2016 ANNUAL ARMY ETHICS TRAINING

By completing this module, you will have satisfied the 2016 Annual Army Ethics Training requirement as an employee of the U.S. Army Secretariat. This module is not meant to be used by anyone other than U.S. Army Secretariat employees. Be sure to email the certificate at the end of the module as instructed so that you receive proper credit. Non-Secretariat employees will not receive credit for emailing the certificate. Instead, Non-Secretariat employees should email their certificates to their appropriate ethics official. Finally, this module should be completed during official business working hours so that you may contact an ethics official if you have any questions.

A Message from the Secretary of Defense

SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

FEB 12 2016

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Leader-Led, Values-Based Ethics Engagement

Integrity and public confidence in Department of Defense activities and in its people are indispensable to mission success. As such, I have continued to make ethics and values-based decision-making a priority. This involves more than rules-based compliance, although such compliance is imperative. Implementing values-based decision-making from the top down will foster a culture of ethics and promote accountability, respect and transparency throughout the Department.

To this end, I expect leaders at every level of the Department to engage personally with their subordinates in both formal and informal discussions about values-based decision-making. Our personnel, at all levels, should carefully consider the Department's primary ethical values set forth in Chapter 12 of the Joint Ethics Regulation, DoD 5500.07-R, and applicable organizational values, when making decisions as part of their official duties. These values include, among others, honesty, integrity, loyalty, accountability for actions and decisions, fairness and impartiality, respect, and responsible citizenship. Importantly, this engagement must begin with top leaders and cascade down to each subordinate organization's leader. Leaders at all levels must foster a culture of ethics within their organizations by setting the example in their own conduct and by making values-based decision-making central to all aspects of the Department's activities. I understand that many of you already have programs in place to ensure this is happening within your organizations. As leaders, you are in the best position to determine the optimal means for implementing this engagement effort within your respective organizations and to instill the importance of ethics and values-based decision-making within your subordinate leaders. This should be viewed as a continuing engagement rather than a one-time effort.

I have the greatest confidence in you as leaders of the Department. I believe that our dedication to ethics and values-based decision making will continue to inspire public confidence in the Department of Defense and its people.

Ash Carter

cc:
Deputy Secretary of Defense

"This involves more than rules-based compliance. . . Implementing values-based decision making from the top down will foster a culture of ethics and promote accountability, respect and transparency throughout the Department."

"I expect leaders at every level . . . To engage personally with their subordinates in both formal and informal discussions about values-based decision-making. . . This should be viewed as a continuing engagement rather than a one-time effort."

A Message from the Army Leadership

FY 15-16
America's Army – Our Profession
"Living the Army Ethic"

On 1 October 2014 we began the FY 15-16 Army Profession theme, "Living the Army Ethic." Our Army Ethic describes *Why and How We Serve* as American Soldiers and is embodied in the Army's motto *This We'll Defend!* Its focus is our shared identity as trusted Army Professionals, Soldiers and Army Civilians, who are bound by a common moral purpose. All of us are volunteers, serving in the United States Army which is a trusted, honorable profession. We contribute to the common defense of our fellow citizens and our national interest. By solemn oath, we bear true faith and allegiance to the Constitution.

ADRP-1, "The Army Profession," describes the essential characteristics of the Army Profession. As Trusted Army Professionals, we affirm that the heart of the Army is the Army Ethic which shapes our culture of trust and accountability. In the coming year, we will publish the Army Ethic in doctrine, affirming our purpose to preserve the peace and to win our Nation's wars – this is *Why We Serve*.

Our Army's role as a component of the Joint Force is primarily in the domain of landpower. Our enduring responsibility is to equip, train, and be ready for a wide variety of missions, as directed by the civilian leadership and military chain of command. We will maintain a strong culture of ethical service, trust and accountability in the accomplishment of our mission. This is the core of our ethos – this is *How We Serve*.

The five essential characteristics of the Army Profession define this culture and our service. We aspire to be *Honorable Servants* defending our liberty and American values. We demonstrate *Military Expertise* in accomplishing our mission in the right way. Leaders act as responsible *Stewards, strengthening the Profession* while caring for Soldiers, Civilians and resources. Our organizations exhibit *Esprit de Corps* as we persevere through adversity and overcome challenges. In this way, we reinforce our sacred bond of *Trust*, which is the bedrock of our profession. Army Strong!

