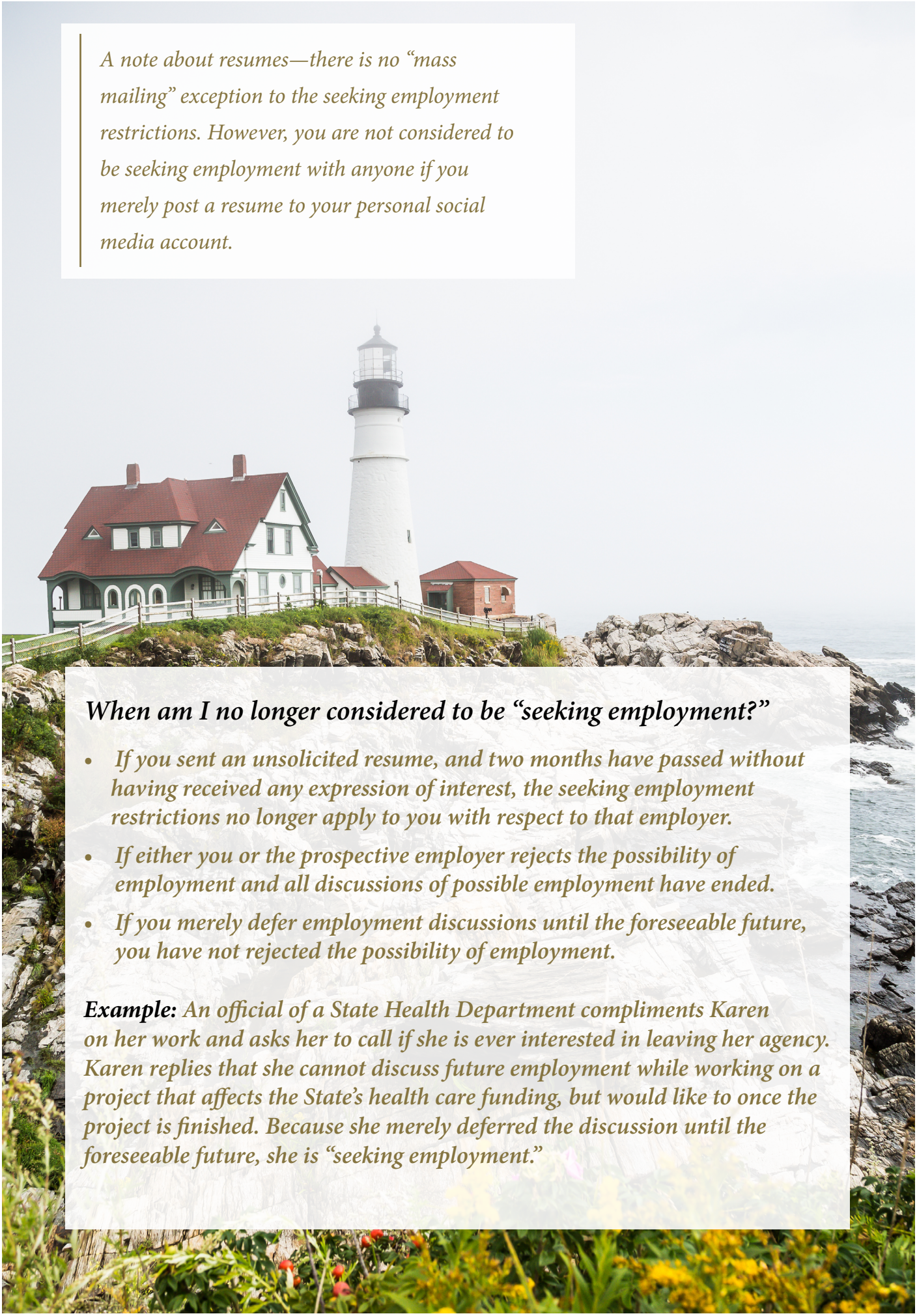
These rules may apply to you sooner than you think. You are considered to be "seeking employment" (and therefore may **not** work on Government matters affecting the future employer's financial interest) if any of the following occurs:

- **you contact a prospective employer about possible employment (unless you are merely requesting a job application),**
- **a prospective employer contacts you about possible employment and you make a response other than rejection, or**
- **you are engaged in actual negotiations for employment.**

Talk with an ethics official before you look for a job, whether full-time or part-time. He or she can advise you about the rules on seeking employment. Also contact an ethics official immediately if you receive an unsolicited offer or inquiry from a prospective employer who may have a financial interest in matters that cross your desk.

