

**MONG NEW EMPLOYEE
INITIAL ETHICS TRAINING
as of 19 March 2021**

Welcome!

THE PURPOSE OF THE ETHICS PROGRAM

- Provides public confidence in the integrity of DOD of DOD funded programs and operations
- Helps to ensure that personnel:
 - are responsible stewards of taxpayers' money
 - do not use their public office for private gain
 - do not show preferential treatment to outside organizations
- Minimizes the risk of scandal and increases accountability when wrongdoing occurs

TOPICS FOR THIS TRAINING SESSION

- General Principles of Public Service
- Conflicts of Interest
- Impartiality in Performing Official Duties
- Misuse of Position
- Gifts from Outside Sources
- Gifts Between Employees

General Principles of Public Service

- You shall:
 - Place loyalty to the Constitution, the laws, and ethical principles above private gain
 - Put forth honest effort in the performance of your duties
 - Act impartially and not give preferential treatment to any private organization or individual
 - Protect and conserve Federal property and not use it for other than authorized activities

General Principles of Public Service

- Question:
 - John Q. Employee spends over half of his work day scanning sports websites, updating his Facebook page, and reading on-line blogs on his government computer.
 - Is he putting “forth honest effort in the performance of [his] duties” under the General Principles of Public Service?

General Principles of Public Service

- Question:
 - John Q. Employee spends over half of his work day scanning sports websites, updating his Facebook page, and reading on-line blogs on his government computer.
 - Is he putting “forth honest effort in the performance of [his] duties” under the General Principles of Public Service?
 - **NO!**

General Principles of Public Service

- You shall:
 - Disclose waste, fraud, abuse, and corruption to appropriate authorities
 - Satisfy in good faith your obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law
 - Adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap

General Principles of Public Service

- You shall:
 - Endeavor to avoid any actions creating the appearance that you are violating the law or the ethical standards

General Principles of Public Service

- You shall not:
 - Hold financial interests that conflict with the conscientious performance of your duties
 - Engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest
 - Knowingly make unauthorized commitments or promises of any kind purporting to bind the Government

General Principles of Public Service

- You shall not:
 - Solicit or accept any gift or item of monetary value from any person 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
 - Use public office for private gain

General Principles of Public Service

- Question:
 - Susie H. Government Attorney works at a federal legal assistance office. She refers clients she sees in her federal legal assistance office to her privately-owned for-profit legal assistance law firm, where she can charge them for more advice.
 - Is she using her “public office for private gain” in violation of the General Principles of Public Service?

General Principles of Public Service

- Question:
 - Susie H. Government Attorney works at a federal legal assistance office. She refers clients she sees in her federal legal assistance office to her privately-owned for-profit legal assistance law firm for more advice.
 - Is she using her “public office for private gain” in violation of the General Principles of Public Service?
 - **YES!**

General Principles of Public Service

- You shall not: Engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities

Gifts from Outside Sources

- Rule: You may not solicit or accept a gift given by a prohibited source (e.g., an Army contractor) or given because of your official position
- You **shall not**:
 - Solicit or coerce the offering of a gift
 - Accept a gift in return for being influenced in the performance of an official act
 - Accept gifts so frequently that a reasonable person would believe that you are using your public office for private gain

Gifts from Outside Sources

- Question:
 - David S. Employee purchases supplies for his federal government agency every week. Every week, when the contractor delivers his orders, the contractor also gives David a free gift from the contracting company.
 - Has David accepted “gifts so frequently that a reasonable person would believe that [he was] using [his] public office for private gain”?

Gifts from Outside Sources

- Question:
 - David S. Employee purchases supplies for his federal government agency every week. Every week, when the contractor delivers his orders, the contractor also gives David a free gift from the contracting company.
 - Has David accepted “gifts so frequently that a reasonable person would believe that [he was] using [his] public office for private gain”?
 - **YES!**

Conflicts of Interest

Criminal Law (18 U.S.C. 208): You may not participate in an official government matter or action (e.g., a contract or a claim) that will affect your financial interest or the financial interest of the following persons:

- your spouse (including a same-sex spouse)
- your minor children
- your general partner
- an organization in which you serve as an employee, officer, director, trustee, or general partner
- an organization with which you are negotiating for employment or have arrangements for future employment

If you are asked to work on such a matter, you may not participate and must disqualify yourself in writing

Impartiality

- Rule:
 - You may not participate in an official government matter or action (e.g., a contract or a claim) which you know is likely to affect the financial interests of a member of your household or a person with whom you have a “covered relationship”
 - If you determine that a reasonable person with knowledge of the relevant facts would question your impartiality in the matter

Covered Relationships

- A person with whom you have or seek a business, contractual or other financial relationship that involves other than a routine consumer transaction
- A person who is a member of your household, or who is a relative with whom you have a close personal relationship
- A person for whom your spouse, parent or dependent child is serving or seeking to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee
- Any person for whom you have, within the last year, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor or employee
- An organization in which you are an active participant

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

Misuse of Position

- Question: Pat Employee is featured in a televised commercial for XYZ mops. In the commercial, Pat says “XYZ is the best mop in the world. As a Federal government employee, I have to clean up a lot of messes, and I find that XYZ is the best. All Federal government employees endorse XYZ as the best.”
- Has Pat used his/her Government position to “imply that DoD or the Government endorse[s] personal activities” or to “endorse any product, service, or enterprise except as provide by law or regulation”?