Daniel A. Dailey Sergeant Major of the Army	Raymond T. Odierno General, United States Army Chief of Staff	John M. McHugh Secretary of the Army

"Our Army Ethic describes *Why* and *How We Serve* as American Soldiers and is embodied in the Army's motto…

…. All of us are volunteers, serving in the United States Army which is a trusted, honorable profession."

The five essential characteristics of the Army Profession define this culture and our service. We aspire to be *Honorable Servants* defending our liberty and American values…

… Leaders act as responsible Stewards, strengthening the Profession while caring for Soldiers…

THIS MODULE

This module is designed to help Secretariat personnel better understand their responsibility to foster and encourage an ethical workplace

Specifically it should encourage you to think about the ethical culture in Secretariat and your organization in particular.

YOUR POSITION IN ETHICS

Supervisors are the <u>frontline</u> of defense in protecting the Army's programs and operations from being adversely affected or derailed by intentional or inadvertent ethical lapses.

A STAT WORTH CONSIDERING

- Studies show that most subordinates – as high as 80% in some studies – seek ethics advice from their supervisor before speaking with an ethics counselor

- Supervisors should be generally familiar with the ethics rules and feel comfortable consulting an ethics counselor for more specific advice when needed.

ETHICS & SUPERVISORS

The Supervisor's Role:

In General

THE SUPERVISOR'S ROLE

***Personal Compliance*:** It is imperative that you understand the ethics requirements and responsibilities that apply to you, both as an employee and as a supervisor

The Supervisor's Role in Organizational Compliance with Ethical Standards

- ***<u>Leading by Example</u>*:** Supervisors' actions more than their words demonstrate their attitudes, values, and expectations. The supervisor sets the ethical tone in the workplace. Employees often look to their supervisor as a role model in order to assess their own level of compliance with ethics requirements.

4. James Madison

AGENCY DESIGNEE ROLE

The Joint Ethics Regulation provides that supervisors are "agency designees" for ethics purposes, provided they are civilians above GS-11 or commissioned military officers.

Ethics counselors are the agency designee for military officers 0-7 or above in command, and any civilian Presidential appointee confirmed by the Senate.

As a supervisor, you may be an agency designee

AGENCY DESIGNEE ROLE

As an “agency designee,” you are responsible for taking actions and making ethical determinations regarding your subordinates, such as:

- Identifying and resolving potential conflicts of interest of subordinates
- Reviewing Financial Disclosure Reports of subordinates
- Obtaining and reviewing Written Disqualifications of subordinates
- Approving Outside Employment of subordinates
- Making “Widely-Attended Gathering” Gift Determinations for subordinates

Identifying Potential Conflicts of Interest

CONFLICT OF INTEREST STATUTE

An employee may not participate **personally and substantially** on a **particular matter** that would have a **direct and predictable effect** on his or her **financial interest** or the interest of the spouse, minor child, general partner, or organization in which he or she is serving as an officer, director, trustee, general partner or employee, or any person or organization with whom he or she is negotiating or has any arrangement concerning prospective employment.

18 U.S.C. 208

REGULATORY "APPEARANCE" STANDARD

- An employee may not take official action on a particular matter that involves either the BUSINESS or PERSONAL interests of someone with whom the employee has a "covered relationship."
- Covered relationships include:
  - Any member of the employee's household;
  - Relatives with whom the employee has a close personal relationship;
  - Outside organizations in which the employee is an active participant;

REGULATORY "APPEARANCE" STANDARD

- Outside organizations in which the employee's spouse, parent, or dependent child serves as an officer, director, general partner, or employee, or is seeking to serve in such a position;
- Anyone other than the Federal Government who employed the employee within the past year (such as a private company);
- A former employer from whom the employee, within the past two years, received an extraordinary severance payment ($10,000+) before coming to work for the Government.

