



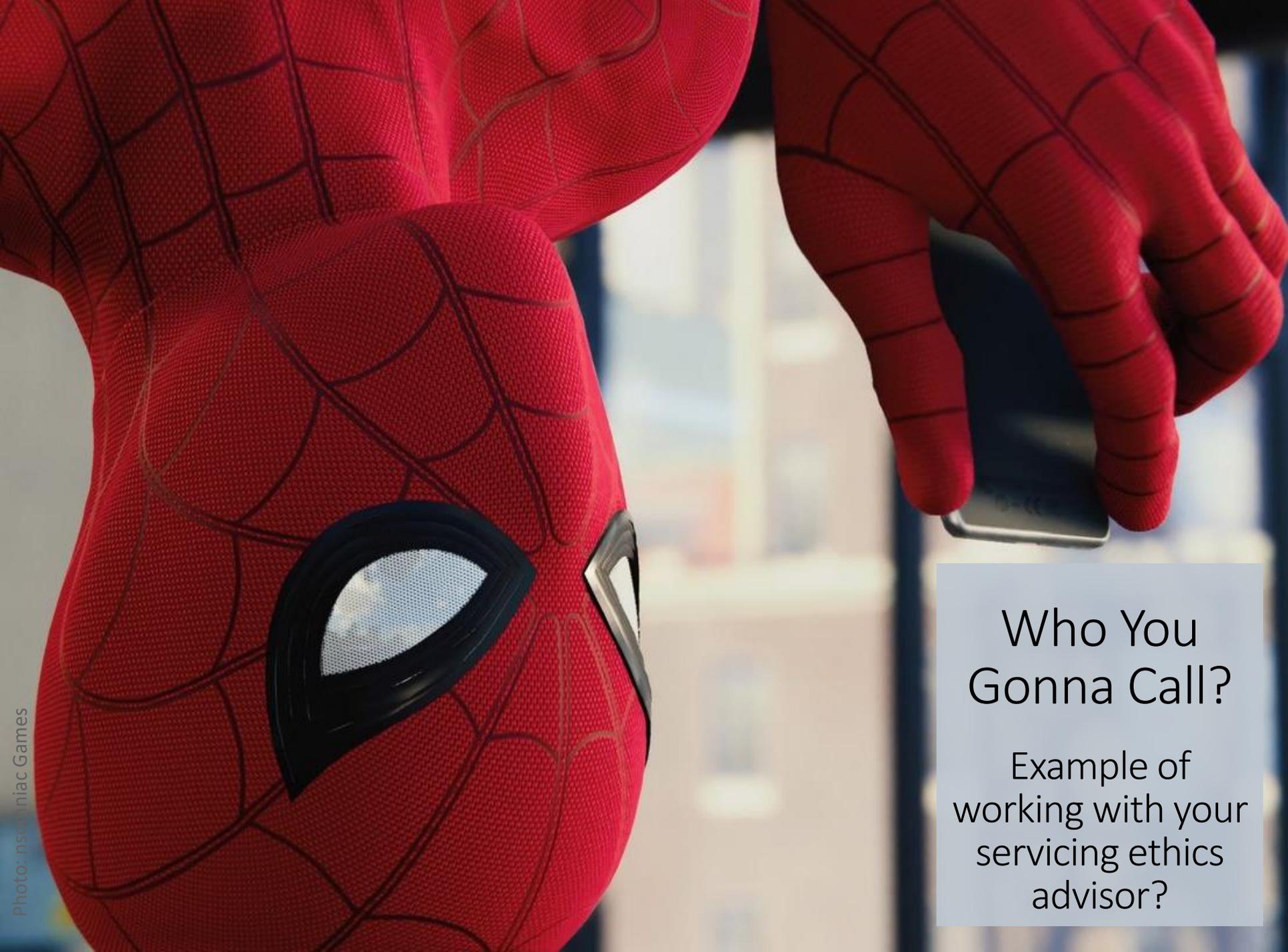
Code of Conduct

Federal Ethics Regulations and their Application in the
Work of Partnerships and Community Collaboration

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Partnership & Community Collaboration Academy

