

ANNUAL ETHICS TRAINING

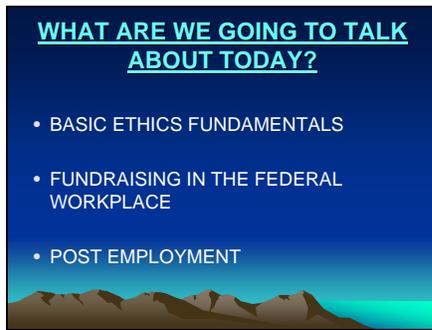
**SPONSORED BY THE
DEPARTMENT OF THE INTERIOR**

NOVEMBER 16, 2006

Slide 1



Slide 2



Slide 3



Slide 4



Slide 5



Slide 6



Slide 7

**AVOID ACTIONS WHICH
CREATE THE APPEARANCE OF:**

- A CONFLICT OF INTEREST
- A LOSS OF IMPARTIALITY OR NEUTRALITY
- IMPROPRIETY ON THE PART OF DOI EMPLOYEES



Slide 8

**REASONABLE PERSON
STANDARD**



Slide 9

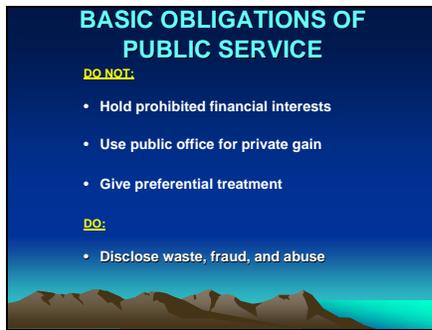
**BASIC OBLIGATIONS OF
PUBLIC SERVICE**

DO NOT:

- Hold prohibited financial interests
- Use public office for private gain
- Give preferential treatment

DO:

- Disclose waste, fraud, and abuse



Slide 10

FURTHER REFERENCES

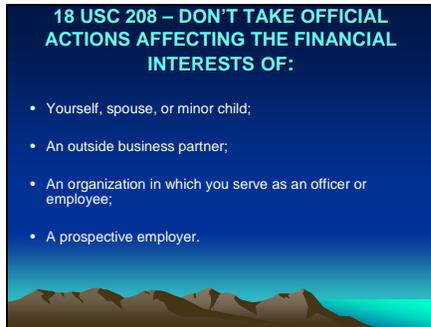
- STANDARDS OF CONDUCT FOR EXECUTIVE BRANCH EMPLOYEES
- DEPARTMENT'S SUPPLEMENTAL STANDARDS OF CONDUCT
- ETHICS-RELATED CRIMINAL STATUTES
- BUREAU-SPECIFIC RESTRICTIONS



Slide 11

18 USC 208 – DON'T TAKE OFFICIAL ACTIONS AFFECTING THE FINANCIAL INTERESTS OF:

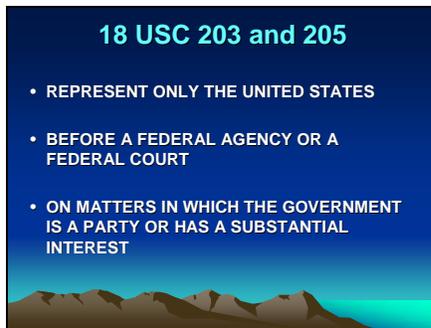
- Yourself, spouse, or minor child;
- An outside business partner;
- An organization in which you serve as an officer or employee;
- A prospective employer.