REGULATORY "APPEARANCE" STANDARD

- Additionally, an employee should not participate in an official matter if a reasonable person with knowledge of the relevant facts would question the employee's impartiality.
- Agency designees may, in consultation with with an ethics counselor, be able to allow an employee to participate in a matter despite the lack of impartiality. Consult an EC first!

FINANCIAL DISCLOSURE REPORTS

FINANCIAL DISCLOSURE

The financial disclosure program:

- Is meant to assist employees, supervisors, and ethics counselors **identify and resolve** actual and potential **conflicts of interest**

- The supervisor, working with an ethics counselor, **establishes remedies** when conflicts exist -- disqualification is the preferred remedy

FINANCIAL DISCLOSURE

Supervisors must do the following:

- Determine which employees should file confidential financial disclosure reports (OGE Form 450) based on regulatory standards
- Ensure that employees file financial disclosure reports in a timely manner
- Perform initial reviews and sign reports in a timely manner
- Ensure employees are not assigned to work on matters in which they have a conflict of interest

Written Disqualifications

WRITTEN DISQUALIFICATIONS

- If you are assigned to work on a matter that could affect your financial interests, you may not work on the matter and must file a written disqualification notice with your supervisor
- If you are seeking non-Federal employment, you must disqualify yourself in writing from participation in any matter that would affect the interests of a prospective employer

STOCK Act Notice

278e filers are required to file a notice of negotiation with their ethics counselor within 3 days of commencing negotiations for employment or completing an arrangement for employment

Prior Approval of Outside Activities

PRIOR APPROVAL OF SUBORDINATE'S OUTSIDE ACTIVITY

Supervisors are **uniquely positioned** to judge whether a subordinate's proposed outside activity or employment will present a conflict of interest or the appearance of a conflict with a subordinate's duties, e.g. serving on the Board of a non-Federal entity in a personal capacity

PRIOR APPROVAL OF SUBORDINATE'S OUTSIDE ACTIVITY

The DoD Supplemental Ethics Regulation requires prior written approval by the supervisor before financial disclosure filers may engage in a business activity or compensated outside employment with a company or organization that does or seeks to do business with DoD (a prohibited source)

TEST YOUR KNOWLEDGE

You've been asked to teach a night course at Green University, which is a defense contractor. You will be paid for teaching the course. As an SES, you are a public financial disclosure filer. You believe this will be fun and decide to accept the challenge of teaching the course.

Which of the following answers is correct?

TEST YOUR KNOWLEDGE

Pick the correct answer:

1. You decide that teaching on your own time will not be a problem so you start your teaching position without consulting anyone at DoD.
2. After consulting with your boss, who believes that teaching this course will improve your communication skills, you start teaching the course.
3. After consulting with your boss, who has no objection to your teaching the course and gives you written approval, you start teaching the course.
4. You decide the ethics rules prohibit you from having any compensated outside employment and decline the offer.

Answers to Scenario

1. Incorrect. The correct answer is # 3. You must obtain written approval from your supervisor because Green University is a prohibited source and you are a financial disclosure filer. If you decide to teach the course, you would also need to disqualify yourself in writing from participating in any official matter that could affect the financial interests of the University.

Answers to Scenario

2. Incorrect. The correct answer is # 3. You must obtain written approval from your supervisor because Green University is a prohibited source and you are a financial disclosure filer. If you decide to teach the course, you would also need to disqualify yourself in writing from participating in any official matter that could affect the financial interests of the University.

Answers to Scenario

3. Correct. The DoD Supplemental Ethics Regulation requires that you obtain written approval from your supervisor because Green University is a prohibited source and you are a financial disclosure filer. If you decide to teach the course, you would also need to disqualify yourself in writing from participating in any official matter that could affect the financial interests of the University.

Answers to Scenario

4. Incorrect. The correct answer is # 3. You may teach the course provided you obtain written approval from your supervisor because Green University is a prohibited source and you are a financial disclosure filer. If you decide to teach the course, you would also need to disqualify yourself in writing from participating in any official matter that could affect the financial interests of the University.

GIFTS

General Rule for Gifts

Executive branch personnel may not accept gifts given by defense contractors or because of his or her official position.

