

Employee Responsibilities and Conduct

Participant Guide

November 16, 2000

How do I ask the Instructors a Question?

You may ask the instructors a question at any time during the training event. To do this:

1. Call 1-877-887-6282. There are multiple phone lines connected to this number and two operators. If the phone keeps ringing, please be patient and continue to hold. Your call will be answered in the order it was received.
- Fax your questions to 1-877-884-6282. We have included a form at the end of this guide for your convenience. Please DO NOT add a cover sheet.
 - At U.S. Fish and Wildlife Service downlink sites, you may press the red call button on your One Touch keypad.

Statutory Prohibitions

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 Government agency in connection with a particular matter in which the U.S. 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 U.S. is a party or has an interest.

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:

- !** **207(a)(1). Restrictions that apply to all former employees.** 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 attack "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 restricted includes not only acting as another's attorney or agent, but any other kind of representative or communication with intent to influence the United States. This includes promotional and contract representative.

- !** **207(a)(2). Two year bar - restrictions that apply to former managers and supervisors.**

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.

! 207(b). One year bar - restrictions that apply to all former employees.

One year bar that prohibits former employees from aiding, advising or serving as another person's representative, on the basis of covered information, concerning any ongoing trade or treaty negotiation in which he or she had participated personally and substantially during the last year of government service.

! 207(c). One year bar - restrictions that apply to former "senior employees."

Senior employee means those who occupied any position paid under the Executive Level (EL) pay scale and all Senior Executive Service Employees paid at the ES-5 or ES-6 pay level.

For one year after government service in a "senior" position terminates, no former "senior" employee may knowingly make, with the intent to influence, any communication to or appearance before an employee of a department or agency in which he served in any capacity during the one-year period prior to termination from "senior" service, if the communication or appearance is made on behalf of any other person (except the United States), in connection with any matter concerning which he seeks official action by the employee.

- This one-year "cooling-off" ban does not require that the former employee have ever been involved in the matter that is the subject of the communication or appearance.
- It only prohibits communications to or appearances before employees of any department or agency in which he or she formerly served in any capacity during the one-year period prior to his or her termination from senior service.
- The matters covered are broader; they needn't involve specific parties, so the former employee could not, for example, attempt to influence general rulemaking, general policy issues or general legislation.

! 207(f). One year bar - restrictions that apply to all former "senior and very senior employees."

- Senior and very senior employees are prohibited from knowingly aiding, advising or representing a foreign entity, with the intent to influence the official actions of any employee of any U.S. agency or department.

! 207(d). One year bar - restrictions which apply only to "very senior employees."

- Very senior employee means an employee at the Executive Level I.
- Former very senior employees are prohibited from knowingly making, with the intent to influence, any communication to or appearance before any individual appointed to an Executive Schedule position or, any employee of a department or agency in which the former very senior employee served during the one-year period prior to termination from Government service.
- The type of communication or appearance prohibited is one made on behalf of any other person (except the United States), in connection with any matter concerning which the former very senior employee seeks individual action by the individual or employee contacted.
- The one-year period is measured from the date when an employee ceases to be a senior or very senior employee, not from the termination of Government service, unless the two occur simultaneously.

Exceptions

Exception to all post-employment statutes.

! An exception is provided to all of the post-employment statutes when the post-employment activities are performed:

- in carrying out official duties on behalf of the United States or,
- in carrying out official duties as an elected official of a state or local Government.

! An exception is provided to all the prohibitions of 18 U.S.C. 207 for former employees employed by a recognized Indian tribe when communicating for the tribe. This applies to ALL former employees, not just Bureau of Indian Affairs employees. In order for this exception to apply, the former employee must provide written notification to the head of the department, agency, court, or commission with which he or she is dealing or appearing on behalf of the tribe of any personal and substantial involvement he or she may have had as an employee of the United States in connection with the matter involved. See 25 U.S.C. § 450i(j).

Exception for former senior and very senior employees.

! An exception is provided to former senior or very senior employees for the one-year bans of 18 U.S.C. § 207(c) or (d) when the communication or appearance is made in carrying out official duties as an employee of and is made on behalf of:

- an agency or instrumentality of a State or local Government,

- an accredited degree-granting institution of higher education as defined in section 1201(a) of the Higher Education Act of 1965, or
- a hospital or medical research organization exempted and defined under section 501(c)(3) of the Internal Revenue Code of 1986.

