



Annual Ethics Training for Army Secretariat Personnel 2020

Army Office of General Counsel, Ethics and Fiscal

UNCLASSIFIED



APPLICABILITY

- Army Secretariat personnel may complete this module to satisfy their annual ethics training requirement, where required.
- To receive credit, Army Secretariat employees must email their certificate of completion to Army OGC as instructed at the end of the presentation.
- **Caution:** If you are not an Army Secretariat employee, check with your servicing ethics office **before** taking the training to ensure that office will accept this presentation in satisfaction of your annual training requirement. Do not email your certificates of completion to Army OGC as instructed at the end of the presentation. **Non Army Secretariat employees seeking credit for completing this training must provide their certificates of completion to their servicing legal office, not Army OGC.**



APPLICABILITY

This module should be completed during official business hours so that you may contact an ethics official if you have any questions.



PURPOSE

- **This training is designed for use by Army Secretariat employees to satisfy their annual ethics training requirement, preferably when they cannot attend a live ethics training session.**
- **The intent of this module is to help Army personnel better understand their responsibility to foster and encourage an ethical workplace.**
- **Specifically, you are encouraged to think about the ethical culture in your organization and your contributions towards that culture.**



LEARNING OBJECTIVES

- **General Principles of Public Service**
- **Ethical Decision Making**
- **Political Activities**
- **Non-Federal Entities**
- **Gifts**
- **Widely-Attended Gatherings**
- **Conflicts of Interest**
- **Impartiality in Performing Official Duties**
- **Financial Disclosure Reports**
- **Misuse of Position**
- **Use of Government Resources**
- **Post-Government Employment**



GENERAL PRINCIPLES OF PUBLIC SERVICE

DO

- Place loyalty to the Constitution, the laws, and ethical principles above private gain.
- Act impartially to all groups, persons, and organizations.
- Protect and conserve Federal property.
- Disclose waste, fraud, abuse, and corruption to appropriate authorities.
- Fulfill in good faith your obligations as a citizen, and pay your Federal, State, and local taxes.
- Comply with all laws providing equal opportunity to all persons, regardless of their race, color, religion, sex, national origin, age, or handicap.

DON'T

- Use public office for private gain.
- Use nonpublic information to benefit yourself or anyone else.
- Solicit or accept gifts from persons or parties that do business or seek official action from DoD (unless permitted by an exception).
- Make unauthorized commitments or promises that bind the Government.
- Use Federal property for other than authorized activities.
- Take jobs or hold financial interests that conflict with your Government responsibilities.
- Take actions that give the appearance that they are illegal or unethical.



ETHICAL DECISION MAKING

Always ask yourself these questions when making a decision:

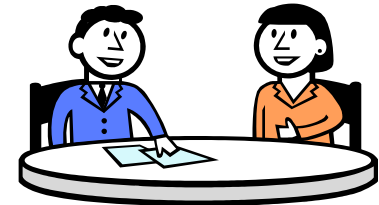
- **Do the ethics rules permit me to take a proposed action?**
 - **May I proceed?**
 - **If yes, SHOULD I proceed? Just because a course of action is legal does not mean it is a good idea.**
- **What are the benefits to DoD if I take the proposed action and what are the RISKS?**



Political Activities

•Focus Area: Political Activities

•The Hatch Act was passed in 1939 to ensure that federal programs "are administered in a nonpartisan fashion, to protect federal employees from political coercion in the workplace, and to ensure that federal employees are advanced based on merit and not based on political affiliation." U.S. Office of Special Counsel.





Political Activities

- **Political Activity:** activity directed toward the success or failure of a political party, candidate for partisan political office or partisan political group.





Political Activities

- **Federal Employees – Hatch Act, 5 U.S.C. § 7321-7326.**
- **Soldiers – DoD Directive 1344.10, Political Activities by Members of the Armed Forces.**





Political Activities

Question: An employee brings to work a coffee mug advocating for passage of the Equal Rights Amendment.

Has the employee violated the Hatch Act or DoDD 1344.10?