Note that civilian political appointees may not accept gifts given by registered lobbyists or lobbying organizations unless certain exceptions apply.

Gift Exceptions

- Gifts with a value of $20 or less ,not to exceed $50 from the same source in a calendar year
- Gifts based on a Personal Relationship
- Free attendance at Widely Attended Gathering s
- Discounts and similar benefits
- Awards and Honorary Degrees
- Gifts based on outside business or employment relationships
- Gifts customarily offered by a prospective employer
- Social invitations from other than prohibited sources
- Meals, refreshments and entertainment in foreign areas
- Gifts accepted under specific statutory authority

Gift Exclusions

- Modest items of food not part of a meal
- Items of little intrinsic value (e.g., plaques, certificates, and trophies)
- Discounts and favorable rates available to the public, all Federal personnel, or all military personnel
- Rewards and prizes from contests open to the public
- Anything paid for by the Government
- Gifts accepted by the Government under statutory authority
- Anything for which market value is paid for by the employee

Widely Attended Gatherings (WAG)

WIDELY ATTENDED GATHERINGS

Generally, employees may not accept a gift given by a prohibited source (e.g., a DoD contractor) or because of his or her official position. There are several exclusions and exceptions to this general prohibition. One such exception is the widely attended gathering exception.

The criteria to satisfy the widely attended gathering exception are as follows:

- A significant number of attendees must be present
- Diverse views must be represented
- There must be an opportunity to exchange views
- The supervisor must determine that there is an agency interest in the subordinate's attendance

TEST YOUR KNOWLEDGE

You and your companions are on government travel, and have been invited to attend a social event at the end of the day in a restaurant down the street from where you are attending a conference. You decide that it would be nice to attend, mingle, and talk about what you are working on in a relaxed atmosphere with 50 people from industry, state and local governments, and the media. Drinks and appetizers, valued at $25, will be provided. The sponsor of the event is a defense contractor. This is the only time you have accepted a gift from this contractor in the current year. Your supervisor is in attendance as are several other employees.

May you accept this gift?

TEST YOUR KNOWLEDGE

Pick the correct answer:

1. Since the gift is of limited value, you graciously accept it.
2. Everyone else from DoD appears to be accepting the gift of free attendance, so you do so as well.
3. You accept the gift after consulting with your supervisor who determined that this event is a widely attended gathering and that was an agency interest in your attending.
4. You decide the ethics rules prohibit you from accepting this gift and so you decline the invitation.

Answers to Scenario

1. Incorrect. The correct answer is # 3. Absent the applicability of a gift exclusion or exception, you may not accept a gift in excess of $20. You may accept this gift if the event is a widely attended gathering and your supervisor has determined that there is an agency interest in your attending. You could also attend the event and pay your own way. It is never inappropriate, and often prudent, to decline a gift from an outside source.

Answers to Scenario

2. Incorrect. The correct answer is # 3. Absent the applicability of a gift exclusion or exception, you may not accept a gift in excess of $20. You may accept this gift if the event is a widely attended gathering and your supervisor has determined that there is an agency interest in your attending. You could also attend the event and pay your own way. It is never inappropriate, and often prudent, to decline a gift from an outside source.

Answers to Scenario

3. Correct. You may accept this gift if the event is a widely attended gathering and your supervisor has determined that there is an agency interest in your attending. Absent the applicability of a gift exclusion or exception, you may not accept a gift in excess of $20. You could also attend the event and pay your own way. It is never inappropriate, and often prudent, to decline a gift from an outside source .

Answers to Scenario

4. Incorrect. The correct answer is # 3. You may accept this gift if the event is a widely attended gathering and your supervisor has determined that there is an agency interest in your attending. Absent the applicability of a gift exclusion or exception, you may not accept a gift in excess of $20. You could also attend the event and pay your own way. It is never inappropriate, and often prudent, to decline a gift from an outside source.

Other *Ethics Related* Issues

Acceptance of Payment from Non-Federal Source For Travel Expenses

- There is a Government-wide law, 31 U.S.C. 1353, that permits Federal personnel to accept gifts of travel, meals, lodging, and/or registration fees associated with official travel to a meeting.
- This is considered a gift to the Government and not to the employee. Therefore, the employee cannot be directly reimbursed.