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" in which:

- ! he or she,
- ! his or her spouse,
- ! minor child,
- ! general partner,
- ! organization in which he or she is serving as an officer, trustee, partner or employee,
- ! any person or organization with whom he or she is negotiating for employment has a financial interest.

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.

Executive Order 12674

Generally, the Executive Order prohibits a Government employee from:

- ! 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 nonpublic Government information or allow the improper use of such information to further any private interest.
- ! 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 promises of any kind purporting to bind the Government.
- ! Employees shall not use 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.
- ! 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.
- ! Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards promulgated pursuant to this order.

DOI Limited Personal Use of Government Equipment

The DOI policy on limited personal use of government equipment only applies to:

- ! Computers and the internet
- ! Telephones
- ! Fax Machines
- ! Photocopiers

The policy **does not** apply to:

- ! Government credit cards
- ! Motor vehicles

The policy applies to government equipment on government premises. Employees may not remove government equipment from the office for home use.

1. Computers/Internet

Employees may use government computers and the internet for personal use on their own personal time (before and after work, during lunch and other breaks) and provided there is no additional cost to the government. Employees may make personal purchases over the internet, provided they send anything purchased to a non-government address. The following activities are prohibited:

- ! Gambling
- ! Downloading pornography
- ! Lobbying Congress or any government agency
- ! Campaigning - political activity
- ! Fundraising
- ! Conducting commercial activities
 - Daytrading
 - Outside work
 - Real Estate
- ! Endorsement of any Products, Services, or Organizations
- ! Livestreaming or videostreaming music, images, or information

Email: The Department does not place restrictions on incoming email. Under this policy, employees may send out personal email provided that:

- ! Any message is not sent to more than 5 addressees - no mass mailings
- ! No broadcast transmissions
- ! No bulletin boards

All emails belong to the government and become official records.

Managers may place additional restrictions on computer/internet use only in cases of abuse or to meet management needs.

2. Telephones

Personal calls may be made when they are necessary and provide a benefit to the government:

Examples:

- Calls to family members when an employee works late
- Calls to child-care facilities or providers to make alternate arrangements
- Calls to medical or day-care providers
- Calls to make funeral arrangements
- Calls to businesses that are open only during work hours
- Calls to arrange home or car repairs

Purely personal calls are permissible if they are short (5-10 minutes) and no cost to the government (long distance and toll calls are prohibited). **EMPLOYEES ARE LIMITED TO THREE PERSONAL CALLS PER WEEK.**

3. Telephone use on Travel

Employees may use government telephones for official calls while on travel. When using non-government telephones, employees should use federal calling cards or prepaid calling cards. Cellular phones may be used for official calls.

Employees should use federal calling cards and prepaid calling cards when making personal calls on travel. Government-owned cellular phones and hotel phone lines should not be used if possible. Employees must have prior authorization to use telephone equipment on airplanes. If authorized, employees should use federal calling cards or prepaid calling cards.

4. Government Charge Cards on Travel

Employees may use government charge cards while on official travel for the following:

- ! Cash advances within 5 calendar days before and during travel
- ! Transportation-related tickets (air, train, etc.)
- ! Meals
- ! Lodging
- ! Rental cars/gasoline
- ! Local travel (bus, taxi)
- ! Parking and tolls
- ! Phone calls (if calling cards are not available)

Employees may not use government charge cards for any personal purchases.

Acceptance of Gifts

Gifts from Outside Sources

Federal employees may not solicit or accept gifts from prohibited sources.

- ! Applies whether ON or OFF duty.
- ! Applies to direct or indirect involvement.
- ! Applies to all types of gifts, including, but not limited to: favors, gratuities, entertainment, or loans (regardless of value.)

Exclusions to the gift definition:

- ! Snacks
- ! Greeting cards and most plaques, certificates and trophies.
- ! Prizes in contests open to the public.
- ! Commercial discounts available to the general public.
- ! Commercial loans, and pensions and similar benefits.
- ! Anything paid for by the government or for which the employee has paid market price.