If you are thinking about looking for part-time work, your ethics official can also tell you whether your agency has specific rules that apply to certain kinds of outside employment or that require you to obtain permission before you take a part-time job. The ethics official can also tell you about things you will not be able to do for your new employer.

> *A note about resumes—there is no "mass mailing" exception to the seeking employment restrictions. However, you are not considered to be seeking employment with anyone if you merely post a resume to your personal social media account.*



When am I no longer considered to be "seeking employment?"

- *If you sent an unsolicited resume, and two months have passed without having received any expression of interest, the seeking employment restrictions no longer apply to you with respect to that employer.*
- *If either you or the prospective employer rejects the possibility of employment and all discussions of possible employment have ended.*
- *If you merely defer employment discussions until the foreseeable future, you have not rejected the possibility of employment.*

Example: *An official of a State Health Department compliments Karen on her work and asks her to call if she is ever interested in leaving her agency. Karen replies that she cannot discuss future employment while working on a project that affects the State's health care funding, but would like to once the project is finished. Because she merely deferred the discussion until the foreseeable future, she is "seeking employment."*

Many executive branch employees engage in outside employment or other activities in their off-duty hours. Activities that are undertaken, with or without compensation, in one's personal capacity are referred to as "outside activities." However, you may not engage in the outside activity if it conflicts with your Government duties or violates a law or regulation.

5

OUTSIDE ACTIVITIES

OUTSIDE ACTIVITIES

An outside activity could be prohibited by a law or regulation that applies to your agency, or it might present a conflict of interest or raise a question of impartiality in the performance of your duties.

Several laws and regulations restrict specific types of outside activities. These restrictions include:

- **a prohibition against receiving compensation for teaching, speaking, or writing related to your Government duties;**
- **a prohibition on personally representing others (or sharing in compensation for another's representation) before any court, Federal agency, or certain other entities concerning matters of interest to the United States (subject to certain exceptions);**
- **limitations on fundraising in a personal capacity; and**
- **a prohibition against serving as an expert witness, other than on behalf of the United States, in certain proceedings in which the United States is a party or has a direct and substantial interest.**

Additionally, there are outside income limitations and other special rules that apply to high-ranking noncareer employees and Presidential appointees.

Keep in mind that some agencies have rules that require their employees to obtain prior approval before engaging in specified outside activities. However, even if prior approval is not required, you are strongly encouraged to seek advice from an agency ethics official, particularly if it's possible that the activity could conflict with your Government duties or is otherwise restricted. Your ethics official can provide you with guidance tailored to your specific situation.

Examples of things that may or may not be done as outside activities:

- *Victoria **may** work as a part-time salesperson with a clothing store as long as her Government duties do not affect the company that owns the chain of clothing stores.*

- *Carter's agency has a prior-approval requirement for certain outside activities. Having received approval, Carter serves as a board member for a local nonprofit organization. Carter **may not** work on Government matters that could affect the organization.*

- *George, who processes Medicare claims, **may not** be paid for teaching a one-day seminar for senior citizens on the Medicare program and how to fill out Medicare claims.*

- *Val **may not** use her job title or position with a Federal law enforcement agency-nor could she wear her uniform-when she raises funds for her county's police officers' association as an outside activity.*

Executive branch employees are subject to restrictions on the gifts that they may accept from sources outside of the Government. Unless an exception applies, executive branch employees may not accept gifts that are given because of their Government positions or that come from certain "prohibited sources."