Acceptance of Payment from Non-Federal Source for Travel Expenses

- Under this law, you must obtain written approval in advance <u>before the travel begins</u>
- The person signing your travel orders (the travel approving authority) must sign a Memorandum approving acceptance of the gift
- The <u>ethics counselor must also concur with the travel authority's determination before the travel begins</u>

OTHER ETHICS RELATED ISSUES

MISUSE OF GOVERNMENT POSITION

Includes improper:

Use of Public Office for Private Gain

Use of nonpublic information

Use of government property

Use of official time

Endorsement

The Washington Post

FINAL

Nixon Says He Won't Resign

Rhodes Will Vote To Impeach; House To Curtail Debate

Feels Such a Step Would Be 'Outside The Constitution'

Resignation Urged By GOP Senators

Dimmy Persuades White House Staff

Misuse of Government Resources

Office equipment and personnel should be used for official and authorized purposes only

- use of office copiers/equipment for personal use is generally not permissible (limited use approved by your supervisor is permissible, e.g. a copy of your 4 page personal tax return but not 100 copies of a flyer to raise money outside the Federal workplace)
- use of personnel for other than official purposes is not permitted, e.g. having a secretary or assistant prepare copies of documents and delivering them to a condominium meeting at night
- Subordinates may not perform personal errands for their supervisor such as picking up dry cleaning during the day

SEEKING POST-GOVERNMENT EMPLOYMENT: BASIC RULE

When seeking non-Federal employment, an employee *MUST* –

- Disqualify *in writing*, from participating
  - In any particular matter
  - That could have a direct and predictable effect on the employee's financial interests, or, the financial interests of persons with whom they seek or have arrangements for non-Federal employment

VIOLATION MAY CONSTITUTE A CRIMINAL OFFENSE

POST-GOVERNMENT EMPLOYMENT REPRESENTATIONAL BARS

18 U.S.C. § 207

– Upon leaving Government, employees are subject to **CRIMINAL** restrictions under this statute that may limit their interactions with the Government on behalf of another person, company, or entity

Procurement Integrity Act

DoD personnel serving in certain designated positions involving an acquisition in excess of $10 million may be subject to the Procurement Integrity Act, a law that could prevent them from being paid by the contractor for one year after their involvement in the procurement. Contact an ethics counselor for more specific information.

POST-EMPLOYMENT WRAP UP

- Post Employment Restrictions are complex and highly fact-dependent
- Ensure you and your subordinates consult an ethics counselor for advice related to specific post-employment questions

HATCH ACT

Restrictions on Partisan Political Activities of Civilians

HATCH ACT

Restrictions on Partisan Political Activities of Civilians

<u>RULE</u>: The Hatch Act restricts partisan political activities of civilian employees.

- **DoD policy further restricts the partisan political activities of certain political appointees.**

<u>Military Personnel</u>: Have similar rules which are described in DoD Directive 1344.10, Political Activities by Members of the Armed Forces

HATCH ACT

Restrictions on Partisan Political Activities of Civilians

General Policy Highlights: At DoD there are two categories of civilian employees - "further" and "less" restricted.

- Further Restricted Presidential appointees confirmed by the Senate; non-career and career Senior Executive Service employees; Members of the Contract Appeals Board; and employees of NSA, DIA, NGA (e.g., strictly limited).
- Less Restricted All others (GS, WG, Schedule C, etc.)

What is Political Activity?

Political Activity is an activity directed toward the success or failure of:

- a political party;
- a candidate for partisan political office (beginning with fundraising or declaration of candidacy); OR
- a partisan political group

Non-Partisan Any activity not associated with the success of a political party or candidate for partisan political office.

What is Political Activity?

Examples of Political Activity:

- Serving as a delegate to a political party convention
- Wearing a partisan political button in the office
- Working for a political party at the polls on election day
- Using office email to forward campaign information
- Soliciting contributions for a candidate for partisan office

What is Not Political Activity?