Prohibited sources include:

- ! Any person who has, or is seeking to do business with your Agency;
- ! Any person who conducts operations that are regulated by your Agency;
- ! Any person who has any interests that may be affected by the employee's official duties;
- ! Any organization, the majority of whose members represent prohibited sources.

Exceptions:

- ! Unsolicited gifts of \$20 or less, per occasion, from a single source. Not to exceed \$50 per source, per year. (Does not include cash)
- ! Gifts based on a personal relationship.
- ! Discounts and similar benefits.
- ! Awards and honorary degrees.
- ! Gifts based on outside business or employment relationships.
- ! Gifts from a political organization.
- ! Speaking engagements and widely-attended gatherings.

Acceptance of Gifts

Gifts Between Employees

Federal employees are prohibited from:

- ! Directly or indirectly, giving a gift to or making a donation toward a gift for an official superior; or
- ! Soliciting a contribution from another employee for a gift to either his or her own or the other employee's official superior.
- ! Coercing the offering of a gift.

Exceptions:

- ! When the two employees are not in a subordinate-official superior relationship and there is a personal relationship between the two employees that would justify the gift.
- ! On an occasional basis, including any occasion on which gifts are traditionally given or exchanged, the following may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
 - Items with an aggregate market value of \$10 or less per occasion;
 - Items such as food and refreshments to be shared in the office among several employees;
 - Personal hospitality provided at a residence;
 - Items given in connection with the receipt of personal hospitality if of a type customarily given on such occasions; and
 - Leave transferred under an approved agency leave sharing plan.
- ! A gift appropriate to the occasion may be given to an official superior or accepted from a subordinate or other employee receiving less pay:
 - In recognition of infrequently occurring occasions of personal significance such as marriage, illness, or the birth or adoption of a child; or
 - Upon occasions that terminate a subordinate-official superior relationship, such as retirement, resignation, or transfer.

Acceptance of Gifts

Foreign Gifts

Employees may not accept, or encourage the tender of a gift from a foreign government.

- ! Applies whether the employee is ON or OFF duty.
- ! Applies to any unit of a foreign government, whether it is at the national, state, local or municipal level.
- ! Applies to international or multinational organizations made up of Government representatives.

Exceptions:

- ! Gifts of minimal value (\$260 or less);
- ! Transportation taking place outside the United States (5 U.S.C. § 7342);
- ! Educational scholarships;
- ! Medical treatment; or
- ! On any occasion where refusal would cause embarrassment either to the United States or to the Government which is offering the gift.

In this situation an employee may accept the gift on behalf of the United States. The gift must then be turned over to the appropriate property officer.

Acceptance of Gifts

Travel and Related Expenses

Generally, all official travel must be paid for from appropriated funds. Normally those funds are from your agency. However, under some circumstances it is acceptable for your travel to be paid out of the appropriated funds of another government agency, and under certain circumstances your agency may be reimbursed by an outside source.

Exceptions:

31 U.S.C. § 1353

- ! This authority allows executive departments to accept reimbursement from non-Federal sources for an employee's transportation expenses to certain functions related to the employee's official duties.

A non-Federal source may include any individual, private or commercial entity, or nonprofit organization or association. It extends to any state, local, or foreign government.

It is not permissible for an employee, personally, to accept reimbursement for travel and related expenses from an outside source. Only your bureau or office may accept reimbursement. It is permissible for an employee to accept "payments-in-kind," such as actual airline tickets, meals at a banquet, or hotel accommodations. There is no dollar limit to the payment-in-kind that can be accepted.

- ! For an office or bureau to accept reimbursement, the following conditions must be met:
 - Payment is for travel related to official duties;
 - Payment must be for the employee's attendance at a meeting, conference, seminar, speaking engagement, training course, or similar event sponsored by an outside source, that takes place away from your official duty station;
 - Travel may not be for events required to carry out the Department's statutory and regulatory functions, e.g., investigations, inspections, audits, or site visits;
 - Payment is not from a non-Federal source that may be substantially affected by the performance or nonperformance of an employee's duties; and
 - An employee must have a travel authorization (Form DI-1020) that has been approved by the same official that approves his/her travel. The approving official must also fill out a DI-2000 approving the acceptance of funds from the outside source.

- ! This is the preferred authority to use if reimbursement is offered by an outside source.