Misuse of Position

- Question: Pat Employee is featured in a televised commercial for XYZ mops. In the commercial, Pat says “XYZ is the best mop in the world. As a Federal government employee, I have to clean up a lot of messes, and I find that XYZ is the best. All Federal government employees endorse XYZ as the best.”
- Has Pat used his/her Government position to “imply that DoD or the Government endorse[s] personal activities” or to “endorse any product, service, or enterprise except as provide by law or regulation”?
- **YES!**

Gift Definitions

- Gift - includes any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value
- Prohibited source - Any person who:
 - Is seeking official action by the Army/AF/DOD
 - Does business or seeks to do business with the Army/AF/DOD
 - Conducts activities regulated by the Army/AF/DOD
 - Has interests that may be substantially affected by the performance or nonperformance of the employee's official duties
 - Is an organization a majority of whose members are described above

Gift Exclusions

--items we don't treat as gifts--

- Modest items of food and refreshments **served other than as part of a meal**
- Greeting cards and items with **little intrinsic value**, such as plaques, certificates, and trophies, which are **intended solely for presentation**
- Loans from banks and other financial institutions on terms generally available to the public
- Opportunities and benefits, including favorable discounts, **available to all Government employees or all uniformed military personnel**
- Rewards and prizes given to competitors in contests or events **open to the public**
- Anything which is paid for by the Government or secured by the Government under Government contract
- Anything for which **market value** is paid by the employee

Gift Exceptions

--items that qualify as gifts, but may be accepted--

- **Gifts valued at \$20 or less per occasion/\$50 per source in a calendar year (no cash)**
- Gifts based on a personal relationship
- Discounts and similar benefits
- Awards and honorary degrees
- Gifts based on outside business or employment relationships
- Widely attended gatherings and other events
- Social invitations from persons other than prohibited sources
- Meals, refreshments and entertainment in foreign areas

Gifts Between Employees

Rule: You may not

- Give a gift to or make a donation toward a gift for an official superior; or
- Solicit a contribution from another employee for a gift to either your own or the other employee's official superior

You may not accept a gift from an employee receiving less pay than yourself unless:

- You are not in a subordinate-official superior relationship with the donor; **and**
- There is a personal relationship between yourself and the donor that would justify the gift

Gifts Between Employees

Exceptions:

On an occasional basis, such as birthdays, holidays or other traditional gift giving occasions, you may give his superior or someone earning more pay may accept:

- Nonmonetary gifts of up to \$10
- Food and refreshments to be shared in the office
- Personal hospitality provided at a residence (or an appropriate host/hostess gift)

On special infrequent occasions:

- of personal significance, such as a marriage, illness, or birth, or
- that terminate the superior/subordinate relationship, such as a retirement, resignation or reassignment

You may (1) solicit voluntary contributions up to \$10 for a group gift; (2) give an appropriate gift to a superior; and (3) accept appropriate individual gifts and group gifts that do not exceed \$300

Gifts Between Employees

Question:

When Jane Employee returned from leave, she brought her supervisor a key chain, valued at \$7.50. May Jane's supervisor accept this gift?

- No, because Jane is giving this gift to her supervisor so her supervisor will grant her additional leave.
- Yes, because leave is a special infrequent occasion.
- Yes, because the key chain is a nonmonetary gift valued at less than \$10.

Gifts Between Employees

Question:

When Jane Employee returned from leave, she brought her supervisor a key chain, valued at \$7.50. May Jane's supervisor accept this gift?

- No, because Jane is giving this gift to her supervisor so her supervisor will grant her additional leave.
- Yes, because leave is a special infrequent occasion.
- **Yes, because the key chain is a nonmonetary gift valued at less than \$10.**

Take Aways

- The ethics rules set the minimum standard of conduct
- The question you should always ask yourself is, even if it is legal, is it the right thing to do?
- Ask yourself whether your actions:
 - Are in the best interests of DoD
 - Serve to enhance public confidence in DoD
 - Will cause the public to question your integrity or impartiality

Take Aways

- You should be familiar with the ethics rules that apply to you and your subordinates
- You should lead by example...your actions, more than words demonstrate your attitudes, values and expectations

Take Aways

- You do not have to be an ethics expert. Please contact your ethics officials with any questions. The ethics official is here to help you!
- **If you have ethics questions, please contact your ethics counselors at the State Legal Office 573-638-9518.**

REFERENCE INFORMATION

– Ethics Resources –

- Title 18, U.S. Code, Sections 201-209
- Title 5, U.S. Code of Federal Regulations, Part 2635
- Title 5, U.S. Code of Federal Regulations, Part 3601
- DoD 5500.07-R, Joint Ethics Regulation (JER)
- DoD Standards of Conduct Office website:
http://www.dod.mil/dodgc/defense_ethics/

CONFLICT OF INTEREST STATUTES

STATUTE	BRIEF SUMMARY
18 U.S.C. 201 Bribery	Prohibits a Federal employee from seeking, receiving or agreeing to accept anything of value for themselves or others in return for being influenced in an official act.
18 U.S.C. 203 Representation	Bars a Federal employee from seeking or accepting compensation for representing another before a Federal department, agency or court in matters where the U.S. is a party or has a substantial interest.

CONFLICT OF INTEREST STATUTES

STATUTE	BRIEF SUMMARY
18 U.S.C. 205 Representation	Forbids employees from prosecuting or assisting in the prosecution of claims against the U.S.; or representing another before a Federal department, agency or court in matters where the U.S. is a party or has a substantial interest.
18 U.S.C. 207 Post- Government Employment	Places certain restrictions on representing others to the Federal government after leaving its employment.

CONFLICT OF INTEREST STATUTES

STATUTE	BRIEF SUMMARY
18 U.S.C. 208 Financial Conflict of Interest	Bars an employee from participating personally and substantially in an official capacity in any particular Government matter that would have a direct and predictable effect on his own or his imputed financial interests.
18 U.S.C. 209 Dual Compensation	Prohibits employees from receiving any salary or contribution to or supplementation of salary from any source other than the United States as compensation for services as a Government Employee.