Not Partisan Activity of a non-partisan nature, including:

- Participating in non-partisan activities of a civic, community, social, labor, or professional organization, such as nonpartisan voter registration efforts
- Campaigning for or against non-partisan issues, such as referendum questions, constitutional amendments, or municipal reforms
- Taking an active part, as a candidate or in support of a candidate, in a non-partisan election
- Serving as an election official or clerk, or in a similar position, performing non-partisan duties as prescribed by state or local law

All DoD Civilians …

MAY:

- Vote
- Make a financial contribution to a campaign
- Express personal opinions about candidates and issues
- Sign nominating petitions
- Attend political rallies and meetings
- Participate in nonpartisan activities

All DoD Civilians …

MAY NOT

- Run for partisan office
- Engage in political activity ON DUTY or IN THE FEDERAL WORKPLACE (do not use DoD email account!)
- Solicit, accept, or receive political contributions (this is prohibited 24 hours a day, 7 days a week)
- Misuse official authority to affect an election

Less Restricted Civilians…

MAY:

- Join and be active members of a political party or club (organize political meetings or rallies, distribute campaign literature, serve as officer or delegate of a political party or campaign, volunteer at candidate's campaign office)

- Help organize political fundraising events (but no soliciting, accepting, or receiving of political contributions

Further Restricted Civilians …

MAY NOT:

- Take an active role in partisan political management or political campaigns
- Distribute campaign literature for a candidate for partisan office
- Organize a political rally or fundraiser for a political party
- Hold political party office or be a delegate to a party convention
- Host a fundraiser for a candidate for partisan office

Hatch Act Penalty

The Office of Special Counsel (OSC) has exclusive jurisdiction over investigation and enforcement of the Hatch Act rules.

BEWARE! **DoD civilians must scrupulously comply with the Hatch Act restrictions.**

PENALTY:

- Political Appointees. OSC will make a recommendation for discipline to the White House.
- All Others. Administrative, fines, removal, reduction in grade, debarment from Federal employment not to exceed 5 years, suspension, reprimand, or a civil penalty not to exceed $1,000.

TEST YOUR KNOWLEDGE

Scenario: Susan is a career SES employee (further restricted). She has been invited to attend a fundraiser for a partisan candidate. May she attend?

Possible answers

1. No, she may not attend. Further restricted employees are prohibited from taking an active part in all partisan activities.
2. Yes, she may attend but she may not volunteer or work for the candidate at the fundraising event.
3. Yes, she may attend and do whatever she wants.
4. No, she cannot attend or do anything involving a partisan political party event during an election season.

Answers To Scenario

1. Incorrect. The correct answer is # 2. Susan may attend the fundraiser. The Hatch Act expressly prohibits further restricted employees from taking an active part in partisan political management or political campaigns, but mere attendance is not active participation. More specifically, further restricted employees are prohibited from engaging in any political activity which is "in concert" with a political party, partisan political group or candidate for partisan political office. “In concert” activity is any activity that is sponsored or supported by a political party, partisan political group or candidate for partisan political office. Further, these employees are not prohibited from expressing their personal views at such an event.

*******She may not solicit, accept, or receive political contributions*******

Answers to Scenario

2. Correct. Susan may attend the fundraiser. The Hatch Act expressly prohibits further restricted employees from taking an active part in partisan political management or political campaigns, but mere attendance is not active participation. More specifically, further restricted employees are prohibited from engaging in any political activity which is "in concert" with a political party, partisan political group or candidate for partisan political office. “In concert” activity is any activity that is sponsored or supported by a political party, partisan political group or candidate for partisan political office. Further, these employees are not prohibited from expressing their personal views at such an event.

*******She may not solicit, accept, or receive political contributions *******

Answers to Scenario

3. Incorrect. The correct answer is # 2. Susan may attend the fundraiser. The Hatch Act expressly prohibits further restricted employees from taking an active part in partisan political management or political campaigns, but mere attendance is not active participation. More specifically, further restricted employees are prohibited from engaging in any political activity which is "in concert" with a political party, partisan political group or candidate for partisan political office. “In concert” activity is any activity that is sponsored or supported by a political party, partisan political group or candidate for partisan political office. Further, these employees are not prohibited from expressing their personal views at such an event.