5 U.S.C. § 4111

- ! This authority allows executive departments to accept reimbursement from non-profit, tax exempt organizations, for transportation expenses to certain functions related to the employee's official duties.

Frequent Flyer Bonuses

There is no requirement that any employee participate in any frequent flyer program. But, if an employee joins a frequent flyer program and any flight mileage paid for by the government is credited toward that account, then that mileage is the property of the government and may not be used for personal travel. Employees who commingle personal and official mileage in the same account MUST keep accurate records in order to use personal miles for personal travel.

An employee may not use frequent flyer bonus miles accrued on government travel for personal upgrades, nor may you upgrade official travel without approval from the Assistant Secretary - Policy, Management, and Budget. However, you may accept any benefits or upgrades which do not reduce the mileage in the government account, provided such benefits or upgrades generally are available to the public.

Misuse of Government Time, Equipment, and Information

It is each employee's responsibility to protect and conserve Government time, property, and information, and to use them economically and for official purposes only.

Misuse of Government Motor Vehicles or Aircraft

- ! You may not willfully use or authorize the use of a Government-owned or leased passenger motor vehicle or aircraft for other than official purposes.

Penalty and Franked Mail and Official Stationery

- ! You are prohibited from using official Government envelopes (with or without applied postage) or official letterhead stationery for personal business. This includes mailing your SF-171 job applications. Willful violation of the prohibition against using franked (postage paid) envelopes must, by law (18 U.S.C. § 1719), result in a fine of not more than \$300.
- ! You are also prohibited from receiving personal mail at the office.

Misuse of Nonpublic Information

- ! You may not engage in a financial transaction using "insider" or nonpublic information, nor allow the improper use of nonpublic information, which is not available to the public, to further your own private interest or that of another.

Misuse of Government Time

- ! You may not use official time other than in an honest effort to perform official duties.
- ! You shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties.

Theft, Embezzlement, or Misuse of Government Property

- ! You shall not convert for personal use, even temporarily on loan, any Government property or equipment. Nor may you use government purchasing authority for personal acquisitions (including your official government credit card), even though you reimburse the Government.
- ! When leaving government service, you may not remove government property or files; nor may you use government copiers to make copies of files to take with you.
- ! Further, you may not misuse government equipment for personal use (e.g., you may not use FAX machines for ordering take-out pizza, computers for keeping church records, copiers for copying personal tax returns, or telephones for conducting outside work activities.)

I Have A Question

Use this page to fax the instructors a question during the training session.
Please Print Legibly.

Fax your questions to 1-877-884-6282

Your Name (Last name is optional): _____
Agency: _____
City: _____
State: _____

My Question is.....

NCTC Distance Learning Evaluation Sheet Course Title DOI Ethics: Annual Training

Location of training Shepherdstown
City

WV
State

Today's date 11 / 16 / 00
Month Day Year

The following questions refer to the training you just received . Please respond using the scale provided, marking with an **X** the circle corresponding to your response.

1. How well did you know this material before beginning the course?

Not at all 1 2 3 4 5 Very well

2. How much more did you learn about this topic?

None 1 2 3 4 5 A lot more

3. How often do you expect to apply this knowledge in the next 30 days?

Never 1 2 3 4 5 Often

4. Have you had a previous course on today's topic?

Yes No

5. About how many other distance learning events similar to this have you previously participated in?

	None	1 or 2	3 or 4	5 to 10	10 or more
For your job?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
For your education?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
For other interests (hobbies, etc.)?	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

6. Please respond to the following questions using the five-point scale, with 1 being "Poor" and 5 being "Excellent." From your vantage point during the training, how would you rate:

	Poor	1	2	3	4	5	Excellent
Location of the video screen:		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Quality of the audio:		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Quality of the video:		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Effectiveness of instructors:		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Opportunity to ask questions:		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Responsiveness to student questions:		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Relevance of course to your job duties:		<input checked="" type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	
Overall effectiveness of instruction:		<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	

7. Did you receive this training at your regular workplace? Yes No (If no answer #8)

8. How long did it take you to get from your workplace to today's training site:

1-29 minutes 30-59 minutes 1-1.5 hours more than 1.5 hours

If you have any comments, please write them on the back of this form.