Managing by Network

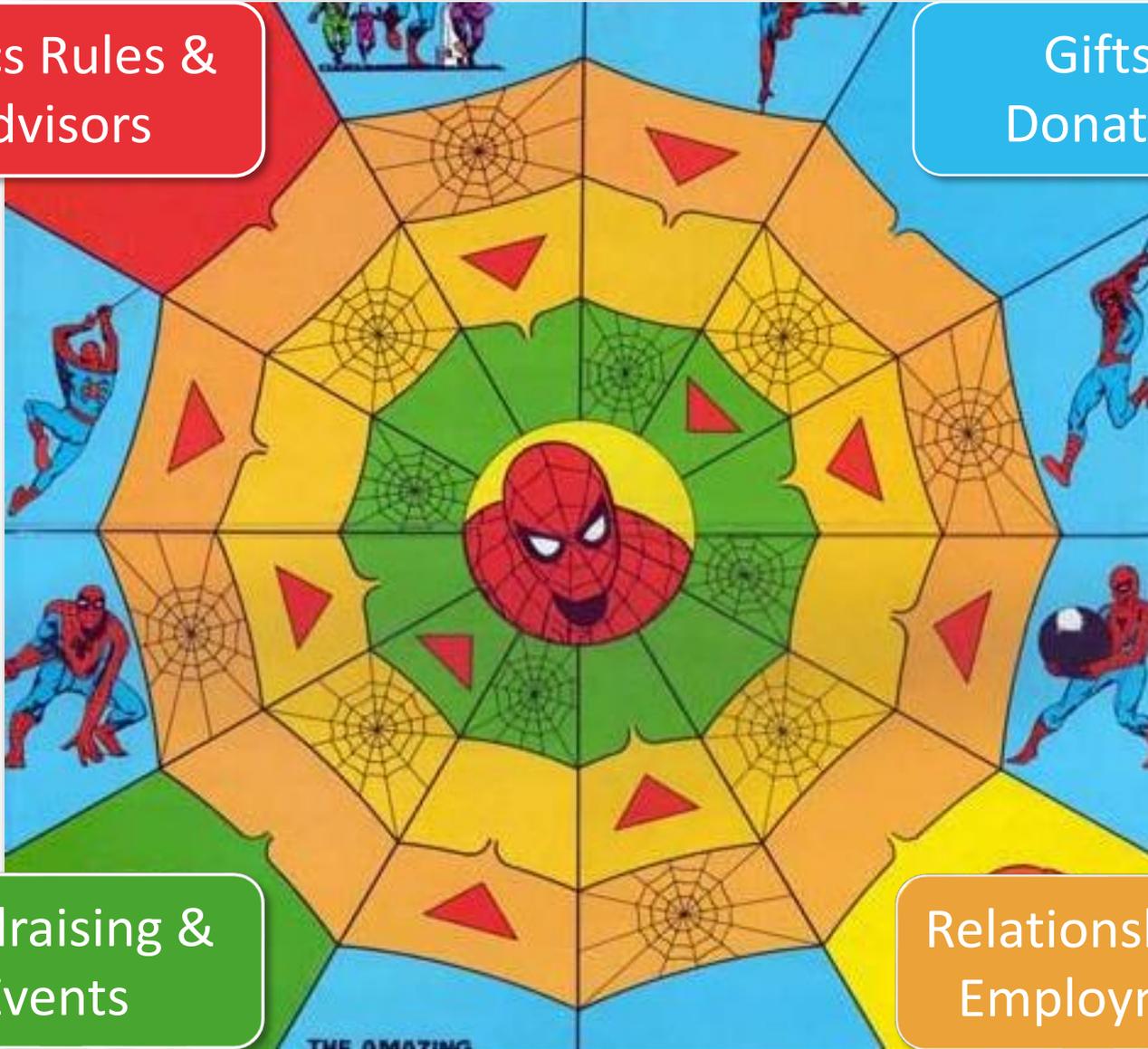


Who You Gonna Call?

Example of working with your servicing ethics advisor?

Ethics Rules & Advisors

Gifts & Donations



Fundraising & Events

Relationships & Employment

Image: Spiderman Game circa 1977, Milton Bradley

A Closer Look at Partnership Intersects

Do The Right Thing

There are **14 ethics rules** that apply to all federal agencies.

In addition, agencies may have variations contained in their supplemental regulations or leadership directives.

This Academy presentation is designed to heighten your awareness. We are not ethics advisors or lawyers.



Image: Spiderman PlayStation Game



You should always seek guidance from your agency's Servicing Ethics Advisor, General Counselor or Solicitor's Office.

