

September 11, 2009

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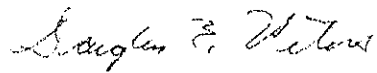
Subject: Comments on supplemental report regarding Southwest Airlines disclosure investigation by DOT IG. Reference OSC File No. DI-07-2868 & DI-07-2793

Ms. Gorman,

I have reviewed the supplemental report enclosed from the U.S. Department of Transportation dated April 30, 2009, and disagree with the DOT OIG supplemental report.

After a thorough review, it appears that the DOT OIG failed to probe ethics violations by FAA inspectors of the SWA CMO and refer these violations to the proper government agency that has authority to enforce such violations. These ethics violations are prohibited by FAA Order 8900.1, Volume 1, Chapter 3, titled "Inspector Responsibilities, Administration, Ethics and Conduct."

Sincerely,



Douglas E. Peters

Aviation Safety Inspector, AFS 40

VOLUME 1 GENERAL INSPECTOR GUIDANCE AND INFORMATION**CHAPTER 3 INSPECTOR RESPONSIBILITIES, ADMINISTRATION, ETHICS AND CONDUCT****Section 2 Personal Ethics and Conduct**

I-176 PURPOSE. This section contains direction and guidance for aviation safety inspectors (ASI) pertaining to principles of ethics and conduct as they affect the performance of duties. (In this section, ASI also refers to aviation safety technicians, cabin safety inspectors, and aircraft dispatcher inspectors.) Although some basic outlines are listed, this section could not possibly cover all circumstances an ASI may encounter. As ASIs are always in the public eye, the Federal Aviation Administration (FAA) expects them to exercise good judgment and professional behavior at all times while on and off duty.

A. Unique Responsibilities of ASIs. ASIs are exposed to a number of circumstances that are critical to their positions and that are not pertinent to other FAA job functions. The ASI has the critical position of frequently interpreting and evaluating the quality of training programs, operations and maintenance manuals, pilot and mechanic performance, and overall safety activities. It is imperative that all ASIs be sensitive to the responsibilities and demands of their positions and be objective and impartial while performing their duties. ASIs must also be sensitive to actual as well as perceived appearances of any conflict that could disrupt the effectiveness or credibility of the Flight Standards mission.

B. Department of Transportation (DOT) Requirements. ASIs are required to comply fully with the letter and spirit of the standards of conduct as set forth by this section; with those set forth in United States Office of Government Ethics publication, "Standards of Ethical Conduct for Employees of the Executive Branch"; and FAA Order 3750.3C, Orientation to Government-Wide Standards of Conduct (both include Title 5, Part 2635, of the Code of Federal Regulations (5 CFR)); and with those set forth in FAA Order 3750.4A, Conduct and Discipline. The agency's policy on employee conduct is designed to encourage employees to maintain a level of professionalism that will promote the efficiency of the FAA and conform to accepted principles of conduct.

I-177 GENERAL. Standards of Professionalism for Flight Standards (AFS). The definition and standards below apply to all Flight Standards employees.

A. Professionalism Definition. Professionalism is a set of behavioral traits that enhances mission effectiveness both internally and externally by:

- Fostering collaboration with others;
- Focusing on customer service; and
- Making a positive impact on organizational success.

B. Standards of Professionalism.

1) Collaboration. When interacting with others, the employee:

- Seeks support from and objectively listens to the suggestions and comments of others
- Demonstrates attention to and understands the concerns of others
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- Offers assistance and shares information that will be useful in producing acceptable and complete solutions
- Remains calm and diplomatic in tense situations in which there may be a significant disagreement among parties
- Discusses problems openly and manages conflicts constructively so that work is not adversely impacted

2) Customer Service. When interacting with customers, the employee:

- Employs Aviation Safety (AVS) "Customer Service Principles"

NOTE: AVS's customer service information may be found at:
http://www.faa.gov/about/office_org/headquarters_offices/avs/cust_service.