YES

NO



Political Activities

Yes is incorrect.

Passage of an Equal Rights Amendment is an issue and not political activity, even if it may be associated with a particular political party. Advocating for issues does not violate the Hatch Act or DoDD 1344.10. While advocating for issues may create other personnel issues in the workplace, it does not create a Hatch Act/DoDD 1344.10 issue.



Political Activities

The correct answer is No.

Passage of an Equal Rights Amendment is an issue and not political activity, even if it may be associated with a particular political party. Advocating for issues does not violate the Hatch Act or DoDD 1344.10. While advocating for issues may create other personnel issues in the workplace, it does not create a Hatch Act/DoDD 1344.10 issue.



**Not political
activity**

**On Feb. 11th, the Top 1% Stop Paying
Into Social Security for the Rest of 2015**



**It's Time for Millionaires and Billionaires
to Pay Their Fair Share. Scrap the Cap!**



Political Activities

All DoD Employees May:

- Place a campaign sign in the yard (exceptions for on-post housing)
- Place A campaign bumper sticker on a personal car
- Make financial contributions to political parties or candidates running for partisan political office
- Express personal opinions on candidates and issues (but maybe not a good idea in the workplace)



Political Activities

All DoD Employees May:

- **Attend political events (but never in uniform)**
- **Participate in nonpartisan elections**
- **Assist in nonpartisan voter registration drives**
- **Sign a nominating petition**



Political Activities

Question: LT White, off-duty and using her own iPhone, sent a link to a friend for a fund-raising page for a political candidate.

Did LT White violate the Hatch Act/DoDD 1344.10?

YES

NO



Political Activities

The correct answer is Yes.

Federal employees may not solicit, accept, or receive political contributions – 24/7. They may not fundraise, even off-duty, and even using their own communications devices.



Political Activities

No is incorrect.

Federal employees may not solicit, accept, or receive political contributions – 24/7. They may not fundraise, even off-duty, and even using their own communications devices.



Political Activities

Employees May not Solicit, Accept, or Receive Political Contributions. This includes:

- Hosting or Serving as the POC for a fundraiser**
- Signing a fund-raising solicitation letter**
- Collecting money at the door of a fundraising event**
- Soliciting funds through a phone bank (even anonymously)**



Political Activities

DoD Employees May NOT Use Official Authority to Affect the Outcome of an Election

- May not invite subordinates to campaign events
- May not use official title or position while engaging political activity
- May not use agency resources, e.g., official social media account, while engaging in political activity
- May not use non-public information for political purposes



Political Activities

- **Examples of Prohibited Political Activity in the Workplace**
 - **Buttons, Posters, Coffee Mugs, Screen Savers, etc., that support or oppose political parties or candidates running for partisan political office**
 - **E-mailing, blogging, tweeting, posting to social media, prohibited in the workplace:**
 - **Even if using a personal device or email account**
 - **Even if sharing or forwarding content which was authored by others**
 - **Even if sharing or forwarding to friends or like-minded coworkers**



Non-Federal Entities

- **Employees may voluntarily participate in activities of non-Federal entities (NFEs) as individuals in their personal capacities, provided they act exclusively outside the scope of their official positions.**
- **But, an employee who serves for an NFE in a fiduciary role (for example, as an officer, board member, or committee member) may face conflicts of interest that prevent him/her from performing certain official duties if those duties involve professional associations.**



Non-Federal Entities

- Question – Ms. Smith DASA (Widgetry) (DASA(W)) is the vice-president of the American Society of Military Widgeeters (ASMW), an NFE. The ASMW offered her this position the day she was appointed DASA(W). The previous two DASA(W)s held this position before ASMW offered her this position. May she accept this position without running afoul of ethics provisions?**

YES

NO



Non-Federal Entities

- **Yes is incorrect.**
- **It appears that ASMW offered Ms. Smith the vice-president position based on her official DASA(W) position. While DoD employees may voluntarily participate in NFE activities in their personal capacities, they may not serve in a personal capacity as an NFE officer or similar position offered because of the DoD position (DoD 5500.07-R, para. 3-301).**