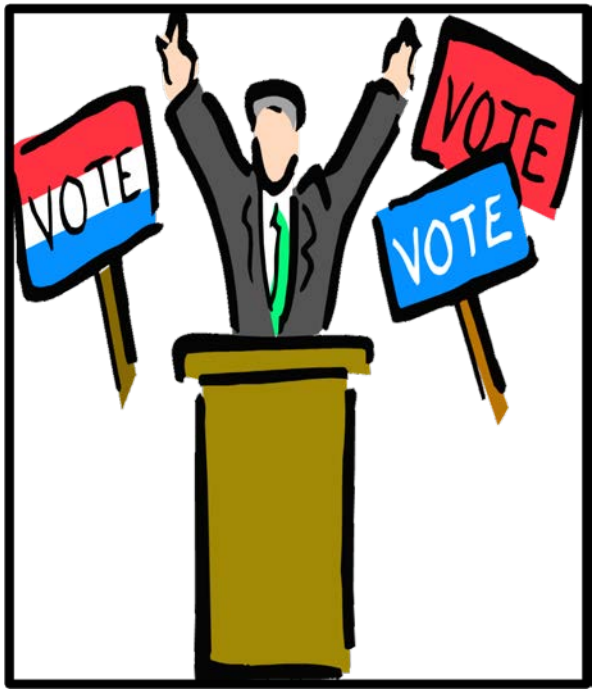
*******She may not solicit, accept, or receive political contributions *******

Answers to Scenario

4. Incorrect. The correct answer is # 2. Susan may attend the fundraiser. The Hatch Act expressly prohibits further restricted employees from taking an active part in partisan political management or political campaigns, but mere attendance is not active participation. More specifically, further restricted employees are prohibited from engaging in any political activity which is "in concert" with a political party, partisan political group or candidate for partisan political office. “In concert” activity is any activity that is sponsored or supported by a political party, partisan political group or candidate for partisan political office. Further, these employees are not prohibited from expressing their personal views at such an event.

*******She may not solicit, accept, or receive political contributions *******

Political Activities Involving Military Members



Political Activities Involving Military Members

- Governed by DoD Directive 1344.10
- Treats military members similar to further restricted civilian members under the Hatch Act

Test Your Knowledge

- May a member of the armed forces attend a campaign event, in her personal capacity, for a candidate running for partisan political office?

1. Yes, a member of the armed forces may attend a campaign event in her personal capacity and while out of uniform.
2. Yes, a member of the armed forces may attend a campaign event either in or out of uniform.
3. No, a member of the armed force may never attend a partisan political event either in or out of uniform.
4. Yes, if he is in his personal capacity wearing his uniform.

ANSWER TO SCENARIO

1. Yes, a member of the armed forces may attend campaign events (partisan and nonpartisan), including fundraisers, rallies, debates, conventions, or activities as spectators (no formal speaking role) when not in uniform and when no inference or appearance of official sponsorship, approval, or endorsement can reasonably be drawn.

ANSWER TO SCENARIO

2. Incorrect, while a member of the armed forces may attend a campaign event, she may not attend such event while in uniform. See answer 1.

ANSWER TO SCENARIO

3. Incorrect, a member of the armed forces may attend (no formal speaking role) partisan and nonpartisan campaign events while in her personal capacity and while out of uniform. See answer 1.

ANSWER TO SCENARIO

4. Incorrect. The Correct answer is (1). He or she cannot wear the uniform.

Ethical Decision Making

Always ask yourself these questions when making a decision

- Do the ethics rules permit me to take a proposed action/may I proceed?
- If yes, should I proceed? What are the benefits to DoD if I take the proposed action *and what are the RISKS?*

THE LAST WORD

- Be familiar with the ethics rules that apply to you and your subordinates

- Lead by example…your actions, more than your words demonstrate your attitudes, values and expectations

- You do not have to be an ethics expert. Please contact your ethics counselor with any questions. The ethics counselor is here to help you!