- Understands customer requirements at the outset of assignments
- Asks questions to assure understanding of customer expectations
- Informs customers of guidance material and FAA directives
- Ensures that requirements are incorporated into final work products and designs
- Explains recommendations and decisions in a manner appropriate for the audience
- Listens to, accepts, and acts on customer feedback
- Works with the public and industry to achieve and maintain regulatory compliance and improve safety
- Explains the rationale and actions needed for resolution when required to take regulatory action

- Avoids action or inaction that contributes to public perception of unfair or disparate treatment
- 3) Impact on Organizational Success. The employee:
- Satisfies requirements and meets expectations with work of acceptable quality and quantity
 - Uses assigned resources effectively
 - Adheres to published policy, procedures, and work instructions
 - Elevates cases of nonstandard FAA application of published national policy and procedural guidance to the immediate supervisor for resolution
 - Reviews workload and adjusts priorities continually to account for changing circumstances while meeting program objectives in a timely fashion
 - Conforms to FAA regulations, Model Work Environment (MWE) principles, and safety and security standards
 - Supports the mission of the organization through actions and communications

1-178 OTHER INSPECTOR GUIDANCE. Table 1-4 references other documents that contain guidance for inspectors.

Table 1 – 4, References (Current Editions)

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Title 29 of the Code of Federal Regulations (29 CFR)	part 1604
Title 49 of the Code of Federal Regulations (49 CFR) part 99	Employee Responsibilities and Conduct
Title 18 of the United States Code (18 U.S.C.)	section 208

1-179 ON-THE-JOB ETHICS AND CONDUCT.

A. On-Duty Behavior. The conduct of an ASI has a direct bearing on the proper and effective accomplishment of official job functions and responsibilities. ASIs are required to approach their duties in a professional manner and to maintain that attitude throughout their activities. Through their conduct, ASIs working in direct contact with operators and with the public bear great responsibility in the determination of public perception of the FAA. Inspectors must guard against allowing personal emotions or conflicts with industry personnel to influence their behavior or actions in providing assistance to operators, or in filing enforcement actions. While an inspector need not tolerate harassment, they must not respond in kind.

B. Rules of Conduct. All employees must observe the following rules of conduct:

- 1) Report for work on time and in a condition that will permit performance of assigned duties, i.e., in appropriate clothing, with appropriate tools or equipment, and in a mentally alert and physically fit condition.
- 2) Render full and industrious service in the performance of their duties. If such duties are not sufficient to fully occupy employees at any given time, they should notify their supervisor so that additional work may be assigned.
- 3) Maintain a clean and neat personal appearance to the maximum practicable extent during working hours.
- 4) Respond promptly to directions and instructions received from their supervisor.
- 5) Exercise courtesy and tact in dealing with fellow workers, supervisors, and the public.
- 6) Employees must obtain approval of all absences from duty (including leave without pay). An absence that is not approved will be charged as absence without leave. In addition, disciplinary action may be taken if the circumstances warrant.
- 7) Conserve and protect FAA funds, property, equipment, and materials (ASIs may not use or permit others to use FAA equipment, property, or personnel for other than official business).
- 8) When duties concern the expenditure of public funds, have knowledge of and observe all applicable legal requirements and restrictions. In addition, employees are expected to be prudent and exercise sound judgment in the expenditure of such funds. Summaries of the penalty provisions of some of the more important laws relating to the misuse of Federal funds are contained in Title 49 of the Code of Federal Regulations (49 CFR) part 99.
- 9) Safeguard classified information as provided in FAA Order 1600.2 and unclassified information that should not be given general circulation. ASIs shall not disclose or discuss any classified information or "official use only" information unless specifically authorized to do so or except as required on a "need-to-know" basis in the proper discharge of official duties. Classified information shall not be disclosed to anyone who does not have the

appropriate security clearance. In addition, employees shall not:

a) Divulge any official information obtained through or in connection with their government employment to any unauthorized person.

b) Release any official information in advance of the time prescribed for its authorized issuance.

c) Use, or permit others to use, any official information for private purposes that is not available to the general public.

d) Remove official documents or records from the files for personal reasons. The willful and unlawful falsification, concealment, mutilation, or unauthorized removal of official documents or records is prohibited by law.

10) Observe the various laws, rules, regulations, and other authoritative instructions. This includes all rules, signs, and instructions relating to personal safety. (FAA Order 3900.19.) In addition to avoiding accidents, employees must report potential accidents and fire hazards to the proper officials and cooperate fully with the safety officer to ensure that the safety of persons or property is not endangered. Willful nonobservance of the governing safety regulations, such as the acts described below, constitutes grounds for disciplinary actions:

a) Failure to report an accident involving injury to persons or damage to property or equipment;

b) Failure to use protective clothing or equipment (e.g., failure to use a safety device when one is provided);

c) Endangering the safety of or causing injury to personnel or damaging property or equipment through negligence; and

d) Failure to wear an available safety/seat belt while using a motor vehicle for official government business.