“Public Service is a Public Trust”

1

An employee **shall not 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.

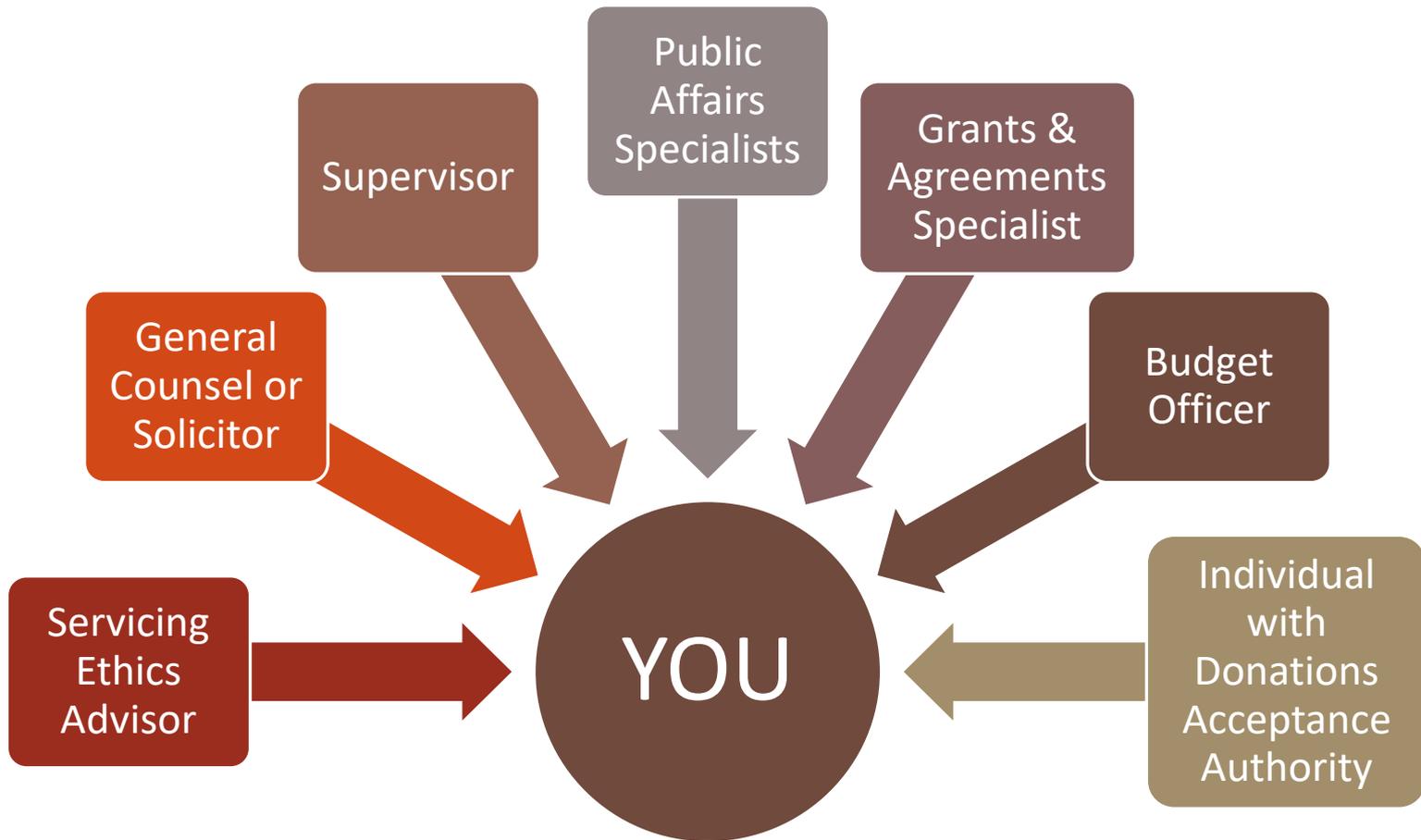
2

Employees **shall not knowingly make unauthorized commitments** or promises of any kind purporting to bind the Government.

3

Employees **shall act impartially and not give preferential treatment** to any private organization or individual.

Who is in Your Ethics Network



Dinner with the Board is at the River Club. You'll be our guest.

Your daughter should come to camp as our guest.

We are so thrilled about the new addition to your family. We got you a stroller.

I'll pick you up for the next meeting. My new car has lots of room.