Non-Federal Entities

- **The correct answer is No.**
- **It appears that ASMW offered Ms. Smith the vice-president position based on her official DASA(W) position. While DoD employees may voluntarily participate in NFE activities in their personal capacities, they may not serve in a personal capacity as an NFE officer or similar position offered because of the DoD position (DoD 5500.07-R, para. 3-301).**



Non-Federal Entities

- Question – COL Jones is the vice-president of the local chapter of the Association of the Army of the United States (AAUS), an NFE. The AAUS chapter is sponsoring a conference at the same installation where COL Jones works. May COL Jones direct his Soldiers to set up for the local conference during the duty day?**

YES

NO



Non-Federal Entities

- **Yes is incorrect.**
- **DoD employees [to include Soldiers] “may not be used to support the unofficial activity of another DoD employee in support of non-Federal entities, nor for any other non-Federal purposes” (DoD 5500.07-R, para. 3-303b).**
- **NOTE: “Certain organizations have special relationships with DoD or its employees specifically recognized by law or by other directives” (DoD 5500.07-R, para. 3-212).**



Non-Federal Entities

- **The correct answer is No.**
- **DoD employees [to include Soldiers] “may not be used to support the unofficial activity of another DoD employee in support of non-Federal entities, nor for any other non-Federal purposes” (DoD 5500.07-R, para. 3-303b).**
- **NOTE: “Certain organizations have special relationships with DoD or its employees specifically recognized by law or by other directives” (DoD 5500.07-R, para. 3-212).**



Non-Federal Entities

- Question – Mr. Davis is an Army employee and the vice president of the Society of American Military Wideters (SAMW), an NFE, in his personal capacity. One of Mr. Davis’s subordinates asks for his approval to attend a non-local SAMW conference as part of her official duties for the training benefit. Assuming no legal issues with attending the conference, may Mr. Davis approve this request without running afoul of ethics provisions?**

YES

NO



Non-Federal Entities

- **Yes is incorrect.**
- **If an employee is serving in a personal capacity as an NFE officer or director, the employee may not participate personally and substantially in any particular government matter in which the NFE has a financial interest. This is a criminal statute. In this case, the SAMW will benefit financially from Mr. Davis's approval of this request. Mr. Davis should direct the employee to seek approval from another employee who is not an officer with this NFE.**



Non-Federal Entities

- **The correct answer is No.**
- **If an employee is serving in a personal capacity as an NFE officer or director, the employee may not participate personally and substantially in any particular government matter in which the NFE has a financial interest. This is a criminal statute. In this case, the SAMW will benefit financially from Mr. Davis's approval of this request. Mr. Davis should direct the employee to seek approval from another employee who is not an officer with this NFE.**



GIFTS

- **From Outside Sources**
 - **Exclusions**
 - **Exceptions**
- **Between Employees**





GIFTS: EXCLUSIONS

The following items are not considered gifts:

- Modest items of food & **non-alcoholic** refreshment, not part of a meal.
- Items of little intrinsic value (e.g., plaques, certificates, and trophies), intended primarily for presentation.
- Free attendance at an event on the day an employee is assigned to present official information.
- 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 by the employee.

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GIFTS: FROM OUTSIDE SOURCES

- **Generally, an employee may not, directly or indirectly:**
 - **Solicit a gift from a prohibited source,**
 - **Solicit a gift to be given because of the employee's official position,**
 - **Accept a gift from a prohibited source, or**
 - **Accept a gift given because of the employee's official position.**



GIFTS: FROM OUTSIDE SOURCES

- **Prohibited Source:**
 - Entity seeking official action by the Army, or
 - Does business or seeks to do business with the Army



GIFTS: FROM OUTSIDE SOURCES

- **Contractor employees are outside prohibited sources**
- **General rule – no gifts solicited or accepted**