NOTE: As government employees, inspectors have immunity from personal liability for common law torts committed within the scope of their employment. No immunity, assistance, protection, or indemnification will apply unless the conduct that is the basis of the tort was within the course and scope of the inspector's employment.

11) Uphold with integrity the public trust involved in the position to which assigned.

12) Report known or suspected violations of law, regulations, or policy through appropriate channels.

13) Do not engage in private activities for personal gain or any other unauthorized purpose while on government property.

14) Give any supervisor or official conducting an official investigation or inquiry all information and testimony about all matters inquired of, arising under the law, rules, and regulations administered by the FAA.

15) Do not make irresponsible, false, or defamatory statements that attack, without foundation, the integrity of other individuals or organizations (ASIs are accountable for the statements they make and the views they express).

16) Telephone eavesdropping is prohibited.

a) Advance notice must be given whenever any other person is placed on the line for any purpose whatsoever. An advance verbal warning must be given when an automatic recording device or a speaker telephone is used. The use of recording devices (portable or otherwise) on telephones shall be limited to areas involving air safety. This includes accident investigations, near-collision reporting, Command Communications Network, and the Washington Tactical Switch (FAA Order 1600.24).

b) FAA employees, in the conduct of their official duties, may not use secret recording or monitoring equipment of any kind or aid in or ignore the improper use of such equipment.

c) The prohibitions do not preclude the use of normal or standard types of recording equipment used openly in areas.

C. Substance Abuse. As an employer, the FAA is concerned with the private decision of any employee to use illicit drugs or abuse alcohol or other substances in a way that could affect the employee's work performance. As an employer with responsibility for aviation safety, the FAA is especially concerned when this private decision can affect the safety of the flying public. Employees directly involved in aviation safety that use illicit drugs or abuse alcohol or other substances place their jobs in jeopardy. Anyone known to do so will not be permitted to perform any duties related to aviation safety until the FAA is satisfied that any such person is no longer a risk to public safety. When there is creditable evidence that any employee is involved in the growing, processing, manufacturing, selling, disposition, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, that employee shall be separated from the Federal service. Use, possession, purchase, or being under the influence of drugs on duty by employees whose duties could affect the safety of people or property will also result in separation.

D. Policy Against Sexual Harassment.

1) The FAA is committed to providing a workplace that is free of sexual harassment. All employees have a right to work in an environment in which they are treated with dignity and respect. Acts of sexual harassment will be treated as misconduct in violation of the agency's policy against sexual harassment and, when appropriate, as unlawful sex discrimination in violation of Title 29 of the Code of Federal Regulations (29 CFR) part 1604.

2) Acts of sexual harassment are prohibited conduct and a single incident will result

in disciplinary action. All employees have a responsibility to behave in a proper manner and to take appropriate action to eliminate sexual harassment in the workplace. Actions that are in violation of the FAA's policy against sexual harassment include, but are not limited to, the following:

- Unwelcome sexual teasing, jokes, remarks, or questions;
- Unwelcome sexual looks (e.g., leering, ogling, or staring at a person's body) or gestures;
- Unwelcome letters, telephone calls, or materials of a sexual nature;
- Unwelcome touching of a sexual nature;
- Promise of benefit in exchange for sexual favors; and
- Threat or act of reprisal for refusal to provide sexual favors.
- Actions will be determined to be "unwelcome" when the employee does not solicit the action and the employee regards the conduct as undesirable or offensive.
- Employees who experience sexually harassing behavior from others should report it to their immediate supervisor or the next level of supervision if a complaint involves the immediate supervisor.
- When there is credible evidence that misconduct of this nature occurred, disciplinary action will be taken in accordance with the table in appendix 1 of the Federal Aviation Personnel Manual (FAPM) Letter 2635.

3) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful harassment in violation of 29 CFR part 1604 when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions; or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- d) An individual who believes he or she has been a victim of sex discrimination in connection with employment practices may file a discrimination complaint in accordance with

FAA Order 1400.8, Equal Opportunity in FAA Employment, chapter 8.

e) In determining whether alleged conduct constitutes sexual harassment in violation of 29 CFR part 1604, the situation (not a single incident) will be viewed as a whole to determine if it had the effect of discriminating against an individual or class of individuals on the basis of sex. This stringent standard differs significantly from the agency's policy where a single incident of sexually harassing conduct will result in disciplinary action.