Slide 12

18 USC 203 and 205

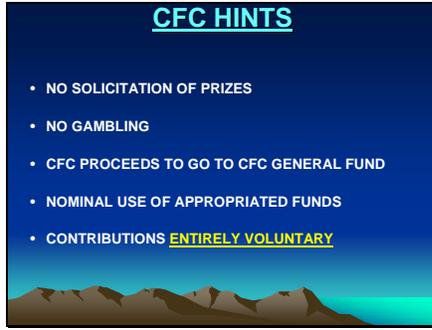
- REPRESENT ONLY THE UNITED STATES
- BEFORE A FEDERAL AGENCY OR A FEDERAL COURT
- ON MATTERS IN WHICH THE GOVERNMENT IS A PARTY OR HAS A SUBSTANTIAL INTEREST



Slide 13



Slide 14



Slide 15



Slide 16

FUNDRAISING - EXCEPTIONS

- COLLECTION OF IN-KIND GIFTS
- FUNDRAISING BY:
 - Employee associations
 - Unions
 - Federally sponsored child care centers
- OTHER OPM AUTHORIZED EVENTS

Slide 17

QUESTION...

- CFC Committee purchases a television out of personal funds from committee members
- Proposes to sell tickets for opportunities to win the television
- Proceeds to go to the CFC General Fund

WHAT PORTIONS OF THIS PROPOSAL ARE CORRECT? INCORRECT?

Slide 18

QUESTION...

- A Management-recognized Employee Association wants to have a bake sale in a Federal conference room
- Proceeds are to go to the annual holiday party or an ice cream social

IS THIS OKAY? WHY OR WHY NOT?

Slide 19

QUESTION

The same Employee Association wants to donate the proceeds of the bake sale to the General Fund of the CFC.

IS THIS OKAY? WHY OR WHY NOT?



Slide 20

QUESTION

Instead of having a gift exchange at your holiday party, you would like to collect funds for a local homeless shelter.

IS THIS OKAY? WHY OR WHY NOT?



Slide 21

QUESTION...

- There is an all employee bulletin board (not official) where any notices that are in good taste may be posted.
- You want to post a notice on the bulletin board about the sale of Girl Scout cookies.

IS THIS PERMISSIBLE? WHY OR WHY NOT?



Slide 22

SEEKING EMPLOYMENT

- As a DOI employee, you wrote the statement of work, participated in the selection of a contractor, and will be responsible for administration of a contract.
- Company X won the contract.
- The CEO of Company X asked if you would be interested in employment with the company.



Slide 23

What should be your response?

A. I can't talk to you about employment now, because I'm responsible for administration of your contract. I would like to talk to you about this later.

B. I am interested in talking to you about employment, but need to talk to my supervisor about having myself removed from any further work with your company until our discussions are concluded.

C. Either of the above responses is appropriate.



Slide 24

WHEN HAVE EMPLOYMENT DISCUSSIONS BEGUN?

- When either party communicates an interest in employment
- Specific terms and conditions do not need to be discussed
- A formal application or resume does not need to be submitted.



Slide 25

WHEN ARE EMPLOYMENT DISCUSSIONS TERMINATED?

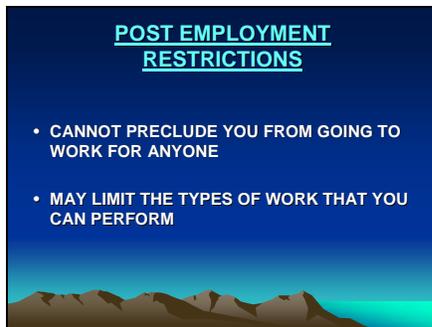
- Either party rejects the possibility of employment
- Two months have passed after an employee submits an unsolicited resume



Slide 26

POST EMPLOYMENT RESTRICTIONS

- CANNOT PRECLUDE YOU FROM GOING TO WORK FOR ANYONE
- MAY LIMIT THE TYPES OF WORK THAT YOU CAN PERFORM

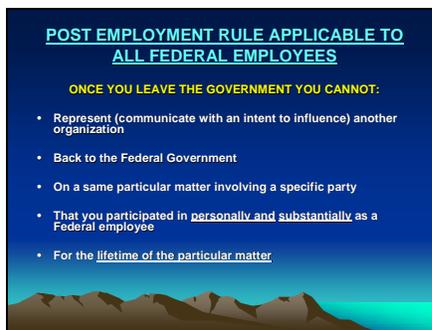


Slide 27

POST EMPLOYMENT RULE APPLICABLE TO ALL FEDERAL EMPLOYEES

ONCE YOU LEAVE THE GOVERNMENT YOU CANNOT:

- Represent (communicate with an intent to influence) another organization
- Back to the Federal Government
- On a same particular matter involving a specific party
- That you participated in personally and substantially as a Federal employee
- For the lifetime of the particular matter



Slide 28

WHAT IS A PARTICULAR MATTER INVOLVING A SPECIFIC PARTY?

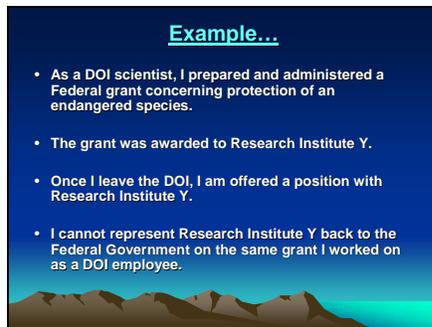
- Any judicial or other proceeding
- Application
- Request for a ruling or other determination
- Contract
- Claim
- Controversy
- Investigation
- Charge
- Accusation



Slide 29

Example...

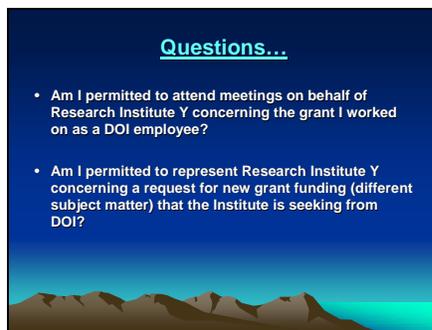
- As a DOI scientist, I prepared and administered a Federal grant concerning protection of an endangered species.
- The grant was awarded to Research Institute Y.
- Once I leave the DOI, I am offered a position with Research Institute Y.
- I cannot represent Research Institute Y back to the Federal Government on the same grant I worked on as a DOI employee.



Slide 30

Questions...

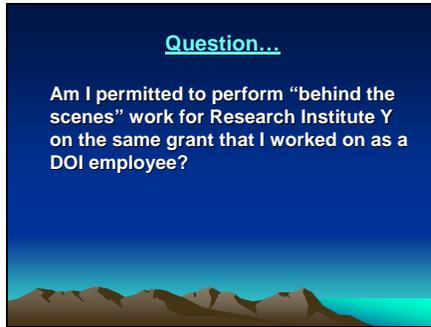
- Am I permitted to attend meetings on behalf of Research Institute Y concerning the grant I worked on as a DOI employee?
- Am I permitted to represent Research Institute Y concerning a request for new grant funding (different subject matter) that the Institute is seeking from DOI?



Slide 31

Question...

Am I permitted to perform “behind the scenes” work for Research Institute Y on the same grant that I worked on as a DOI employee?



Slide 32

POST EMPLOYMENT RULE APPLICABLE TO SUPERVISORS

ESSENTIALLY THE SAME AS THE RULE JUST DESCRIBED EXCEPT THAT:

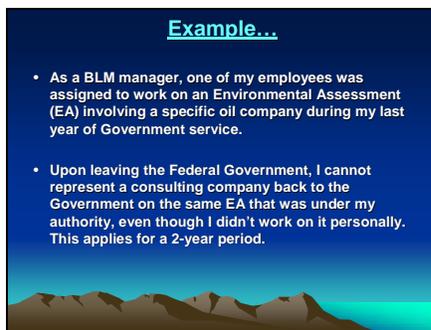
- It applies to anything that was under your authority during your last year of Government service.
- The rule is applicable even if you did not work on the matter personally and substantially.
- The rule is applicable for two years.



Slide 33

Example...

