

A WORD ABOUT ETHICS

APPEARANCES OF BIAS

When do a Federal employee's personal relationships conflict with official duties?

○ An employee is disqualified from working on a matter if a named party is (or is represented by) someone with whom the employee has a close relationship, so such relationships may create conflicts. They are called "covered relationships" and are defined in ethics regulations.

What are "covered relationships?"

○ An employee has a "covered relationship" with:

- anyone with whom the employee has (or is seeking) a business or financial relationship;
- a recent former employer or client (for one year or two years, depending on severance arrangements and whether the employee is a political appointee);
- a close relative;
- a household member;
- a current or prospective employer or client of the employee's parents, children, or spouse; and
- an organization in which the employee is an active participant.

Are any other factors considered?

○ Yes. Disqualification is only necessary if the employee's participation would cause an appearance of loss of impartiality.

How are appearance problems resolved?

○ An employee must either:

- not work on a matter in which an appearance of bias is likely because of a personal relationship, or
- obtain special authorization to work on the matter, which may be granted if the agency's need for the employee's participation outweighs the appearance of impropriety concern. Such authorization may be sought through the Ethics Law and Programs Division.

What if an appearance of bias is not from a "covered relationship?"

- An employee should discuss with a supervisor whether a matter should be reassigned if someone with whom the employee has a personal relationship, such as a friend, is involved. The decision on whether to reassign the matter would be based on management concerns, rather than ethics regulations.

UNITED STATES DEPARTMENT OF COMMERCE
Ethics Law and Programs Division, Office of the Assistant General Counsel
for Administration, – www.ogc.doc.gov/ethics.html
202-482-5384 – ethicsdivision@doc.gov – January 2, 2009