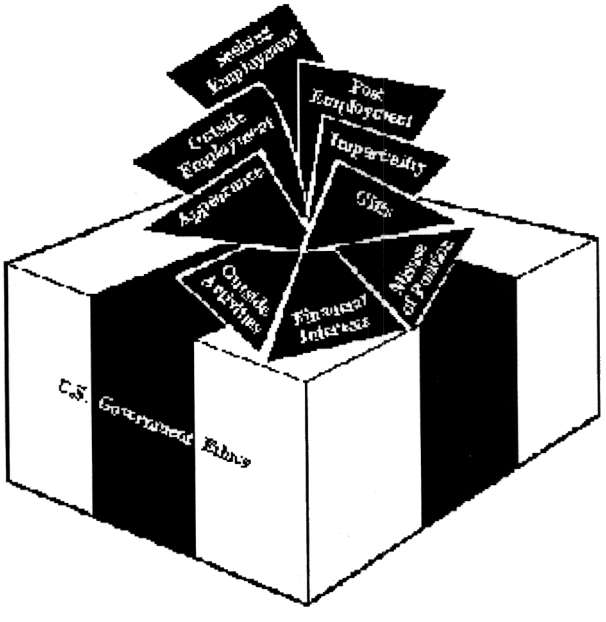
Federal Aviation Administration

ANNUAL ETHICS TRAINING - 2005

This document is a compilation of information from the Office of Government Ethics, the Office of Special Counsel, and the Federal Aviation Administration.



A Brief Wrap on Ethics

Introduction

This document provides a brief overview of the rules of ethical conduct that all employees should know and follow in order to recognize "ethics" questions when they come up and avoid problems before they occur. The document covers only the highlights of these rules, which are called "ethics" rules. It answers everyday questions and provides examples of common situations that employees face. It does not describe each specific rule of conduct or cover unusual circumstances. If you have a question that is not answered here, you should discuss it with your supervisor or with an ethics official. Public service is a public trust. As Federal employees, each of us must always place loyalty to high ethical standards above private gain. Understanding and observing ethics rules is an essential element in fulfilling that trust.

In connection with your review of this briefing package, you are reminded that you have responsibilities as explained in Executive Order 12674 (Principles of Ethical Conduct for Government Officers and Employees - http://www.usoge.gov/pages/laws_regs_fedreg_stats/lrfs_files/exeorders/eo12674.html); 5 C. F. R. Part 2635 (Standards of Conduct for Employees of the Executive Branch)[1]; and 18 U. S. C. Chapter 11 (criminal Conflicts of Interests laws - http://www.usoge.gov/pages/laws_regs_fedreg_stats/statutes.html), particularly 18 U. S.C. §208); as they may be amended or supplemented from time to time.

The above referenced materials are available for review and copying in the Office of the Chief Counsel, Ethics Staff, AGC-400, and each Regional and Center Counsel Office. For additional information regarding ethical standards, go to: http://www.usoge.gov/

Disciplinary and corrective action

A violation of the Standards or of a supplemental agency regulation may be cause for appropriate corrective or disciplinary action to be taken under applicable Government-wide regulations or agency procedures. Such action may be in addition to any action or penalty prescribed by law. It is the responsibility of the employing agency to initiate appropriate disciplinary or corrective action in individual cases. However, corrective action may be ordered or disciplinary action recommended by the Director of the OGE under 5 C.F.R. Part 2638.

Ethics advice

Employees who have questions about the information contained in this document, the application of the Standards or any supplemental agency regulation to particular situations should seek advice from an agency ethics official. Disciplinary action for violating the Standards or any supplemental agency regulations will not be taken against an employee who has engaged in conduct in good faith reliance upon the advice of an agency ethics official, provided that the employee, in seeking such advice, has made full disclosure of all relevant circumstances. Where the employee's conduct violates a criminal statute, reliance on the advice of an agency ethics official cannot ensure that the employee will not be prosecuted under that statute. However, good faith reliance on the advice of an agency ethics official is a factor that may be taken into account by the Department of Justice in the selection of cases for prosecution. Disclosures made by an employee to an agency ethics official are not protected by an attorney-client privilege. An agency ethics official is required by 28 U.S.C. 535 to report any information he receives relating to a violation of the criminal code, title 18 of the United States Code.