Contact Information

Army OGC: Phone: 703-695-4296

E-Mail: usarmy.pentagon.hqda-ogc.mbx.ef@mail.mil

Peggy Baines (Ethics)

- Ethics Program Management
- Training
- Financial Disclosure
- Post Government
- FACAs (ASB & ANCAC)
- Post Government Employment
- CASA Program

John Kent (Ethics)

- GO Nominations
- Use of Position or Title
- Liaisons with NFEs
- Official Speaking
- Support to NFEs
- Gifts
- AUSA

Mark Vetter (Ethics)

- Conferences
- Travel
- Political Activities
- Outside Activities
- Endorsements
- Fundraising
- 31 USC 1353 Travel benefits

Jude Soundar (Financial Disclosure Mgmt (FDM) System & Conferences)

- Electronic filing of OGE 278 and OGE 450

OTJAG

Art Kaff (OTJAG Ethics)

- All ethics matters for HQDA ARSTAF
- Call 571-256-2907

Ethics Laws and Regulations

OVERVIEW OF ETHICS RULES

You may want to print these next 6 slides to have available for reference.

ETHICS LAWS

STATUTE	BRIEF SUMMARY
18 U.S.C. 201 Bribery	Prohibits a Federal employee from seeking, receiving or agreeing to accept anything of value for themselves or others in return for being influenced in an official act.
18 U.S.C. 203 Paid Representation in matters against the Federal Gov't.	Bars a Federal employee from seeking or accepting compensation for representing another before a Federal department, agency or court in matters where the U.S. is a party or has a substantial interest.

ETHICS LAWS

STATUTE	BRIEF SUMMARY
18 U.S.C. 205 Unpaid Representation in matters against the Federal Gov't.	Prohibits a Federal employee from assisting in the prosecution of a claim against the U.S. or representing another before a Federal department, agency or court in a matter where the U.S. is a party or has a substantial interest even though the Federal employee receives no compensation for such representation.
18 U.S.C. 207 Post-Gov Employment	Places certain restrictions on a former Federal employee against representing the interests of others back to the Federal government after leaving Federal employment.

ETHICS LAWS

STATUTE	BRIEF SUMMARY
18 U.S.C. 208 Financial Conflict of Interest	Bars a Federal employee from participating personally and substantially in an official capacity in any particular Government matter that would have a direct and predictable effect on his financial interests.
18 U.S.C. 209 Dual Compensation	Prohibits a Federal employee from receiving additional salary/supplementation of salary from any source other than the United States as compensation for services rendered as a Government employee.

Additional Ethics Guidance

- **14 ETHICAL PRINCIPLES** – These establish ethical values and goals for Federal employees and form the foundation for most ethics laws and regulations
- **STANDARDS OF CONDUCT FOR EMPLOYEES OF THE EXECUTIVE BRANCH** – The Federal-wide regulation that implements the conflict of interest laws and governs ethical conduct of all Federal employees
- **DOD SUPPLEMENTAL STANDARDS OF CONDUCT** – Provides additional DoD-specific ethics guidance

The Federal Standards of Ethical Conduct

The Standards of Conduct regulate the following:

- Conflicting **Financial Interests**
- Loss of **Impartiality**
- **Gifts** from outside sources and employees
- Negotiating for **Non-Federal Employment**
- **Misuse of Official Position** – Use of public office for private gain; nonpublic information; Government property; official time
- **Outside Activities** – Outside Employment; Fundraising; Teaching, Speaking, Writing; Providing Expert Testimony

DoD Supplemental Ethics Regulation

The DoD Supplemental Ethics Regulation addresses additional issues specific to DoD personnel such as:

- Monetary limit on value of group gift (currently no more than $300) from subordinates to supervisor
- Requirement to use a disclaimer when providing unofficial speeches
- Prior approval by the supervisor for compensated outside employment with a prohibited source if the DoD employee is a financial disclosure filer
- Prohibition on making solicited sales to DoD personnel (or their families) who are more junior in rank, grade or position

DoD Core Values

Found in DoD 5500.07-R, Chapter 12

Honesty
Responsible Citizenship
Pursuit of Excellence
Loyalty
Fairness
Promise Keeping
Caring
Integrity
Accountability
Respect