GIFTS: FROM OUTSIDE SOURCES

- **EXCEPTIONS:**
 - **Gifts with a value of \$20 or less, not to exceed \$50 from the same source in a single calendar year.**
 - **Gifts based on a personal relationship.**
 - **Discounts and similar benefits meeting certain requirements.**
 - **Awards and honorary degrees.**
 - **Gifts based on outside business or employment relationships.**



GIFTS: FROM OUTSIDE SOURCES

- **MORE EXCEPTIONS:**
 - **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.**
 - **Free attendance at widely-attended gatherings.**



GIFTS: FROM OUTSIDE SOURCES

- **More on the \$20/\$50 Rule:**
 - **You may accept gifts up to \$20 in value on one occasion (but not cash). [5 CFR 2635.204(a)]**
 - **Gifts accepted from one source (e.g., one company) may not exceed \$50 in value in a calendar year.**
 - **May not “buy down” gift to \$20, e.g., pay \$5 & accept a gift worth \$25.**
 - **The \$20 limit is per occasion and per source (e.g., at a trade show you may accept gifts worth \$20 or less from several different DoD contractors on the same day).**
 - **Good practice – a system to track gift acceptance.**



GIFTS: FROM OUTSIDE SOURCES

- **More on Widely Attended Gatherings (WAGs):**
 - **Generally, an employee may not accept a gift given by a prohibited source (e.g., a DoD contractor) or given because of the employee's official position.**
 - **A common exception to this general prohibition is the widely-attended gathering (WAG) exception. Advance supervisory written approval required.**



GIFTS: FROM OUTSIDE SOURCES

More on WAGs:

The “Agency Designee” (generally supervisor) must determine, **in writing, that:**

- 1. A large number of attendees will be present.**
- 2. Diverse views will be represented.**
- 3. There will be an opportunity to exchange views.**
- 4. There is an agency interest in the subordinate’s attendance.**
- 5. The agency’s interest in the employee’s attendance outweighs the concern that the employee may appear to be improperly influenced in the performance of official duties.**



GIFTS BETWEEN EMPLOYEES

General Rule: Employees shall not:

- 1. Give or donate toward a gift for a superior or ask another employee to donate towards a gift to either his own superior or that of another; or**
- 2. Accept a gift from a lower-paid employee *(unless the donor and recipient are personal friends who are not in an official superior-subordinate relationship).***



GIFTS BETWEEN EMPLOYEES

Exceptions:

1. **Unsolicited gifts on traditional gift giving occasions, such as holidays or birthdays, valued at \$10 or less (no cash).**
2. **Food and refreshments that will be consumed at the office.**
3. **Personal hospitality (e.g., meals) at someone's home.**
4. **Customary gift when you invite a subordinate to your home for a meal.**



GIFTS BETWEEN EMPLOYEES

More Exceptions:

5. Hostess gifts in connection with the receipt of personal hospitality (e.g., dinner party invite).

6. Unsolicited gifts on special infrequent occasions:

a) Wedding, illness, birth of a child

b) An occasion that terminates the official superior – subordinate relationship (e.g., transfer, retirement, resignation), but not promotion.



GIFTS BETWEEN EMPLOYEES

- **Rules: Gifts for “*special infrequent occasions*:”**
 - Gift must be “appropriate to the occasion.”
 - May not accept a gift on these occasions from a group that includes a subordinate if valued at over \$300.
 - Do not include cost of food, refreshments, and entertainment provided to mark the occasion.
 - Suggested voluntary donation may not exceed \$10 (although all may give as much as desired).
 - Gift to spouse to mark this occasion must be attributed to the employee.