---

[1] The Standards are printed in FAA Order 3750.7, Ethical Conduct and Financial Disclosure, Appendix 6, dated 10/7/98, which can be accessed on the web at: http://intraweb.tc.faa.gov/webpages/legal/ethics_order.pdf; (Appendix 1-5): http://intraweb.tc.faa.gov/webpages/legal/Appendix%201-5.pdf and Appendix 6 – Ethical Standards of Conduct for Employees of the Executive Branch (5 CFR Part 2635): http://intraweb.tc.faa.gov/webpages/legal/Appendix%206.pdf **or** for the most current version of the Standards: http://www.usoge.gov/pages/laws_regs_fedreg_stats/oge_regs/5cfr2635.html .

Contents

Gifts from Outside Sources **4**

Gifts Between Employees **6**

Conflicting Financial Interests

Impartiality in Performing Official Duties **11**

Nepotism **16**

Seeking Other Employment **17**

Misuse of Position **19**

FAA Electronic Mail Policy **21**

FAA Internet Use Policy **25**

Outside Activities **29**

Political Activities **33**

Restrictions on Former Employees **35**

Certification of Training **36**

Gifts from Outside Sources

Title 5 C.F.R. Section 2635.201 - Overview. This subpart contains standards that prohibit an employee from soliciting or accepting any gift from a prohibited source or given because of the employee's official position unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in this subpart.

A gift is defined as any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodgings, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

Prohibited source is defined as any person who: 1) is seeking official action by the employee's agency; 2) does business or seeks to do business with the employee's agency; 3) conducts activities regulated by the employee's agency; 4) has interests that may be substantially affected by performance or nonperformance of the employee's official duties; or 5) is an organization a majority of whose members are described in 1 through 4.

Note: ***It is frequently prudent for an employee to decline an otherwise permissible gift offered by a prohibited source or because of the employee's official position.***

IMPORTANT: ***Unsolicited offers of no-charge transportation from state or local government agencies may be approved and accepted as specified in FAA Order 3750.6A (1/13/98) by FAA employees for official travel required to carry out the agency's statutory or regulatory duties.*** **Go to:** http://www.faa.gov/aba/html_policies/files_pdf/3750_6A.pdf

How do I know when I may not accept a gift?

With some exceptions mentioned later, you may not ask for or accept a gift from anyone who is giving the gift to you because of your Government job. Ask yourself if the gift would have been offered if you were not working for the Government. If the answer is no, then the gift is being offered because of your Government position and you cannot accept it.

Also, you may not ask for or accept a gift from people or organizations that do business with, or seek to do business with your agency, who seek some official action by your agency, or who have activities regulated by your agency. Gifts from these people or groups are prohibited whether or not you deal with them when doing your job. You must also turn down a gift from someone who has interests that may be significantly affected by you when you are doing your job.

What about accepting a cup of coffee?

A cup of coffee is all right. It is such modest refreshment that it is not considered a gift. So you may accept it without worrying about who is giving it or why. Other inexpensive food and refreshment items such as donuts or soda may also be accepted. There are some other items as well that are not considered gifts, such as greeting cards and bank loans at commercial rates. But remember that the definition of a gift is very broad. Generally, anything that has monetary value is considered a gift. So if you have a question about a gift, ask your ethics official.

May I accept a lunch?

It depends. Meals are gifts. If the person who wants to pay for your lunch is regulated by, does business with, or seeks official action by your agency, or is affected by the job you do, or if the meal is offered because of your position, then the rule on gifts applies. However, you may be able to accept a lunch or other meal under an exception for gifts valued at $20 or less. But you may not go to lunch too many times as the guest of the same person because there is a $50 per year limit on gifts from any one source.

Can the $20 exception be used for any stuff other than lunch?

Yes, but no cash! The $20 exception may be used to accept any gift that is not worth more than $20. A pocket calculator, for example, could cost from $5 to $100 or more. So you have to be sure that the value of the gift is not greater than $20.