1-180 OFF-THE-JOB ETHICS AND CONDUCT.

A. Off-Duty Behavior. The FAA expects ASIs to conduct themselves off-duty in a manner that will not adversely reflect on the agency's ability to discharge its mission. ASIs must conduct themselves while off-duty in a manner that will not cause the public to question their reliability and trustworthiness in carrying out their responsibilities as employees of the FAA. Off-duty criminal activity is regarded as misconduct and can result in disciplinary action.

B. Political Activity. It is the right of all employees to vote as they choose and to express their opinions on all political subjects and candidates. However, public expression of opinion in such a way as to constitute taking an active part in partisan campaigns is prohibited. Any political activity that is prohibited in the case of an employee acting independently is also prohibited in the case of an employee acting in cooperation with others or through an agent. Any employee violating the political activity restrictions will be subject to disciplinary action. Some of the prohibited political activities are as follows:

- 1) Soliciting, receiving, disbursing, or otherwise handling contributions made for political purposes. This does not preclude employees from making voluntary contributions to a political party or organization for its general expenditures;
- 2) Furnishing names and addresses of other employees for the purpose of political solicitation;
- 3) Using official authority or influence for the purpose of interfering with an election or affecting the result thereof; and
- 4) Discriminating in favor of, or against, another employee or prospective employee because of political contributions or opinions.

C. Subversive Activity. No employee shall become a member of any organization that the employee knows advocates the overthrow of the constitutional form of the government of the United States, or that seeks by force or violence to deny other persons their rights under the United States Constitution.

D. Striking. No employee shall engage in or encourage any other Federal employees to engage in a strike, work stoppage, or work slowdown in a labor/management dispute involving the Federal Government

E. Meeting Financial Obligations. All employees are expected to meet their private financial obligations in a proper and timely manner. Failure without sufficient excuse or reason

to honor valid debts, including claims based on court judgments and tax delinquencies, or to make and adhere to reasonable arrangements for settlement, will constitute grounds for disciplinary action.

F. Inaugural Flight and Ceremonial Events. The Departmental standards of conduct regulations in 49 CFR part 99 prohibit employees from accepting gifts, favors, gratuities, or any other thing of monetary value, including free transportation, from any person or company that is subject to FAA regulations, that has or is seeking to have contractual relations with the FAA, or that has interests which might be affected by the performance or nonperformance of the duties of the particular employees. Acceptances of invitations by Flight Standards personnel from airlines, aircraft manufacturers, or other aviation-related businesses for inaugural flights or for free transportation in connection with roll-outs and similar ceremonial events are specifically prohibited. Invitations of this nature may only be accepted if the employee is to perform official FAA duties in connection with the event. In such an instance, all related travel and transportation expenses will be borne by the agency. Any invitation of this kind should immediately be forwarded to the appropriate approving official along with a written recommendation from the employee receiving the invitation and his or her supervisor.

1-181 OUTSIDE EMPLOYMENT AND FINANCIAL INTERESTS.

A. Outside Employment And Financial Interests. Information on outside employment and financial interests is contained in 49 CFR part 99. Employees must comply fully with the letter and spirit of the guidance and information relating with outside employment and financial interests.

B. Employee Responsibility. Each employee is responsible for reading and conducting himself or herself in a manner consistent with the appropriate regulations. Each employee must review his or her financial and outside employment activities to ensure that they have no direct or indirect involvement that conflicts with the duties and responsibilities of his or her FAA position.

1-182 TEACHING, LECTURING, WRITING, AND OTHER OUTSIDE, PART-TIME EMPLOYMENT ACTIVITIES.

A. Outside Employment. Consistent with the regulations, employees may engage in outside employment that is compatible with their government duties and which does not impair their physical or mental capacity to perform those duties. Employees may teach, write, or lecture, provided they do not use "inside" information (i.e., information which has not yet been made available to the public). Employees may accept compensation provided they advise the Office of the Chief Counsel (AGC) in writing, of the amount and source within 5 days after the event.