- As a BLM manager, one of my employees was assigned to work on an Environmental Assessment (EA) involving a specific oil company during my last year of Government service.
- Upon leaving the Federal Government, I cannot represent a consulting company back to the Government on the same EA that was under my authority, even though I didn't work on it personally. This applies for a 2-year period.



Slide 34

Background to Question...

- During her last year of Government service, a Park Service Superintendent provided oversight to an employee who was preparing the NPS position on litigation involving a specific conservation group.
- The Superintendent was not involved personally and substantially in the preparation for litigation – only provided oversight.
- The Superintendent retires and begins work with the conservation group.



Slide 35

Question...

- One year following the Superintendent's retirement, the conservation group asks her to serve as the group's expert witness in the prosecution of the same case against the Park Service.
- Can the Superintendent perform this work for the conservation group?
- Why or why not?



Slide 36

Closing thoughts...

- When in doubt, ask!!!
- Get to know your ethics counselors.
- Consider not just your actions, but the appearance of your actions.
- If it doesn't feel or sound right, don't do it.
- Hold yourself and your employees to high ethical standards – the Public expects and deserves it.



Slide 37

Questions or Comments

- If you have any further questions please contact your servicing Ethics Counselor or the Departmental Ethics Office

www.doi.gov/ethics
202-208-7960

Matthew_J_Costello@ios.doi.gov
Stephanie_Langseth@blm.gov

Slide 38

Site Coordinators

- Please fax your sign-in sheets to the appropriate Ethics Counselor

FWS and BLM employees please fax to your servicing ethics counselor

Slide 39

Fax Numbers

- BIA (202) 219-2432
- BLM (202) 501-6718
- BOR (303) 445-6348
- FWS (703) 358-2127
- MMS (703) 787-1046
- NPS (202) 371-5659
- OIG (202) 219-1944
- OSM (202) 219-3107
- OS & SOL (202) 208-5515
- USGS (703) 648-4132

BASIC OBLIGATIONS OF PUBLIC SERVICE

(Executive Order 12674, as amended, and 5 C.F.R. § 2635.101)

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 for certain permitted exceptions, 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 ethical standards.

STATUTORY PROHIBITIONS - These laws apply to all Federal employees and each carry criminal penalties for noncompliance. They also serve as a basis for many of the ethics regulations (known as the Standards of Ethical Conduct for Employees of the Executive Branch).

18 U.S.C. § 201 BRIBERY OF PUBLIC OFFICIALS

Generally, this statute prohibits a Government employee from receiving or soliciting anything of value in exchange for being influenced in the performance or non-performance of any official act, including giving testimony, or in exchange for committing any fraud.

18 U.S.C. § 203 COMPENSATION FOR REPRESENTATIONAL ACTIVITIES

Generally, this statute prohibits a Government employee from receiving or soliciting compensation for any representational services rendered before a court or Government agency in connection with a particular matter in which the United States is a party or has an interest.

18 U.S.C. § 205 REPRESENTATIONAL ACTIVITIES

Generally, this statute prohibits a Government employee from representing anyone else before a court or Government agency in a particular matter in which the United States is a party or has an interest. There is an exception for representing other Federal employees in personnel matters. Limited exceptions are allowed only for representation of oneself or one's immediate family (defined as spouse, parents, and children) or of a person or estate for which the employee acts as a fiduciary, but not where the employee has participated officially or has official responsibility.

18 U.S.C. § 207 POST EMPLOYMENT

Post-employment restrictions are found in 18 U.S.C. § 207 and the Office of Procurement Policy Act Amendments. In no way do they bar any individual, regardless of rank or position, from accepting employment with any private or public employer.

Under 18 U.S.C. § 207, there are six prohibitions which may apply. Two of the most commonly applied prohibitions are described below. The remaining prohibitions apply to "senior" or "very senior" employees. These employees are encouraged to seek the advice of their servicing ethics counselors.