Our partner just gave us these gift cards. This one's near you.



Partner Hospitality: Gifts and Donations

What's a Prohibited Source?

Applies to gifts, donations and fundraising.

In addition to the guidance provided here, each federal agency identifies specific prohibited sources.

Example: BLM Oil & Gas companies

5 C.F.R. § 2635.203(d)

Prohibited source means any person who:

- (1) Is seeking official action by the employee's agency;
- (2) Does business or seeks to do business with the employee's agency;
- (3) Conducts activities regulated by the employee's agency;
- (4) Has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or
- (5) Is an organization a majority of whose members are described in paragraphs (d) (1) through (4) of this section.

20 / 50 Rule for Gifts



20 / 50 Rule for Gifts



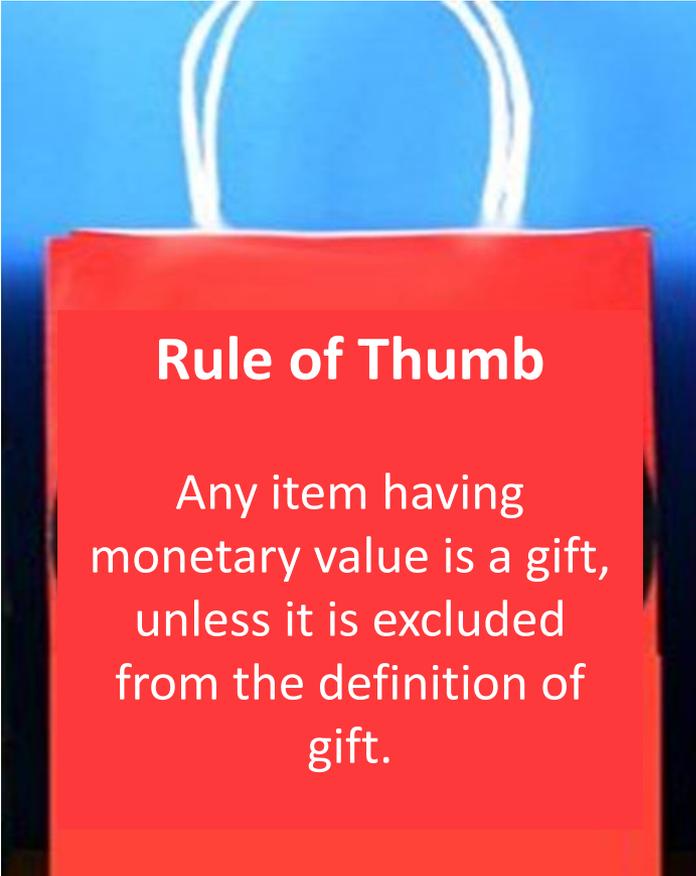
Refers to the acceptance of a gift with a fair market value of \$20 dollars or less and is limited to accepting no more than \$50 dollars a calendar year from the same Prohibited Source.

Employees from the same organization count as ONE source.

The term “gift” includes the following: (See 5 CFR 2635.203(b)):

- Gratuity (freebie)
- Transportation
- Favor
- Training
- Discount
- Lodging
- Entertainment (e.g., amusement, hobby, leisure, etc...)
- Loans
- Forbearance – forgiveness of a debt owed when due
- Services

What is not a gift?



Rule of Thumb

Any item having monetary value is a gift, unless it is excluded from the definition of gift.

Exclusions

- Modest items of food and refreshments, i.e., soft drinks, coffee, donuts etc....
- Greeting cards, items of little intrinsic value (plaques, trophies)
- Loans from banks and other institutions; opportunities and benefits (items available to the general public)
- Anything for which market value is paid for by the employee.

Q: Does alcohol fit within the gift exclusion as a modest item of food?

A: No

Non-Federal Travel Assistance

“They offered me
a ride...”

... to the meeting,
from the airport
to the hotel, etc.



Requires **written ethics approval** and it must be outside of duty station [(31 U.S.C. 1353)]

This rule requires approval from manager and ethics counselor. (Accepting a gift without proper paperwork can have serious consequences.)

Resource: Non-Federal Travel Assistance Forms

Could you write a letter of support for our grant application?

Come to our conference! We can waive your conference fee.

Bring your agency colleagues to our annual fundraiser!



Support for Partner Fundraising and Events

Letters of Support

Practice: Send a draft copy of the letter to your serving ethics officer.



