

# TAB D

# STANDARDS OF CONDUCT

## "STANDARDS OF CONDUCT"

### 5 CFR Chapter XVI

#### Subpart A - General Provisions

##### **2635.101 Basic obligation of public service.**

(a) *Public service is a public trust.* Each employee has a responsibility to the United States Government and its citizens to place loyalty to the Constitution, laws and ethical principles above private gain. To ensure that every citizen can have complete confidence in the integrity of the Federal Government, each employee shall respect and adhere to the principles of ethical conduct set forth in this section, as well as the implementing standards contained in this part and in supplemental agency regulations.

(b) *General principles.* The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.

(1) Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.

(2) Employees shall not hold financial interests that conflict with the conscientious performance of duty.

(3) Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.

(4) An employee shall not, except as permitted by subpart B of this part, 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.

(5) Employees shall put forth honest effort in the performance of their duties.

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

(7) Employees shall not use public office for private gain.

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

(9) Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.

(10) Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

(11) Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.

(12) Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.

(13) Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

(14) Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

(c) *Related statutes.* In addition to the standards of ethical conduct set forth in this part, there are conflict of interest statutes that prohibit certain conduct. Criminal conflict of interest statutes of general applicability to all employees, 18 U.S.C. 201, 203, 205, 208, and 209, are summarized in the appropriate subparts of this part and must be taken into consideration in determining whether conduct is proper. Citations to other generally applicable statutes relating to employee conduct are set forth in subpart I and employees are further cautioned that there may be additional statutory and regulatory restrictions applicable to them generally or as employees of their specific agencies. Because an employee is considered to be on notice of the requirements of any statute, an employee should not rely upon any description or synopsis of a statutory restriction, but should refer to the statute itself and obtain the advice of an agency ethics official as needed.

## **Prohibition on Gifts**

**Gift:** The term "gift" includes, but is not limited to, any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings, and meals.

**Exceptions:** Exceptions to the definition of gift include, but are not limited to, unsolicited items with a monetary value of less than \$20, modest items of food and refreshments, such as soft drinks, coffee and donuts, greeting cards or other intrinsic items with little monetary value.

**Outside Sources:** An employee shall not solicit or accept a gift based on his/her official position or from a prohibited source. Section 2635.203 defines a prohibited source as "any person who is seeking official action by the employee's agency; does business or seeks to do business with the employee's agency; conducts activities regulated by the employee's agency; has interest that may be substantially affected by performance or nonperformance of the employee's official duties or is an organization a majority of whose members are described above.

**Disposition of Prohibited Gifts:** Unless a gift is accepted by an agency acting under specific statutory authority, tangible items will be returned, or fair market value paid to the donor. When it is impractical to return a tangible item because it is perishable, the item may be given to charity, shared with the recipient's office, or destroyed, at the discretion of the employee's supervisor or agency ethics official.

**Gifts Between Employees:** Employees are prohibited from giving or soliciting for gifts to an official superior, nor will an employee accept a gift from a lower-paid employee unless the employees are personal friends who are not in a subordinate-superior official relationship.

## **Conflicting Financial Interests**

**Statutory Prohibition:** An employee is prohibited by criminal statute, 18 U.S.C. 208(a), from participating personally and substantially in an official capacity in any particular matter in which, to his/her knowledge, he/she or any person whose interest are imputed to him/her under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

## **Misuse of Position**

An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations. The specific prohibitions include but are not limited to:

(a) **Coercion:** Use of his/her position to coerce or induce another person, including a subordinate to provide benefit, financial or otherwise to the employee or to friends, relatives or persons with whom he/she is affiliated.

(b) **Government Sanction:** An employee shall not use or permit the use of his/her Government position, title or any authority associated with his/her public office in a manner that could reasonably construed to imply that the Government sanctions or endorses his/her personal activities or those of someone else.

(c) **Endorsements:** An employee shall not use or permit the use of his/her Government position, title, or any authority associated with his/her public office to endorse any product, service, or enterprise.