There are some other things you should keep in mind before you use the $20 exception. The rule allows you to accept gifts worth $20 or less on a single occasion. That means if several gifts are given at the same time, their total value cannot exceed $20. Again remember, there is a $50 per year limit on gifts from the same source.

There are other exceptions that would allow you to accept gifts that would otherwise be prohibited, such as the "friends and family" exception for gifts based on personal relationships. Other examples are special discounts available through your agency credit union and gifts that result from an outside job when they are not given because of your Government position. All of the exceptions are subject to certain limits and some have conditions that must be met. Before using an exception, the best course to follow is to ask your ethics official about it. Your ethics official can also tell you how you may properly dispose of a gift that you have received but are not allowed to keep.

Some Things That May be Accepted

- *Alex may keep a pen worth $15 that is given to him by a person whose license application he has processed.*
- *Janine may accept a tennis racket from her brother on her birthday even though he works for a company that does business with her agency, as long as he, not his company, paid for the gift.*
- *Louise may accept two $8 tickets to a craft show that are offered to her by a company that has applied to her agency for a grant.*

Gifts Between Employees

Title 5 C.F.R. Section 2635.301 - Overview. This subpart contains standards that prohibit an employee from giving, donating to, or soliciting contributions for, a gift to an official superior and from accepting a gift from an employee receiving less pay than himself, unless the item is excluded from the definition of a gift or falls within one of the exceptions set forth in this subpart.

What about gifts to the boss?

With a few exceptions, the general rule is that you cannot give, make a donation to, or ask for contributions for, a gift to your official superior. An official superior includes your immediate boss and anyone above your boss in the chain of command in your agency. Also, an employee cannot accept a gift from another employee who earns less pay, unless the person giving the gift is not a subordinate and the gift is based on a strictly personal relationship.

When can I give my boss a gift?

There are certain circumstances in which gift giving is permitted. For example, you may give your boss a gift on an occasion when gifts are traditionally given or exchanged such as a birthday. At those times gifts valued at $10 or less - but not cash - are permitted.

You may contribute a nominal amount for or bring food that will be shared in the office among several employees including your boss. You can also invite your boss to your home for a meal or a party. If your boss invites you to his or her home, you can take the same type of gift for your boss that you would normally take to anyone else's home for a similar occasion.

You may also give your boss a gift on a special, infrequent occasion of personal significance such as marriage, illness, birth or adoption. And you may give your boss a gift on an occasion that ends your employee-boss relationship, such as retirement, resignation or transfer.

For these special, infrequent occasions employees are also allowed to ask for contributions of nominal amounts from fellow employees on a strictly voluntary basis for a group gift.

And remember that gift giving is strictly up to you. A boss may never pressure you to give a gift or contribute to a group gift.

Some Gifts Permitted Between Employees

- *Nadia may collect small voluntary contributions from other persons in her office in order to buy a cake to celebrate the birthday of her supervisor or a co-worker.*
- *Clarissa may participate in the exchange of gifts in the office holiday grab bag by buying and contributing a tape cassette worth $10.*
- *Kailash may collect contributions to purchase a fishing rod and tackle box for his boss when his boss retires and may suggest a specific, but nominal amount, provided that he tells his co-workers that they are free to contribute less or nothing at all.*
- *Ralph may bring a jar of macadamia nuts to his boss when he returns from his vacation in Hawaii.*

Conflicting Financial Interests

Title 5 C.F.R. Section 2635.401 - Overview. This subpart contains two provisions relating to financial interests. One is a disqualification requirement and the other is a prohibition on acquiring or continuing to hold specific financial interests. An employee may acquire or hold any financial interest not prohibited by Sec. 2635.403. Notwithstanding that his acquisition or holding of a particular interest is proper, an employee is prohibited in accordance with Sec. 2635.402 of this subpart from participating in an official capacity in any particular matter in which, to his knowledge, he or any person whose interests are imputed to him has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

IMPORTANT: ***See page 8 - 10 for special restrictions on all FAA employees regarding certain prohibited financial interests in aviation entities.***

Suppose I don't own any shares of stock. Do I still have to think about financial conflicts of interest?