- Use agency letterhead.
- It must be fact-based (no endorsement).
- Once approved, send it back to the requestor, not the grant maker.

Rationale: If the letter is **fact-based** and simply documents compliance, timeliness, completion, achievement, fulfillment,

and the letter is being sent to the entity that requested (**requestor**) it and not another source,

...it's o.k. to write the letter.

The DOI-Ethics Office has taken the stance that what the requester does with the letter after it's written is not of concern.

Letters of Support: Cautions



**Avoid endorsement or
flowery language**

Note: If the letter is sent to a source (other than the requestor), we might have a problem.

Why?

An employee is not permitted to use or permit the use of his/her position, title or any authority to endorse a product, service or enterprise, unless there is statutory authority or agency requirements [See 5 cfr 2635.702(c), Endorsement]

The letter may not contain flowery language or language that suggests that you or the agency endorses the product, service or enterprise.

Cleansing Statement

WAG

Participation in
the Conduct of
an Event

Official vs.
Personal
Capacity

Fundraising
Events

Participation in Events

Ethics officers have a number of criteria to use when determining whether or not you may attend an event, conference or meeting with partners.

WAG – Widely Attended Gathering

May apply when invited to attend an event, with the host waiving the ticket or registration fee.

A meeting, conference, or other event which is attended by either a large number of people from throughout an industry or profession, or by those representing a wide range of interests.

The ethics issue involved concerns those instances when an employee is invited to a WAG and offered free attendance (a gift).

The WAG exception to the gift prohibition permits free attendance at certain widely attended gatherings. Obtaining permission to accept these gifts protects the employee from possible accusations of accepting inappropriate gifts.

Unless you serve as panel participant, speaker or otherwise have the venue to discuss agency programs and services, it **requires analysis by an ethics counselor and written ethics approval**. [See 5cfr 2635.204(g)(1) & (g)(2)].

Participation in the Conduct of an Event

Participation in the conduct of an event means the active and visible participation in the promotion, production, or presentation of the event and includes:

- serving as honorary chairperson
- sitting at a head table during the event
- standing in a reception line

The term generally includes any public speaking (e.g., remarks) during the event, but does **not include delivery of an official speech**, or other seating or other participation appropriate to the delivery of such a speech.

The term does **not include mere attendance**, provided to the employee's knowledge, his attendance is not used by the non-profit to promote the event.

Free Attendance at Fundraising Events



YOU ARE INVITED
TO A FUNDRAISER

FREE INVITATION TEMPLATES - BEESHOWER.COM

An employee *participating in the conduct* of a fundraising event, officially or personally, may attend the event without having to pay the fee that others are being charged if the fee is being waived by the sponsor of the event; however...

- It is not a waiver if a **third party** pays the sponsor of the event for the employee to attend, even though the employee is a participant in the conduct of the event. The free attendance (waiver) is a **gift** to the employee.
- It is not waiver if an employee is not a **participant in the conduct** of the fundraising event, but would only be a **mere attendee**. The free attendance (waiver) is a gift to the employee at market value.

See OGE 93 x 19

Agency
Representation:
Official Capacity
and
Personal Capacity

Fundraising – Official Capacity

An employee may participate in fundraising in an **official capacity**, if in accordance with a Federal statute, Executive Order, regulation or otherwise as determined by the agency.

When authorized to participate in an **official capacity**, an employee may use his/her official, title, position and authority.

Fundraising - Personal Capacity

An employee may engage in fundraising in his **personal capacity**, provided he does not personally solicit funds from subordinates, or known **prohibited sources**, and does not use or permit the use of his official title, position or authority associated with his public office to further the fundraising effort.



Photo: Siderman – Into the Spiderverse

Cleansing Statement

“I am here in my official/personal capacity, but I am not endorsing Partner ABC or Partner ABC’s fundraising activity. I am simply here to provide information about agency programs and services.”

A permittee asked me to meet with another federal agency on their behalf.

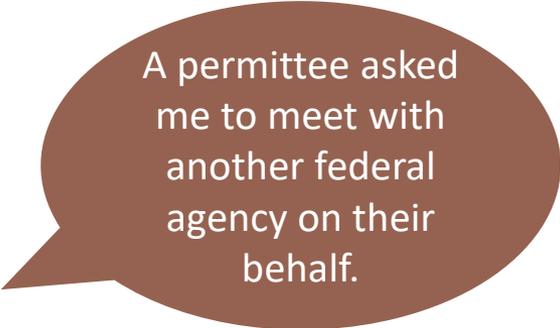
A retired employee asked me about our grant criteria.