6

GIFTS FROM OUTSIDE SOURCES

GIFTS
FROM OUTSIDE SOURCES

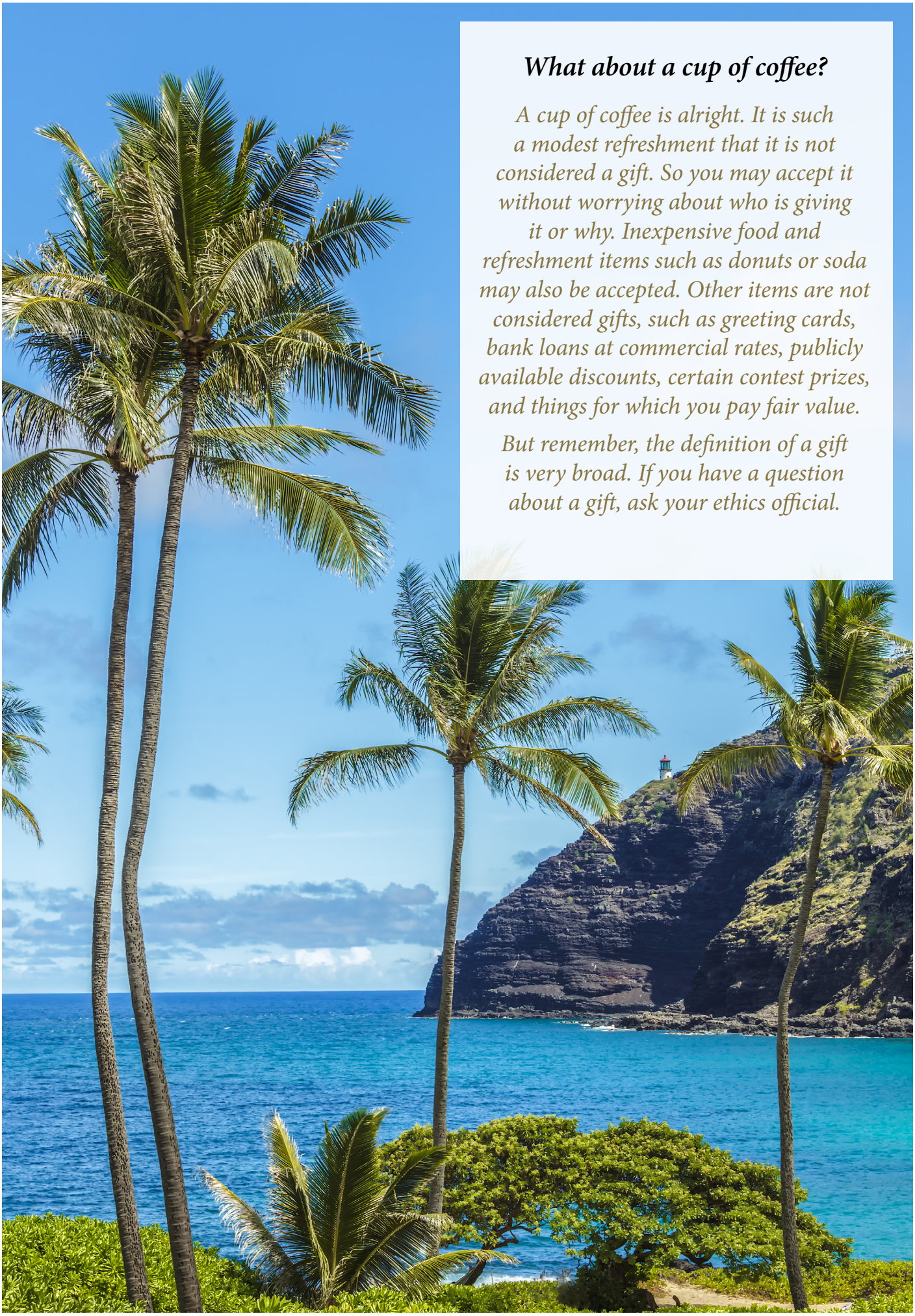
Generally, anything that has monetary value is considered a gift.