You might. A federal criminal law says that you cannot take official action in your job on matters that will have an effect on your own personal financial interests. Stock in a company that would be affected by your job is only one example of something that could give you such an interest. For instance, you could not act on something that would enable you personally to share in some grant or contract issued by the Government because you would have a financial interest in those matters.

You also must be concerned about the financial interests of your spouse, your minor children, and certain outside organizations like those that employ you. You should be concerned if anything you are asked to work on would affect them. If you are an officer or director in an outside organization, you may not act on a particular matter that would affect that organization. If you think you do have a conflict, you should discuss it with your supervisor or your ethics official.

Some Conflicts to Avoid

- *Rachel's husband works for a contractor that does business with her agency and receives a bonus based on the success of the contract. Rachel may not participate in the evaluation of the contractor's performance under the contract.*

- *Carlo is an officer in a neighborhood improvement organization that has applied to his agency for a rehab loan. Carlo may not work on his agency's review of the organization's application.*

- *Helen's husband owns a janitorial service company that does business with the Government. Helen cannot act on a proposal by the company to provide services to her agency.*

ALL FAA EMPLOYEES REGARDLESS OF POSITION, GRADE OR PAYBAND

SUPPLEMENTAL ETHICS REGULATIONS

PROHIBITED FINANCIAL INTERESTS IN AVIATION ENTITIES

5 C. F. R. Section 6001.104(b) : Prohibited Financial Interests

(b) *Federal Aviation Administration (FAA).* Except as provided in paragraph (c) and (d) of this section, ***no FAA employee or spouse or minor child*** of the employee, may hold stock or have any other securities interest in an ***airline or aircraft manufacturing company, or in a supplier of components or parts to an airline or aircraft manufacturing company.***

(c) Exception. The prohibitions in paragraph (b) of this section do not apply to a financial interest in a publicly traded or publicly available investment fund, provided that, at the time of the employee's appointment or upon initial investment in the fund, whichever occurs later, the fund does not have invested, or indicate in its prospectus the intent to invest more than 30 percent of its assets in a particular transportation or geographic sector and the employee neither exercises control nor has the ability to exercise control over the financial interest held in the fund.

(d) *Waiver.* An agency designee may grant a written waiver from the prohibition contained in paragraph (b) of this section, based on a determination that the wavier is not inconsistent with 5 CFR part 2635 or otherwise prohibited by law, and that, under the particular circumstances, application of the prohibition is not necessary to avoid the appearance of misuse of position or loss of impartiality, or otherwise to ensure confidence in the impartiality and objectivity with which FAA programs are administered. A waiver under this paragraph may be accompanied by appropriate conditions, such as requiring execution of a written statement of disqualification. Notwithstanding the granting of any wavier, an employee remains subject to the disqualification requirements of 5 CFR 2635.402 and 2635.502.

(e) *Period to divest.* An individual subject to this section who acquires a financial interest subject to this section, as a result of gift, inheritance, or marriage, shall divest the interest within a period set by the agency designee. Until divestiture, the disqualification requirements of 5 C.F.R. Sections 2635.402 and 2635.502 remain in effect.

This regulation became effective August 30, 1996, and continues in effect the FAA's long-standing policy and practice of prohibiting their employees, their spouses, and dependents, from having financial interests in entities subject to or substantially affected by regulations issued by the FAA. This long-standing policy was created in order to assure public confidence in the integrity of the programs and operations of the FAA. The agency has determined that the acquisition or holding of such financial interests would cause a reasonable person to question the impartiality and objectivity with which agency programs are administered. This policy applies to all employees regardless of their position or grade. Consideration whether or not an employee's duties involve the aviation-related enterprise is not relevant to the application of this prohibition.

Following is a copy of a memorandum and attachment signed by Administrator Marion Blakey on February 2, 2004, announcing the publication of a list of prohibited investments (not all inclusive) that can also be accessed at: http://www.faa.gov/agc/Prohibited%20Investments.doc . ***Added to the following list since its issuance is: L-3 Communications Holdings, Inc.*** If you have any questions, call your local ethics official.