Our nonprofit partner invited me to apply for the VP position



Being in the Know: Relationships and Employment

Representing Another Person



A permittee asked me to meet with another federal agency on their behalf.

An employee **may not represent** another person before a Federal agency/employee on a **particular matter** in which the U.S. is a party or has an interest.

Representing...serving as another's agent, or communicating (oral or written) with the intent to influence on behalf of another before a Federal agency/employee.

Note: This statute **applies on and off duty as well as to paid and unpaid representation**. It does not apply to the representation in connection with one's official duties or in the absence of an element of control or agency.

Rule: 18 U.S.C. § 205.

What are Particular Matters?



Photo: Siderman – Into the Spiderverse

Particular matters include any matter that involves deliberation, decision, or action that involves one or more parties, involving legal rights such as judicial proceedings, applications, requests for rulings, contracts, grants, controversies, charges, investigations, accusations, and claims.

What are Covered Relationships?



The term “covered relationship” includes:

- (1) someone with whom you are seeking employment;
- (2) household members;
- (3) close relatives;
- (4) business and financial relationships;
- (5) your non-federal employers in the last year;
- (6) organizations (not political parties) in which you are an active participant; and
- (7) organizations in which a spouse, parent, or dependent child serves as a fiduciary.

Impartiality and Outside Employment

Situations where you may need to step aside from taking official action on matters related to a covered or business relationship.

- **Outside Employment:** You must seek and obtain approval from manager and ethics counselor before engaging in outside employment with a prohibited source, even if as a consultant. 5 CFR 3501.105
- **Appearance of a Conflict of Interest:** e.g., You have a consulting business on the side, and have entered or are considering entering into business with an entity that is a covered relationship. 5 CFR 2635.502.
- **Seeking Employment:** If you demonstrate an interest in seeking employment with an outside organization (conversations, resume). 5 CFR 2635.603(b)(1)

Life-Time Post Employment Ban

18 U.S.C. § 207

No former employee shall communicate (orally or in writing) with the intent to influence or appear before any Federal employee on behalf of another in connection with a **particular matter** involving a specific party/parties in which he **participated personally and substantially while an employee**, in which the U.S. is a party or has a direct and substantial interest.

The more you know. . .

Q: Do federal ethics rules apply to non-federal partners?

A: No, they do not apply. These Federal Ethics Regulations are a condition of federal employment. Partners are bound by their own ethics regulation.

Practice: Explain ethics rules to partners, so that they understand

Q: Can an employee serve on the board of a partner organization in his/her official capacity?

A: It Depends. Often the role is recognized as Ex-Officio or designated as an Agency Liaison.

If an employee serves on the board of a partner organization in his/her personal capacity does he/she have to avoid taking official action on matters in which the partner has a interest? Yes

Practice: Seek guidance from your Servicing Ethics Advisor and Supervisor

The more you know. . .

Q: Can a manager absolve an employee of a conflict of interest?

A: No, a manager cannot absolve an employee. You will be legally responsible for your actions.

Practice: Seek guidance from your Servicing Ethics Advisor

Q: Are there instances where supervising a subordinate equates to committing a conflict of interest?

A: Yes. i.e. grant program administrator is instructed by his/her supervisor to approve a grant application to an organization in which the supervisor has an interest. . .

Practice: Seek guidance from your Servicing Ethics Advisor

Deeper Dive Resources

1. Talk to your
Ethics Officer!
2. Partnership
Ethics video
series
3. Optional
Homework:
Ethics Pop
Quiz



Markci Metcalf

Former Deputy Ethics Counselor
BLM

<https://www.partnership-academy.net/video-studio/partnership-ethics/>

Training Take Away . . .

Is this ethics training going to make you an expert?

Will you recall every ethics regulation, statute, or policy?

Will you suddenly develop a desire to attend law school?

Just know who to go to for appropriate advice and guidance.

Doing this will ensure you do things right... the first time.



Take Away . . .

Is this ethical? Is this a smart?

Will this violate any statute, or policy?

Will this require to attend law school?

Just know when to seek appropriate advice and guidance.

Doing this will ensure you are successful the first time.