CONFLICTS OF INTEREST

- **Statutory Provision**
(18 U.S.C. § 208)
- **Impartiality – Regulatory Provision** (5 C.F.R. §2635.502)
- **Financial Disclosure**





CONFLICTS OF INTEREST – Statutory Provision 18 USC § 208

- **18 U.S.C. § 208 generally prohibits an employee from personally and substantially participating in a particular matter involving specific parties in which he (or anyone or any entity whose interests are imputed to him) has a financial interest, if the particular matter will have a direct and predictable effect on that interest.**



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CONFLICTS OF INTEREST – Statutory Provision 18 USC § 208

The interests of the following entities are imputed to you for 18 U.S.C. § 208 purposes:

- **You**
 - **Your minor children**
 - **Your spouse**
-
- **REPORT THE SOURCE OF SPOUSAL NON-FEDERAL INCOME OVER \$1000 ON THE FINANCIAL DISCLOSURE FORM!**



CONFLICTS OF INTEREST – Statutory Provision 18 USC § 208

The interests of the following entities are imputed to you for 18 U.S.C. § 208 purposes:

- Your general partner (a "general partner" is a person who joins with at least one other person to form a business)**
- An organization with which you are negotiating an arrangement for future employment**
- An organization for which you serve as employee, officer, director, trustee, or general partner**



CONFLICTS OF INTEREST – Statutory Provision 18 USC § 208

What is a *particular matter*?

- **Focused upon the interests of specific persons (includes contractors), or a discrete and identifiable class of persons (including contractors).**
- **Does not extend to broad policy making or considerations directed toward the interest of a large and diverse group of persons or entities.**
- **Hint: Can you identify who is involved?**



IMPARTIALITY - Regulatory Provision (5 C.F.R. §2635.502)

Absent supervisory notice and authorization, an employee should not participate in an official matter:

- **That is likely to have a direct and predictable effect on the financial interests of a member of the employee's household; or**
- **Where a person with whom the employee has a covered relationship is or represents a party to the matter.**



IMPARTIALITY - Regulatory Provision (5 C.F.R. §2635.502)

Reasonable Person Test for Appearance of Impartiality

If a reasonable person with knowledge of the relevant facts would question the employee's impartiality, the employee should consult with his/her supervisor before participating in the matter.



IMPARTIALITY - Regulatory Provision (5 C.F.R. §2635.502)

Covered Relationships Include:

- **A member of your household or a relative with whom you are close,**
- **Someone with whom you have or seek to have a business relationship other than a routine consumer transaction (e.g., landlord / tenant),**
- **An organization (other than political party) in which you actively participate,**
- **Someone with whom your spouse, parent, or dependent child has (or seeks to have) a close business relationship, such as partnership or employment.**



FINANCIAL DISCLOSURE REPORTS

The Primary Screen for Potential Conflicts of Interest

- **OGE 450 filers - Use the Financial Disclosure Management program at <https://www.fdm.army.mil>**
- **OGE 278e filers – Use Integrity at <https://www.integrity.gov>**
- **Supervisory review is crucial! Sec Army policy - complete review within two weeks.**



FINANCIAL DISCLOSURE REPORTS

The Primary Screen for Potential Conflicts of Interest

- An employee who is 1) starting a position requiring financial disclosure filing, or 2) assigned duties requiring financial disclosure filing,**
- Has 30 days from appointment to this position, or from starting the newly assigned duties, to complete the new entrant financial disclosure report.**
- Check the position description to see if the position requires financial disclosure reporting.**



FINANCIAL DISCLOSURE REPORTS

The Primary Screen for Potential Conflicts of Interest

- Annual OGE 450, Confidential Financial Disclosure Report, due 15 February
 - For O-6/GS-15 and below whose duties involve potential conflicts of interest with personal assets
 - Look at position description
- Annual OGE 278e, Public Financial Disclosure Report, due 15 May
 - All GOs, SESs, Schedule Cs, and Political Appointees (PAs, PASs)



FINANCIAL DISCLOSURE REPORTS

The Primary Screen for Potential Conflicts of Interest

- **OGE 278e filers:**
 - **Includes all GOs, SESs, Schedule C Employees, Political Appointees (PAs, PASs)**
 - **Must file a Termination report within 30 days after departing Federal service.**
 - **\$200 fee for late OGE 278e filing.**



FINANCIAL DISCLOSURE REPORTS

- **OGE Form 278-T**
- **All 278e filers must report purchases, sales, or exchanges greater than \$1000 of:**
 - **Stocks**
 - **Bonds**
 - **Commodities futures**
 - **Any other form of security (but not mutual funds)**