207(a)(1). Restrictions that apply to all former employees. A lifetime bar which prohibits a former employee from serving as another person's representative to the Government on a case, contractual matter, or other similar application or proceeding in which he or she participated personally and substantially while a Government employee.

--There are two important limitations to this prohibition which prohibit former employees from "switching sides." First, the former employee is not restricted unless the matter in which he previously participated was (1) a "particular matter involving specific parties" and (2) is the matter in which he or she now attempts to represent another before the Government.

--This bar requires that the employee had been personally involved in the matter in a substantial way.

--The kind of representation that is prohibited includes not only acting as another's attorney or agent, but **any kind of representative appearance or communication before a federal official with intent to influence the United States**. This includes promotional and contract representatives.

207(a)(2). Two-year bar restrictions that apply to former managers and supervisors. A two-year bar which prohibits former employees from serving as another person's representative to the Government on a case, contractual matter, or other similar application or proceeding which was under his or her management authority in the last year of government service.

--If a former employee is in doubt as to whether a matter was under his or her official responsibility, whether it is the same "particular matter" as that with which he was involved, or whether the United States still has an interest in the matter, he or she should consult with the appropriate ethics office for guidance.

18 U.S.C. § 208 CONFLICT OF INTEREST

Generally, this statute prohibits a Government employee from participating personally and substantially in his or her official Government capacity in any "particular matter" affecting the financial interests of:

- The employee;
- The employee's spouse or minor child;
- A general partner;
- An organization in which the employee is serving as an officer, trustee, partner, or employee;
- Any person or organization with whom the employee is negotiating for employment or has a financial interest.

The statute recognizes limited exceptions to the prohibition for:

- Written waivers issued by agency after full disclosure of the financial interest (such as when serving in an official capacity in an outside organization).

--Financial interests exempted by regulations promulgated by the U.S. Office of Government Ethics (OGE)

--Financial interests arising solely out of certain Native American birthrights.

The assistance of your ethics counselors is necessary in considering any exemption from 18 U.S.C. § 208.

18 U.S.C. § 209 DUAL COMPENSATION

Generally, this statute prohibits a Government employee from receiving any salary, or any contribution to or supplementation of salary, as compensation for services he or she is expected to perform as an officer in the Executive Branch of the U.S. Government.

Appearances of a Conflict of Interest

Personal and Business Relationships - 5 C.F.R. § 2635.502

Basic Principle: Unless specifically authorized by appropriate officials, an employee should not participate in a particular matter involving specific parties when:

--The employee knows the matter is likely to have a direct and predictable effect on the financial interests of a member of his/her household; or

--The employee knows that someone with whom the employee has a covered relationship is a party or represents a party in the particular matter; and

--The employee believes that a reasonable person with knowledge of all the relevant facts would question his/her impartiality in the matter.

With whom does an employee have a covered relationship?

--Anyone with whom the employee has or seeks a business, contractual or other financial relationship other than routine consumer transactions (but not prospective future employers);

--Members of the employee's household or relatives with close personal relationship;

--Anyone with whom the employee's spouse, parent or dependent child is serving or seeking to serve as officer, director, trustee, general partner, agent attorney, consultant, contractor or employee;

--Anyone for whom the employee has served in above capacity within the last year;

--An organization in which the employee is an active participant.

Employees who are concerned about this prohibition may seek assistance of their supervisor, an ethics official or other authorized official. Authorization may be granted by an appropriate ethics official upon written determination that, in light of all relevant circumstances, the Government's interest in the employee's participation in the matter outweighs the concern that a reasonable person may question the integrity of the agency. After receiving an authorization, the employee cannot thereafter disqualify himself from participation in the matter on the same grounds that were the basis for the authorization.