B. Related, Part-Time Work. The FAA has taken the position that additional limitations must apply to its employees who wish to engage in aviation-related, part-time work. Since the agency is solely responsible for control of airspace and the promotion and enforcement of aviation safety in the United States, the "appearance" problem raised by the participation of its employees in outside employment in the aviation arena is considerable. The agency does permit employees to work in aviation-related activities, on a part-time basis, if these activities are not

subject to the jurisdiction of the employee's employing office or facility. Any aviation-related business activity that may be subject to inspection, licensing, certification, or other official contact by the FAA office where the employee works is off-limits to the employee as a source of part-time employment. This prohibition is effective even though the employee personally has no official responsibility over the business in question as part of his or her FAA duties.

C. Inspection Authorization (IA). Airworthiness ASIs may hold an Inspection Authorization (IA) and exercise the privileges of that certificate within specific guidelines. The Flight Standards District Office (FSDO) or International Field Office having responsibility over the geographic area in which the ASI has his or her fixed base of operations must be notified.

1) An Airworthiness ASI who holds an IA and owns one or more aircraft located within the geographic boundary of his or her regional or district office shall be allowed to exercise the privileges of that certificate on his/her aircraft or that of another ASI's aircraft operated under 49 CFR part 91 when no compensation is involved. This privilege does not extend to aircraft operated by nonprofit organizations or flying clubs in which the ASI holds membership, for ASI-owned aircraft in air taxi operations, for flight instruction, or for any other commercial venture, under leased or otherwise.

2) An ASI wishing to exercise the privileges of an IA for hire outside his or her FSDO's geographic boundary must do so under the geographic jurisdiction of his or her element. The ASI must notify his or her regional office in writing. Their regional office shall then refer any conflict of interest questions, which might arise out of this proposed part-time work, to the appropriate regional counsel for determination.

1-183 FINANCIAL INTERESTS. Title 49 CFR part 99 prohibits employees from having any financial interests that conflict, or appear to conflict, with their official duties or responsibilities. On the basis of the "appearance" standard, FAA employees are prohibited from owning stocks or other interests in airlines or aircraft manufacturing companies. This policy applies to all employees, regardless of their particular official duty assignments. Consideration of whether or not an employee's duties involve the aviation-related company, in which he or she may own stock, is not relevant to the application of this prohibition. The regulations specifically exempt from the prohibition any holding in a widely-held mutual fund, or regulated investment company, which does not specialize in the aviation or airline industry.

1-184 DISQUALIFICATIONS ARISING OUT OF FINANCIAL INTERESTS. Title 18 of the United States Code, section 208 provides for criminal penalties for employees who participate personally and substantially, as Government officials, in any particular matter in which they, their spouse, or their minor children have a financial interest. This means that employees may not become involved, as a part of their official Government duties, in any decision-making process involving companies in which they hold stock. This statute also classifies negotiations or arrangements for future employment by an employee as financial interests. The statute requires that the employee avoid any official participation in matters affecting the company with which he or she is negotiating while the individual is still working for the Government.

RESERVED. Paragraph 1-185, through 1-195.

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b) FAA employees, in the conduct of their official duties, may not use secret recording or monitoring equipment of any kind or aid in or ignore the improper use of such equipment.

c) The prohibitions do not preclude the use of normal or standard types of recording equipment used openly in areas.

C. Substance Abuse. As an employer, the FAA is concerned with the private decision of any employee to use illicit drugs or abuse alcohol or other substances in a way that could affect the employee's work performance. As an employer with responsibility for aviation safety, the FAA is especially concerned when this private decision can affect the safety of the flying public. Employees directly involved in aviation safety that use illicit drugs or abuse alcohol or other substances place their jobs in jeopardy. Anyone known to do so will not be permitted to perform any duties related to aviation safety until the FAA is satisfied that any such person is no longer a risk to public safety. When there is credible evidence that any employee is involved in the growing, processing, manufacturing, selling, disposition, transportation, or importation of narcotic drugs, marijuana, or depressant or stimulant drugs or substances, that employee shall be separated from the Federal service. Use, possession, purchase, or being under the influence of drugs on duty by employees whose duties could affect the safety of people or property will also result in separation.

D. Policy Against Sexual Harassment.

1) The FAA is committed to providing a workplace that is free of sexual harassment. All employees have a right to work in an environment in which they are treated with dignity and respect. Acts of sexual harassment will be treated as misconduct in violation of the agency's policy against sexual harassment and, when appropriate, as unlawful sex discrimination in violation of Title 29 of the Code of Federal Regulations (29 CFR) part 1604.