Memorandum

U.S. Department of Transportation
Federal Aviation Administration

Subject: **INFORMATION:** List of prohibited investments

Date: February 2, 2004

Reply to Attn. of:

From: Administrator

To: All Employees

This is to announce publication of a list of prohibited investments. This list is not new but is being published for the first time. For over 25 years, the FAA has prohibited its employees from investing in airlines, aircraft manufacturing companies, and companies predominantly in the business of supplying goods and services to the aviation industry.

Notably, this publication of the list includes General Electric which had previously been omitted due to misunderstanding of the scope of its activities in the aviation field.

The list itself, its regulatory basis, and the underlying policy are available on the

FAA's homepage under the Office of Chief Counsel. Please address any questions about this matter to the Office of the Chief Counsel's Ethics Office, AGC-90.

Marion Blakey

Marion C. Blakey

Attachment

Domestic Airlines	Foreign Airlines	Aviation/Aerospace Cos.
		AAR
Air Tran Holdings	Aerolineas Argentina	Airbus Industrie
Air Wisconsin	AeroMexico	ALCOA
Airborne Inc	Air Canada	Aviall
Alaska Air Group	Air China Int'l	BAE Systems
Allegheny Airlines	Air France	BE Aerospace
America West Airlines	Air India	BF Goodrich Aerospace
AMR Corp (American Airlines)	Air New Zealand	Boeing
Atlantic Coast	Aer Lingus	Bombardier
Continental Airlines	Alitalia	EMBRAER
Delta Air Lines	All Nippon	Fairchild Dornier
DHL	Ansett Australia	General Dynamics
Evergreen Int'l	Avianca	General Electric
Express Jet Holdings	British Airways	Honeywell Int'l
FEDEX	Cathay Pacific	Lockheed Martin
Frontier Air	China Airlines	Mercury Air Group
Great Lakes Aviation	EgyptAir	Northrop Grumman
Hawaiian Holdings	El Al	Parker Hannifin
JetBlue Airways	Emirates	Raytheon
Mesaba Holdings	Finnair	Rockwell Int' l
Midwest Express	Garuda Indonesia	Rolls Royce
Mesa Air Group	Gulf Air	Textron
Northwest Air	Iberia	United Technologies
RyanAir Holdings	Japan Air System	
Skywest Inc	Japan Airlines	
Southwest Airlines	KLM	
UAL Corp	Korean Air	
US Airways Group	Lot Polish Airlines	
United Parcel	Lufthansa	
Virgin Express	Malaysia Airlines	
World Airways	Mexicana Airlines	
	Olympic Airways	
	Pakistan International	
	Phillippine Airlines	
	Qantas Airways	
	Royal Air Maroc	
	Sabena Airlines	
	Saudi Arabian Airlines	
	SAS	
	Singapore Airlines	
	South African Airways	
	Tap Air Portugal	
	Thai Airways	
	TransBrasil Airlines	
	Turkish Airlines	
	Varig	
	Virgin Atlantic	

Impartiality in Performing Official Duties

Title 5 C.F.R. Section 2635.501 - Overview.

(a) This subpart contains two provisions intended to ensure that an employee takes appropriate steps to avoid an appearance of loss of impartiality in the performance of his official duties. Under Sec. 2635.502, unless he receives prior authorization, an employee should not participate in a particular matter involving specific parties which he knows is likely to affect the financial interests of a member of his household, or in which he knows a person with whom he has a covered relationship is or represents a party, if he determines (in consultation with his ethics official) that a reasonable person with knowledge of the relevant facts would question his impartiality in the matter. An employee who is concerned that other circumstances would raise a question regarding his impartiality should use the process described in Sec. 2635.502 to determine whether he should or should not participate in a particular matter.

(b) Under Sec. 2635.503, an employee who has received an extraordinary severance or other payment from a former employer prior to entering Government service is subject, in the absence of a waiver, to a two-year period of disqualification from participation in particular matters in which that former employer is or represents a party.