General Rules on Fundraising

Unless permitted by law, regulation or special authority, Department employees may not engage in any form of fundraising activities. This includes but is not limited to conducting raffles, lotteries, bake sales, carnivals athletic events, etc. for charitable organizations. Department employees may engage in charitable organizations sanctioned by the U.S. Office of Personnel Management (OPM). This includes the Combined Federal Campaign, Federal agency day care centers and relief organizations assisting the victims of the September 11, 2001 terrorist attacks.

During the Combined Federal Campaign, it is acceptable for employees to conduct games and contests (e.g. door decorating contests, quizzes such as trivial pursuit, guessing games (how many jelly beans in a jar)), provided there is no requirement that a donation be made as a condition of participating and the contest prizes are legitimately obtained. A container for donations may be prominently displayed in proximity to where the contest is taking place, as long as it is clearly communicated that donations are voluntary. No suggested amount of an appropriate donation may be made.

Raffles, lotteries, and any other games of chance where employees pay money in exchange for the opportunity to win a prize may not be conducted in association with any OPM permitted fundraising activity. Accordingly an employee may not be offered a chance to buy anything of value if the offer is based on a monetary contribution in the form of a donation. This applies whether or not there is a predetermined donation amount.

According to 5 CFR 950.102(d), solicitation of employees conducted by organizations composed of civilian employees for benefit of employees among their own members for organizational support or for the benefit of welfare funds for their members is permitted (with agency approval). This would include the Interior Department Recreation Association, the Indian Arts and Crafts Store, and the Department Daycare centers.

As a result of the September 11, 2001 terrorist attacks, the U.S. Office of Personnel Management has authorized all Executive Department and Agency heads to allow a special solicitation of Federal employees at the workplace. This special solicitation will allow Federal employees to assist the ongoing relief efforts in New York City and the National Capital Area with a one time cash or check donation, outside the normal Combined Federal Campaign procedures.

Additional guidance on acceptable activities for Department employees is provided below:

Ethics Rule: Federal employees may not solicit donations from entities outside the Federal government.

Department employees may not solicit merchandise from local businesses as an incentive to increase contributions to the CFC. Such gifts to Federal employees are prohibited.

This rule does not extend to representatives of Principal Combined Fund Organizations (PCFO), which are local organizations that run the local CFCs on behalf of the designated charities. These representatives are not federal employees and thus are not bound by statutory and regulatory restrictions. PCFO representatives may not offer gifts to CFC key workers to be used as prizes in kickoff ceremonies and other events. OPM is supposed to have advised the PCFOs of this prohibition.

Ethics Rule: It is permissible to hold bake sales, silent auctions, or similar events where items are purchased by employees and proceeds donated to the CFC. It is also allowable for items donated by Federal employees to be given as door prizes.

The bake sale or silent auction items to be sold must be voluntarily donated by the employee. Management must take no action to pressure employees to donate goods, set official or unofficial levels of organizational participation or accountability, or use the incentive awards program as a quid pro quo to reward employees who are enthusiastic donors and/or purchasers.

Ethics Rule: Appropriated funds may not be used to purchase prizes for CFC events.

The Department of Justice provided a written opinion to an inquiry from its own Human Resources Director on this matter. The Director had asked if appropriated funds could be used to purchase "trinkets" (e.g. pens, mugs, caps, tee shirts, etc.). The general conclusion was that there is not a legal prohibition allowing the agency to use funds to purchase items of such negligible value, given that the items would be used as incentives or awards for CFC key workers and coordinators. However, DOJ went on to say it considered such expenditures imprudent and subject to scrutiny that could put the agency in an embarrassing position for using appropriated money for non-mission purposes.

Employees Ethics Guide to Holiday and Social Events

Every year before the start of each holiday season, the Department Ethics Office receives many questions from employees and their business clients on the rules that govern holiday and social events. In anticipation of this year's wave of inquiries, we have published this guide to answer the frequently asked questions on the topics below:

Holiday Decorations

The Comptroller General has ruled that agencies may expend appropriated funds for reasonable seasonal decorations. Expenditures for seasonal decorations within the Department will be limited to those for use in the main entrances to the Departmental buildings, or the Departmental work areas where the buildings are shared. Expenditures are not authorized for decorating private areas or areas where the benefit is primarily for the employees in that area. Decorations should not be religious in nature, and should not endorse any particular religious belief.