(d) **Private Gain:** An employee shall comply with applicable requirements of 5 CFR, 2635.502 to ensure that the performance of his/her official duties does not give rise to an appearance of use of public office for private gain or of giving preferential treatment that would affect the financial interest of a friend, relative, or person with whom he/she is affiliated in a non-governmental capacity.

## **Outside Activities**

An employee who wishes to engage in outside employment or other outside activities must comply with all relevant provisions of law, rule, and regulation, including, but not limited to:

- (a) Conflict of interest with employee's official duties
- (b) Agency-specific pre-approval of outside employment or activities
- (c) Limitations on receipt of outside earned income by certain noncareer employees

- (d) Limitations on paid and unpaid service as an expert witness
- (e) Limitations on participation in professional organizations
- (f) Limitations on paid and unpaid teaching, speaking, and writing
- (g) Limitations on fundraising activities

## **Political Activity**

### ***HATCH ACT - 1939 AND 1993***

The original Hatch Act, passed in 1939, prohibited federal employees from taking an active part in political party management or participating in partisan political campaigns, even if they wanted to. The intent of the law was to protect the employee from political reprisal and from the influence of political consideration that might have an affect on their career. Revisions made in 1993 set specific guidelines for what a government employee may and may not do, as follows:

#### **TECHNICIANS MAY:**

be candidates for public office in *non-partisan* elections

register and vote as they choose

assist in voter registration drives

express opinions about candidates and issues

contribute money to political organizations

attend political fund-raising functions

attend and be active at political rallies and meetings

join and be an active member of a political party or club

sign nominating petitions

campaign for/against referendum questions, constitutional amendments, municipal ordinances, etc

campaign for/against candidates in partisan elections

make campaign speeches for candidates in partisan elections

distribute campaign literature in partisan elections

hold office in political clubs or parties

**TECHNICIANS MAY NOT:**

use their official authority or influence to interfere with an election

collect political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate

knowingly solicit or discourage the political activity of any person who has business before the agency

engage in political activity while on duty

engage in political activity in any government office

engage in political activity while wearing an official uniform

engage in political activity while using a government vehicle

be candidates for public office in partisan elections

MACOM-DIR: \_\_\_\_\_

**Supervisor:** \_\_\_\_\_  
**August 2000**

**1**

**ARMY**

**SEMI-ANNUAL STANDARDS OF CONDUCT REVIEW**

\_\_\_\_\_  
Supervisor signature and date

1. All Federal Technicians of the Arkansas National Guard must comply with the prescribed Standards of Conduct contained in 5 CFR Chapter XVI S2635.101 and DOD Directive 5500.7-R in discharging their assigned duties during off-hours. They are expected to maintain high standards of honesty and integrity. Violation of any prohibited Standard of Conduct may be the basis for disciplinary action.

2. While the HRO is required semi-annually to communicate the Standards of Conduct to the workforce, the responsibility to brief personnel on the Standards of Conduct is delegated to supervisors. Supervisors must ensure that all technicians review the Standards of Conduct twice yearly.
  3. Below is a list of all technicians under your supervision. (The HRO will provide this list to you twice each year advising you that the Standards of Conduct Review must be accomplished during that month.) Please ensure that each technician reviews the Standards of Conduct and initials the space provided. Initials indicate that Standards of Conduct have been reviewed with the technician during this month.
4. **This completed checklist should be maintained as a part of your supervisor records.**

<u>MANDOC</u>	<u>Employee Name</u>	<u>Activity</u>	<u>Posn No.</u>
<u>Initials</u>			

**Supervisor:** \_\_\_\_\_  
**1 August 2000**

**AIR**

**SEMI-ANNUAL STANDARDS OF CONDUCT  
REVIEW**

\_\_\_\_\_  
Supervisor signature and date

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**Unit                      FAC   Section                      Employee Name      CPCN   Initials**



HRO SUPV REF TAB D ATTACHMENT 2