Ask yourself if the gift would have been offered if you were not working for the Government. If the answer is no, then the gift is being offered because of your Government position and, as a general rule, you cannot accept it.

Also, you may not accept a gift from people or organizations who are "prohibited sources"—those who do business with, or seek to do business with your agency, who seek some official action by your agency, or who have activities regulated by your agency. Gifts from these people or groups are prohibited, whether or not you deal with them when doing your job. You must also turn down a gift from those who have interests that may be significantly affected by your Government duties, as they are also considered "prohibited sources."

There are a few exceptions to the prohibition on gifts from outside sources.

- **Items valued at $20 or less (other than cash), provided that the total value of gifts from the same person is not more than $50 in a calendar year.**
- **Gifts motivated solely by a family relationship or personal friendship.**
- **Gifts based on an employee's or his spouse's outside business or employment relationships.**
- **Meals, lodging, and transportation customarily provided by a prospective employer as part of bona fide employment discussions.**
- **Benefits provided in connection with certain political activities.**
- **Free attendance at certain widely attended gatherings, provided that the agency has determined that attendance is in the interest of the agency.**



What about a cup of coffee?

A cup of coffee is alright. It is such a modest refreshment that it is not considered a gift. So you may accept it without worrying about who is giving it or why. Inexpensive food and refreshment items such as donuts or soda may also be accepted. Other items are not considered gifts, such as greeting cards, bank loans at commercial rates, publicly available discounts, certain contest prizes, and things for which you pay fair value.

But remember, the definition of a gift is very broad. If you have a question about a gift, ask your ethics official.

With a few exceptions, you cannot give, donate to, or ask for contributions for a gift to your official superior. Also, you generally cannot accept a gift from another employee who earns less pay.

7

GIFTS BETWEEN EMPLOYEES

GIFTS BETWEEN EMPLOYEES

Employees are generally prohibited from giving gifts to their official superiors, or from making or soliciting donations for such gifts. An official superior includes your immediate boss and anyone above your boss in the chain of command in your agency. An employee also cannot accept a gift from another employee who earns less pay, unless the person giving the gift is not a subordinate and the gift is based on a personal relationship.

There are several exceptions that would allow you to give your official superior a gift, or that would allow you to accept a gift from another employee who earns less pay. These include:

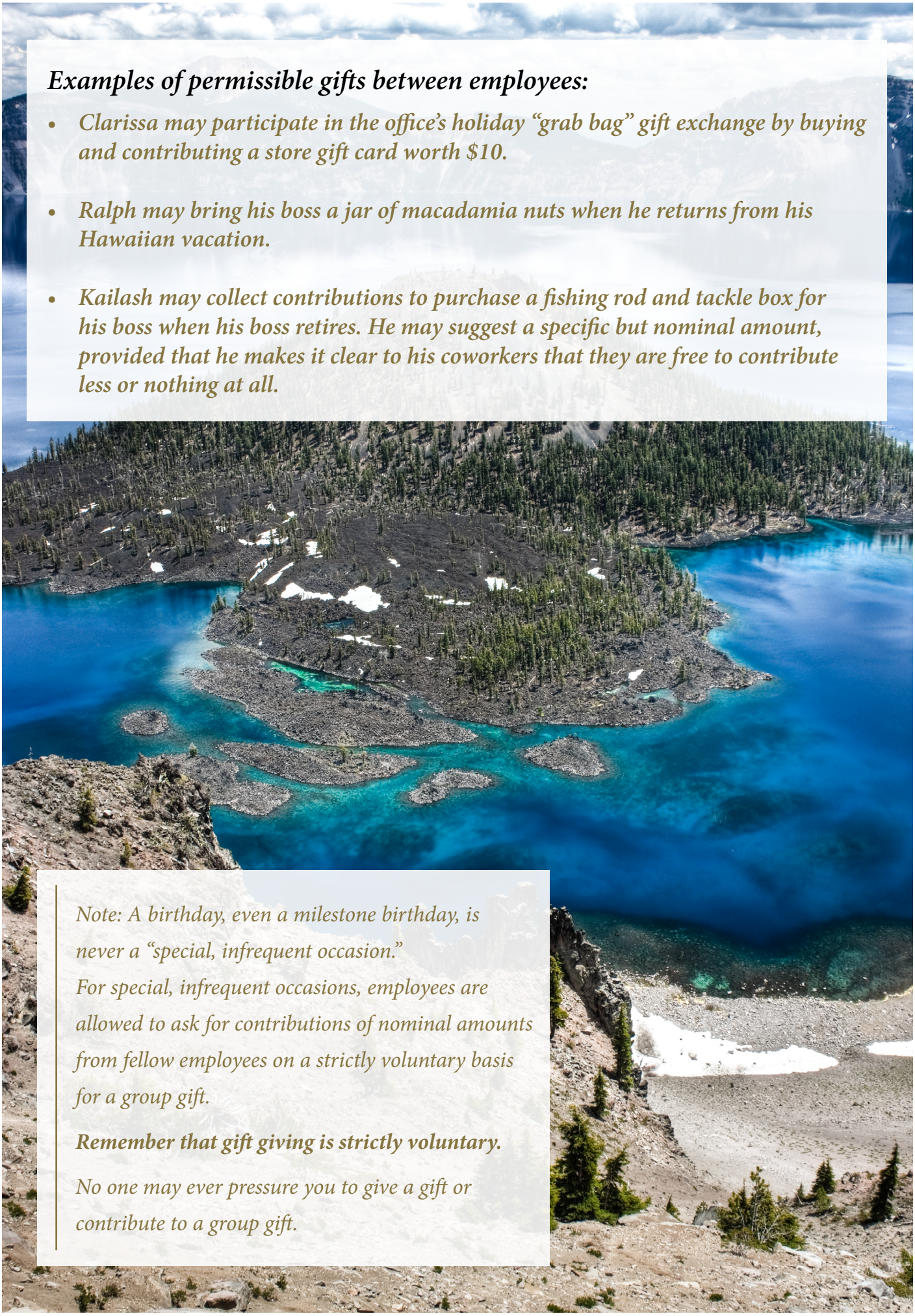
- **gifts valued at $10 or less (other than cash), on an occasion when gifts are traditionally given or exchanged. These occasions could include, for example, the holidays, a birthday, or a return from an out-of-town vacation;**
- **food, or nominal contributions for food, that will be shared in the office among several employees; and**
- **personal hospitality. This would include inviting your boss to your home for a meal or party, or conversely, being invited to the home of an employee who earns less pay. If your boss invites you to his or her home, you can take the same type of gift for your boss that you would normally take to anyone else's home for a similar occasion.**

You may also give your boss a gift on a special, infrequent occasion of personal significance. Similarly, on these types of occasions, you could accept a gift from another employee who earns less pay. These occasions include:

- **marriage;**
- **illness;**
- **birth or adoption; or**
- **occasions that end the employee-superior relationship, such as retirement, resignation, or transfer.**

Examples of permissible gifts between employees:

- *Clarissa may participate in the office's holiday "grab bag" gift exchange by buying and contributing a store gift card worth $10.*
- *Ralph may bring his boss a jar of macadamia nuts when he returns from his Hawaiian vacation.*
- *Kailash may collect contributions to purchase a fishing rod and tackle box for his boss when his boss retires. He may suggest a specific but nominal amount, provided that he makes it clear to his coworkers that they are free to contribute less or nothing at all.*



Note: A birthday, even a milestone birthday, is never a "special, infrequent occasion."
For special, infrequent occasions, employees are allowed to ask for contributions of nominal amounts from fellow employees on a strictly voluntary basis for a group gift.

Remember that gift giving is strictly voluntary.

No one may ever pressure you to give a gift or contribute to a group gift.