While appropriated funds may not be used to purchase decorations of a religious nature for private office space or for common areas, employees may decorate their office areas, if they purchase these decorations with their own funds. Such decorations may reflect the individual's

cultural or religious beliefs (for example, a Christmas tree, a depiction of St. Nicholas, a menorah, or a Mkeka and Kinara).

On August 19, 1997, the White House issued guidelines on religious exercise and religious expression in the federal workplace. These guidelines permit personal religious expression by Federal employees to the greatest extent possible, consistent with requirements of law and safety in the workplace. When decorating Federal offices and public spaces, we must consider and respect the cultures and faiths of all Department employees.

Alcohol

The use of alcoholic beverages in U.S. Government buildings is generally prohibited. However, GSA has delegated to the head of each agency the authority to waive this prohibition to serve its needs. The authority to permit the use alcohol in the Main Interior or the South Interior buildings rests with the National Business Center (NBC). Offices with a desire to serve alcoholic beverages in the Main or South Interior Buildings must call NBC (208-7182) for approval.

Acceptance of Gifts

1. Gifts from non-Federal sources.

As a general rule, Department employees may not, directly or indirectly, solicit or accept a gift from a prohibited source (e.g. person or organization that has business dealings with the Department); or given because of the employee's official position.

There are exceptions to this rule. For example, employees may accept gifts (from a prohibited source) having a market value of \$20 or less per occasion, provided that the aggregate market value of individual gifts received from any one person does not exceed \$50 in a calendar year.

Employees may accept gifts given under circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the position of the employee. Such gifts may not be paid for by a prohibited source.

There are other exceptions to this gift rule which are not stated here because of limited space. Employees who want an explanation of the exceptions should refer to the topic on the acceptance of gifts.

2. Gifts between employees.

Generally, the rules prohibit an employee from giving, donating to, or soliciting contributions for, a gift to an official superior and from accepting a gift from an employee receiving less pay than him or herself.

There are exceptions to this rule, especially when the two employees are not in an official subordinate-superior relationship; and when there is a personal relationship between the two employees that would justify the gift.

An exception also allows, on an occasional basis, gifts, other than cash, with a market value of \$10 or less per occasion for an official superior or accepted from a subordinate or other employee receiving less pay.

Soliciting Contributions

Employees may solicit voluntary contributions of nominal amounts from fellow employees on an occasional basis for items such as food and refreshments to be shared among employees. It is important to note that a contribution is not voluntary unless it is made in an amount determined by the contributing employee. Regulations require a statement that an employee may choose to contribute less, or not at all, to accompany any recommendation of an amount to be contributed.

Holiday Cards

Unless authorized by statute or regulation, the purchase, printing and delivery of holiday cards may not be done at the Government's expense. The distribution of holiday cards has long been considered to be a personal rather than an official function. Accordingly, holiday cards may not be sent in Government envelopes.

Business Related Parties and Related Events

Employees may accept invitations to parties or related events that are sponsored by persons or organizations that have or plan to have business dealings with the Department if: (1) they have the approval of their supervisor; and (2) the gift of food, beverage, and entertainment does not exceed \$20 in value for each event.

Employees may also accept invitations to widely attended holiday events, with prior supervisory approval, and when it has been determined that the employee's attendance at the event will be in the interest of the Department because it will further enhance the Department's programs and operations. Supervisory approval is documented on [Form DI-1958](#).

Supervisors asked to approve an employee's Form DI-1958 are advised that the employee's acceptance of free attendance to a widely attended event should not be granted if the donor is a person or organization other than the sponsor of the event and the value of the gift of free attendance exceeds \$260 and fewer than 100 people are expected to attend the event.