FINANCIAL DISCLOSURE REPORTS

- **OGE Form 278-T**
- **Must also report for spouse, dependent child, and any security where employee is owner or partial owner.**
- **Due by the earlier of 1) 30 days after actual notice of the transaction or 2) 45 days after the transaction.**
- **Use Integrity to file this report. Monthly reminder available.**



MISUSE OF POSITION

- An employee shall not use his public office for his own private gain, for the endorsement of any product, service or enterprise, or for the private gain of friends, relatives, or persons with whom the employee is affiliated in a nongovernmental capacity, including nonprofit organizations of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations.**



MISUSE of POSITION AND ENDORSEMENTS

- **“Endorsement of a non-Federal entity, event, product, service, or enterprise may be neither stated nor implied by DoD or DoD employees in their official capacities...” [DoD 5500.07-R, para. 3-209]**
- **Example: No wearing uniform while starring in a [insert name of favorite beer] commercial – implies Army endorsement.**



MISUSE of POSITION and CONTRACTOR ISSUES

- **It is a misuse of position to endorse non-Federal entities (NFEs), to include contractors. 5 C.F.R. 2635.701-702**
 - *An employee shall not use or permit the use of his Government position or title in any manner that could reasonably be construed to imply the agency sanctions or endorses the employee's personal activities or those of another.*



MISUSE of POSITION and CONTRACTOR ISSUES

- *Letters of Recommendation:*
 - **Endorsement rules prohibit use of official position, title or authority, including certificates of achievement, official stationery, and “star notes,” to commend the contract-related performance of a contractor or of a contractor employee.**
 - **Another example of improper endorsement: recommending a contractor or contractor employee for a grant.**



MISUSE of POSITION and CONTRACTOR ISSUES

- **More on Letters of Recommendation:**
 - **You may write a letter of recommendation or character reference in your personal capacity, i.e., if you don't use official stationery or your official title.**
 - **You may write a letter of recommendation or character reference (and may use official stationery and your official title) if:**
 - **You receive a request for the letter or reference,**
 - **You have personal knowledge of the ability or character of the individual, and**
 - **You have dealt with the individual in the course of your Federal employment, or you are recommending the individual for Federal employment. [5 CFR 2635.702(b)]**



MISUSE of POSITION and CONTRACTOR ISSUES

- Revised DoDI 1400.25-V451, November 4, 2013, states:
 - ***“Awards, award programs, ceremonies, or receptions to acknowledge contributions by organizations or companies having a commercial or profit-making relationship with DoD must not be established.” See paragraph 3(h).***
 - ***“To avoid issues in connection with contractual relationships and obligations, actual or perceived conflicts of interest, and actual or perceived acts of favoritism, persons, organizations, or companies having a commercial or profit-making relationship with DoD or with a DoD Component will not be granted recognition. See Enclosure 3, paragraph 11(b)(2).***



MISUSE of POSITION and CONTRACTOR ISSUES

- **The Contracting Officer (CO) or the Contracting Officer's Representative (COR) may provide past performance feedback, positive or negative, to the contracting firm. The CO or COR may also provide feedback on past performance questionnaires.**
- **Bottom Line: It is the CO's or COR's (and not your) responsibility to monitor contractor employee performance, and award accordingly.**



USE OF GOVERNMENT RESOURCES

- **Use Federal Government equipment and property, including communications systems, only for official purposes or authorized purposes as approved by your supervisor.**
- **Subject to supervisor approval, you may use Government resources for personal purposes IF the use:**
 - **Does not adversely affect the performance of official duties;**
 - **Is of reasonable duration and frequency;**
 - **Serves a legitimate public interest (such as keeping the employee at their desk);**
 - **Does not reflect adversely on DoD; and**
 - **Creates minimal or no significant additional cost to DoD.**

