

Gateway National Recreation Area Fort Hancock 21st Century Advisory Committee



Ethics Training

2013

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QUIZ

What is the most important thing you should take away from this presentation?



Your ethics counselor is your friend!

- I am here to help you.
- I am here to keep you and the NPS out of trouble.



- If you think you have an ethics issue call or e-mail.
- Call **before**.
- I will try my best to get to YES.



PURPOSE OF THIS BRIEF

- Annual ethics training
- To familiarize you with the ethics rules so that...



You will call your new friend
if you think you may have
an issue.

Jeff Davies, your new friend



Representative

- Members of boards are either representatives or special government employee (SGE).
- All members of Gateway are representatives.
- Less ethics rules apply to reps.
- Still good to know the difference between a rep and an SGE.



Representative vs. SGE

- Representative
 - Not government employee
 - Voice of group with financial interest or other stake in the matter
 - Ethics statutes and regulations don't apply
 - **Charter language governs**
- SGE
 - Government employee
 - Independent judgment on behalf of the Government
 - Ethics statutes and regulations apply
 - **Criminal Code provisions**
 - **Standards of Conduct**



Representative

- Appointed to provide the committee with the points of views of nongovernmental entities, nonfederal governmental entities, or of a recognizable group of persons (e.g., industry sector, environmental groups) that have interests in the subject matter under a committee's charge.



Representative

- Not appointed on committees to exercise their individual best judgment on behalf of Federal Government.
- Serve as voice of groups or entities with a financial or other stake in a particular matter before an advisory committee.



What is a Special Government Employee?

- An individual who performs temporary Government service – not expected to exceed 130 days during any period of 365 consecutive days.
- With or without compensation.
- A Government employee, but subject to less restrictive conflict of interest requirements and ethics rules than regular Government employees.



Special Government Employee

- Provide their own independent judgment
- Expected to discuss and deliberate in a manner free from conflicts of interest



**Ethics Responsibilities
as a
FACA Committee
Representative**



Representative

- Ethics statutes and regulations don't apply.
- Charter language governs.



Charter Language

“No Committee or subcommittee member shall participate in any specific party matter including a lease, license, permit, contract, claim, agreement, or related litigation with the Department in which the member has a direct financial interest.”



Ethics Rules that Apply to SGEs

- Bribery, Graft, and Conflicts of Interest Statutes (18 U.S.C. §§ 201, 203, 205, 207, and 208)
- Standards of Ethical Conduct for Employees of the Executive Branch (5 C.F.R. Part 2635)
- Employee Responsibilities and Conduct (5 C.F.R. Part 735)



Ethics Rules that Apply to SGEs

- Supplemental Standards of Ethical Conduct for Employees of the Department of the Interior (5 C.F.R. Part 3501)
- Employee Responsibilities and Conduct (43 C.F.R. Part 20)



When Do the Ethics Rules Apply to SGEs?

- The ethics rules apply whether or not you receive compensation.
- The ethics rules apply even on days when you perform no Government duties.



Ethics counselors never want to hear:

1. We have always done it that way.
2. But it is for a good cause.
3. I thought I could ask for forgiveness later.
4. Everyone else is doing it.
5. It's OK if I don't gain personally.



Annual Ethics Requirements

- Annual Financial Disclosure Reporting
 - OGE 450 for SGEs only.
 - Representatives do NOT file financial disclosure reports.
- Annual Ethics Training only required for SGEs.



Basic Obligations

- The following slides list the basic obligations of public service that apply to SGEs and employees.
- Still good for representatives to be aware of them and follow them.



Basic Obligations of Public Service

- Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.
- Employees shall not hold financial interests that conflict with the conscientious performance of duty.
- Employees shall not engage in financial transactions using non-public Government information or allow improper use of such information to further any private interest.



Basic Obligations of Public Service

- An employee shall not, except pursuant to such reasonable exceptions as are provided by regulation, 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.
- Employees shall put forth honest effort in the performance of their duties.
- Employees shall make no unauthorized commitments or promise of any kind purporting to bind the Government.

Basic Obligations of Public Service

- Employees shall not use their public office for private gain.
- Employees shall act impartially and not give preferential treatment to any private organization or individual.
- Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
- Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.

Basic Obligations of Public Service

- Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
- 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.
- 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.

Basic Obligations of Public Service

- Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards in 5 C.F.R. part 2635.
- The following slides apply to SGEs and employees but it is good information for a representative to know.



If Unsure or Have Questions...

- Notify your DFO
and/or
- Contact Jeff Davies
 - (202) 354-1981
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Questions

Remember to call your friend