2) Acts of sexual harassment are prohibited conduct and a single incident will result

in disciplinary action. All employees have a responsibility to behave in a proper manner and to take appropriate action to eliminate sexual harassment in the workplace. Actions that are in violation of the FAA's policy against sexual harassment include, but are not limited to, the following:

- Unwelcome sexual teasing, jokes, remarks, or questions;
- Unwelcome sexual looks (e.g., leering, ogling, or staring at a person's body) or gestures;
- Unwelcome letters, telephone calls, or materials of a sexual nature;
- Unwelcome touching of a sexual nature;
- Promise of benefit in exchange for sexual favors; and
- Threat or act of reprisal for refusal to provide sexual favors.
- Actions will be determined to be "unwelcome" when the employee does not solicit the action and the employee regards the conduct as undesirable or offensive.
- Employees who experience sexually harassing behavior from others should report it to their immediate supervisor or the next level of supervision if a complaint involves the immediate supervisor.
- When there is credible evidence that misconduct of this nature occurred, disciplinary action will be taken in accordance with the table in appendix 1 of the Federal Aviation Personnel Manual (FAPM) Letter 2635.

3) Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute unlawful harassment in violation of 29 CFR part 1604 when:

- a) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions; or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- d) An individual who believes he or she has been a victim of sex discrimination in connection with employment practices may file a discrimination complaint in accordance with

FAA Order 1400.8, Equal Opportunity in FAA Employment, chapter 8.

e) In determining whether alleged conduct constitutes sexual harassment in violation of 29 CFR part 1604, the situation (not a single incident) will be viewed as a whole to determine if it had the effect of discriminating against an individual or class of individuals on the basis of sex. This stringent standard differs significantly from the agency's policy where a single incident of sexually harassing conduct will result in disciplinary action.

1-180 OFF-THE-JOB ETHICS AND CONDUCT.

A. Off-Duty Behavior. The FAA expects ASIs to conduct themselves off-duty in a manner that will not adversely reflect on the agency's ability to discharge its mission. ASIs must conduct themselves while off-duty in a manner that will not cause the public to question their reliability and trustworthiness in carrying out their responsibilities as employees of the FAA. Off-duty criminal activity is regarded as misconduct and can result in disciplinary action.

B. Political Activity. It is the right of all employees to vote as they choose and to express their opinions on all political subjects and candidates. However, public expression of opinion in such a way as to constitute taking an active part in partisan campaigns is prohibited. Any political activity that is prohibited in the case of an employee acting independently is also prohibited in the case of an employee acting in cooperation with others or through an agent. Any employee violating the political activity restrictions will be subject to disciplinary action. Some of the prohibited political activities are as follows:

- 1) Soliciting, receiving, disbursing, or otherwise handling contributions made for political purposes. This does not preclude employees from making voluntary contributions to a political party or organization for its general expenditures;
- 2) Furnishing names and addresses of other employees for the purpose of political solicitation;
- 3) Using official authority or influence for the purpose of interfering with an election or affecting the result thereof; and
- 4) Discriminating in favor of, or against, another employee or prospective employee because of political contributions or opinions.

C. Subversive Activity. No employee shall become a member of any organization that the employee knows advocates the overthrow of the constitutional form of the government of the United States, or that seeks by force or violence to deny other persons their rights under the United States Constitution.

D. Striking. No employee shall engage in or encourage any other Federal employees to engage in a strike, work stoppage, or work slowdown in a labor/management dispute involving the Federal Government

E. Meeting Financial Obligations. All employees are expected to meet their private financial obligations in a proper and timely manner. Failure without sufficient excuse or reason

to honor valid debts, including claims based on court judgments and tax delinquencies, or to make and adhere to reasonable arrangements for settlement, will constitute grounds for disciplinary action.

F. Inaugural Flight and Ceremonial Events. The Departmental standards of conduct regulations in 49 CFR part 99 prohibit employees from accepting gifts, favors, gratuities, or any other thing of monetary value, including free transportation, from any person or company that is subject to FAA regulations, that has or is seeking to have contractual relations with the FAA, or that has interests which might be affected by the performance or nonperformance of the duties of the particular employees. Acceptances of invitations by Flight Standards personnel from airlines, aircraft manufacturers, or other aviation-related businesses for inaugural flights or for free transportation in connection with roll-outs and similar ceremonial events are specifically prohibited. Invitations of this nature may only be accepted if the employee is to perform official FAA duties in connection with the event. In such an instance, all related travel and transportation expenses will be borne by the agency. Any invitation of this kind should immediately be forwarded to the appropriate approving official along with a written recommendation from the employee receiving the invitation and his or her supervisor.