****WARNING: You should also check other regulations or policies applicable to particular categories of resources (e.g. – JTR, IT regulations, etc.). Even though personal use may not violate the ethics rules, it may violate these.****



USE of GOVERNMENT RESOURCES and CONTRACTOR EMPLOYEES

- **Contractor employee time = government resource**
- **Contractor employees work on clock controlled by contractor supervisor – not gov't supervisor**
- **Leave and other time off controlled by contractor supervisor**
- **Holidays and other time off governed by contract, not gov't supervisor**
 - **Federal Government supervisors may not authorize “59 Minute Rule” and training holiday paid absences for contractors**





OUTSIDE EMPLOYMENT

- **DoD Financial Disclosure Filers (OGE 450 and 278e) must obtain written approval from the supervisor before engaging in a business activity or compensated outside employment with a prohibited source.**



OUTSIDE EMPLOYMENT

The activity/outside employment requiring written approval could include:

- **Adjunct professor duties at local university.**
- **Fiduciary position with private organization that conducts business with or seeks support from DoD (e.g., AUSA, AAAA, Signal Assn.; but not local school board, soccer club, or homeowners assn.)**
- **Attach written approval to current financial disclosure report in FDM.**
- **Army Attorneys: No outside practice of law without General Counsel approval.**



OUTSIDE EMPLOYMENT and Working on Transition Leave

- **Military Officers**
 - **May generally begin civilian employment & draw salary in transition leave status**
- **BUT!**
 - **No working for support contractor in government office, or interacting with Federal personnel on behalf of the new employer, during transition leave.**
 - **Violates both 18 U.S.C. §§ 203, 205, Representing new employer to Government while on AD**



OUTSIDE EMPLOYMENT and Working on Transition Leave

- **Same statutes apply to outside employment.**
- **No representing the outside business back to the Federal government.**
 - **Violates both 18 U.S.C. §§ 203, 205 - Representing new employer to Government while a full-time Federal employee**
 - **Includes contracts with Federal government**
- **No compensation for representational services on behalf of a private entity/person rendered to the Federal government, either personally or by another, at a time when the employee worked for the Federal government.**



POST-GOVERNMENT EMPLOYMENT (PGE)

- **Seeking
Employment**
- **Representational
Bans**



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PGE: SEEKING EMPLOYMENT

- **If you are seeking non-Federal employment (sending resumes to select employers), you may not do Government work on a particular matter that will affect the financial interests of your prospective employer(s). You must request that your supervisor allow you to disqualify yourself from performing these duties.**
- **There are restrictions that will apply to your activities in the private sector in light of your specific duties and level of responsibility as a Government employee.**
- **Always consult your ethics counselor before separating from the Government.**



PGE: REPRESENTATIONAL BANS

18 U.S.C. § 207

After leaving the Federal Government, former employees are subject to additional CRIMINAL restrictions that may limit their interactions with the Federal Government when representing the interests of another person or entity.



PGE: RESTRICTIONS

Other PGE restrictions include:

- **NDAA 2008 section 847**
- **Procurement Integrity Act**
- **The Stop Trading on Congressional Knowledge Act**
- **NDAA 2018 section 1045**



Final Exam Q#1

- The office chief (gov't employee) invites office members to her residence for dinner. An office member brings a bouquet of flowers (> \$20) to the dinner. May the chief accept this bouquet under the ethics provisions?

YES

NO



Final Exam R#1

- The office chief (gov't employee) invites office members to her residence for dinner. An office member brings a bouquet of flowers (>\$20) to the dinner. May the chief accept this bouquet under the ethics provisions?
 - Yes
 - No
- **The correct response is Yes – The chief may accept the bouquet under the exception for hostess gifts in connection with the receipt of personal hospitality (slides 43-45).**



Final Exam R#1

- The office chief (gov't employee) invites office members to her residence for dinner. An office member brings a bouquet of flowers (>\$20) to the dinner. May the chief accept this bouquet under the ethics provisions?
 - Yes
 - No
- **No is incorrect – The chief may accept the flowers under the exception for hostess gifts in connection with the receipt of personal hospitality (slides 43-45).**



Final Exam Q#2

- The office chief (gov't employee) invites office members to her residence for dinner. If a **contractor employee (who lacks any other personal relationship to the chief)** brings a bouquet of flowers (>\$20) to the dinner, may the chief accept it under the ethics provisions?