1-181 OUTSIDE EMPLOYMENT AND FINANCIAL INTERESTS.

A. Outside Employment And Financial Interests. Information on outside employment and financial interests is contained in 49 CFR part 99. Employees must comply fully with the letter and spirit of the guidance and information relating with outside employment and financial interests.

B. Employee Responsibility. Each employee is responsible for reading and conducting himself or herself in a manner consistent with the appropriate regulations. Each employee must review his or her financial and outside employment activities to ensure that they have no direct or indirect involvement that conflicts with the duties and responsibilities of his or her FAA position.

1-182 TEACHING, LECTURING, WRITING, AND OTHER OUTSIDE, PART-TIME EMPLOYMENT ACTIVITIES.

A. Outside Employment. Consistent with the regulations, employees may engage in outside employment that is compatible with their government duties and which does not impair their physical or mental capacity to perform those duties. Employees may teach, write, or lecture, provided they do not use "inside" information (i.e., information which has not yet been made available to the public). Employees may accept compensation provided they advise the Office of the Chief Counsel (AGC) in writing, of the amount and source within 5 days after the event.

B. Related, Part-Time Work. The FAA has taken the position that additional limitations must apply to its employees who wish to engage in aviation-related, part-time work. Since the agency is solely responsible for control of airspace and the promotion and enforcement of aviation safety in the United States, the "appearance" problem raised by the participation of its employees in outside employment in the aviation arena is considerable. The agency does permit employees to work in aviation-related activities, on a part-time basis, if these activities are not

subject to the jurisdiction of the employee's employing office or facility. Any aviation-related business activity that may be subject to inspection, licensing, certification, or other official contact by the FAA office where the employee works is off-limits to the employee as a source of part-time employment. This prohibition is effective even though the employee personally has no official responsibility over the business in question as part of his or her FAA duties.

C. Inspection Authorization (IA). Airworthiness ASIs may hold an Inspection Authorization (IA) and exercise the privileges of that certificate within specific guidelines. The Flight Standards District Office (FSDO) or International Field Office having responsibility over the geographic area in which the ASI has his or her fixed base of operations must be notified.

1) An Airworthiness ASI who holds an IA and owns one or more aircraft located within the geographic boundary of his or her regional or district office shall be allowed to exercise the privileges of that certificate on his/her aircraft or that of another ASI's aircraft operated under 49 CFR part 91 when no compensation is involved. This privilege does not extend to aircraft operated by nonprofit organizations or flying clubs in which the ASI holds membership, for ASI-owned aircraft in air taxi operations, for flight instruction, or for any other commercial venture, under leased or otherwise.

2) An ASI wishing to exercise the privileges of an IA for hire outside his or her FSDO's geographic boundary must do so under the geographic jurisdiction of his or her element, the ASI must notify his or her regional office in writing. Their regional office shall then refer any conflict of interest questions, which might arise out of this proposed part-time work, to the appropriate regional counsel for determination.

1-183 FINANCIAL INTERESTS. Title 49 CFR part 99 prohibits employees from having any financial interests that conflict, or appear to conflict, with their official duties or responsibilities. On the basis of the "appearance" standard, FAA employees are prohibited from owning stocks or other interests in airlines or aircraft manufacturing companies. This policy applies to all employees, regardless of their particular official duty assignments. Consideration of whether or not an employee's duties involve the aviation-related company, in which he or she may own stock, is not relevant to the application of this prohibition. The regulations specifically exempt from the prohibition any holding in a widely-held mutual fund, or regulated investment company, which does not specialize in the aviation or airline industry.

1-184 DISQUALIFICATIONS ARISING OUT OF FINANCIAL INTERESTS. Title 18 of the United States Code, section 208 provides for criminal penalties for employees who participate personally and substantially, as Government officials, in any particular matter in which they, their spouse, or their minor children have a financial interest. This means that employees may not become involved, as a part of their official Government duties, in any decision-making process involving companies in which they hold stock. This statute also classifies negotiations or arrangements for future employment by an employee as financial interests. The statute requires that the employee avoid any official participation in matters affecting the company with which he or she is negotiating while the individual is still working for the Government.

RESERVED. Paragraph 1-185. through 1-195.