YES

NO



Yes is Incorrect

- **The value of the bouquet of flowers exceeds the \$20 limit for the exception for gifts from outside/prohibited sources. Contractor employees are outside sources (slides 35-40).**



No – Correct Answer

- **The value of the bouquet of flowers exceeds the \$20 limit for the exception for gifts from outside/prohibited sources. Contractor employees are outside sources (slides 35-40).**



Final Exam Q#3

- When is the Annual OGE 450, Confidential Financial Disclosure Report, due?

15 February

15 May

15 April



Final Exam R#3

15 February – Correct Answer (slide 57)



Final Exam R#3

15 May is incorrect. The correct response is 15 February (slide 57).



Final Exam R#3

15 April is incorrect. The correct response is 15 February (slide 57).



Final Exam Q#4

- T/F - Public Financial Disclosure Report Filers must file a Termination Financial Disclosure report within 30 days of departing Federal service.

True

False



Final Exam R#4

True – Correct Answer (slide 58)



Final Exam R#4

False is incorrect (slide 58).



Final Exam Q#5

- T/F – An employee starting a position requiring financial disclosure filing has 20 days from appointment to this position to complete the new entrant financial disclosure report.

True

False



Final Exam R#5

- True is incorrect – the employee has 30, not 20, days to file this report (slide 56).



Final Exam R#5

- False is correct – the employee has 30, not 20, days to file this report (slide 56).



Final Exam Q#6

- What kind of recognition may a DoD employee give a DoD contractor employee for performing work required by the DoD contractor's contract?

Certificate of Achievement

Letter of Appreciation

Past performance feedback from the Contracting Officer (CO) or the Contracting Officer's Representative (COR) to the contracting firm



Final Exam Q#6

- What kind of recognition may a DoD employee give a DoD contractor employee for performing work required by the DoD contractor's contract?
- Certificate of Achievement is incorrect (slides 63-67).



Final Exam Q#6

- What kind of recognition may a DoD employee give a DoD contractor employee for performing work required by the DoD contractor's contract?
- Letter of Appreciation is incorrect (slides 63-67)



Final Exam R#7

- What kind of recognition may a DoD employee give a DoD contractor employee for performing work required by the DoD contractor's contract?
- Correct - Past performance feedback from the Contracting Officer (CO) or the Contracting Officer's Representative (COR) to the contracting firm (slides 63-67)



CONTACT INFORMATION

- **Army Secretariat personnel should direct questions to Army OGC (Ethics & Fiscal).**
- **Contact information is (703)695-4296, or e-mail:**

usarmy.pentagon.hqda-ogc.mbx.ef@mail.mil





TRAINING COMPLETION INSTRUCTIONS

- The next slide is your certificate of 2020 Annual Ethics Training completion. Please insert your full name and training completion date and save the certificate as a .pdf file to an appropriate folder on your computer.
- The slide after that provides a link to Army OGC: please select the appropriate link (OGE 450 Filer or OGE 278e Filer), attach your .pdf certificate of completion, and send to Army OGC to receive training credit.



2020 Army OGC Annual Ethics Training Certificate of Training



(Type your full name and training completion date.)

Has satisfactorily completed the
2020 annual ethics training

Presented by the Department of Army
Office of the General Counsel, Ethics and Fiscal

Submission of this certificate as proof of training completion serves as
your official statement that you have properly received the 2018 annual
ethics training brief

Completed:

DD/MM/YYYY



TRAINING COMPLETION

To receive credit for the mandatory training, Army Secretariat employees must email the certificate of completion to Army OGC via one of the options below.

***** Note: Selecting an option below will open a new e-mail message, which you can send to the OGC (E&F) Mailbox to record**

OGE 450 Filer

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