IMPORTANT:

- ***See page 13-15 for FAA policy on use of flight privileges.*** ***Go to: http://www.faa.gov/agc/AGC%20Litigation.htm then scroll down and click on:*** **POLICY ON USE OF FLIGHT PRIVILEGES BY FAA EMPLOYEES**
- ***See page 16 for FAA restrictions concerning nepotism.***

People talk about "improper appearances" and "a lack of impartiality." What exactly do they mean?

Think of it as a question of fairness. Suppose you went to a baseball game and you found out that the umpire was the uncle of a player on one of the teams. Most people would say that the umpire should not work that game because there would be a strong appearance that he might not make the calls fairly and impartially.

A similar rule applies to you when you are doing your job. You should not act on a matter if a reasonable person who knew the circumstances of the situation could legitimately question your fairness. For example, your fairness might reasonably be

questioned if you were to work on a project that could directly benefit a relative. The rule lists a number of such "covered relationships" with people and organizations that could pose a question of an "improper appearance."

An employee's reputation for honesty and integrity is not a relevant consideration for purposes of any determination required by this subpart. A conflict of interest or the appearance of a conflict of interest is not necessarily equated with dishonesty or illegal activity but flows from the need to maintain public confidence in the Government's ability to operate with integrity, loyalty, and dedication.

If you have a situation that you think might raise such a concern, then you should talk to an ethics official at your agency. He or she will be able to tell you whether or not there is an appearance problem and give you advice on how to deal with it.

Some Situations Where Fairness May be Questioned

- *Marvin's handling of a consumer complaint that has been submitted to his agency by his brother-in-law would raise a question about his impartiality.*

  After 20 years with the same company, Pam accepts a job with the Government. For one year, she should consider whether her fairness would be questioned if she were to act on matters that specifically involve her former employer. ***Note: Stricter restrictions may apply to some FAA positions such as Aviation Safety Inspectors – check with your supervisor.***

- *Roy's working on an investigation of a company that is being represented by his brother would raise a question about his impartiality.*

USE OF FLIGHT PRIVILEGES BY FAA EMPLOYEES

1. **POLICY.** This policy establishes procedures under which FAA employees may obtain permission to use flight privileges that they have because of their previous employment with an air carrier, or because of air carrier employment of a spouse or family member.

   This policy allows FAA employees, other than Executives and Political Appointees, to use flight privileges derived from air carrier employment, absent extraordinary circumstances, as long as a determination has been made that the employee is disqualified from participating in particular matters involving the air carrier <u>or</u> that the employee's disqualification is not required.

   Executives and Political Appointees may not use flight privileges derived from air carrier employment.

   This policy does not preclude the spouse or other family members of an FAA employee, including an Executive or Political Appointees, from using flight privileges of the employee, absent extraordinary circumstances.

2. **DEFINITION.** For purposes of this policy, "flight privileges" refer to any arrangement that an air carrier offers to its employees or retirees, or to their families, allowing them to travel on a space-available or reserved-space basis on such carrier or its affiliates on terms not generally available to the public. Flight privileges include, but are not limited to, flight passes and other items treated as fringe benefits under Section 132 of the Internal Revenue Code. (26 U.S.C. Section 132(a), (j))

3. **BACKGROUND.** Certain FAA employees have retiree flight privileges earned through former employment with air carriers. Typically these privileges extend to the immediate family of the employees as well. Other FAA employees have the use of flight privileges because of their spouses' former or current air carrier employment. For employees whose official duties could affect an air carrier on which they may enjoy flight privileges, the privileges may create a real or apparent conflict of interest in the performance of those duties.

   Out of concern over potential conflicts of interest, the agency over the years has generally prohibited employees from taking advantage of flight privileges. However, enforcement of the prohibition has not been uniform and, on occasion, has been applied in circumstances that ordinarily do not

pose a conflict, e.g., use of flight privileges by an employee whose duties and responsibilities do not affect the air carrier granting the privileges.

4. **PROCEDURES.**

a. In General

The agency will adopt the procedures outlined in the regulations of the Office of Government Ethics (Title 5 CFR Section 2635.502) for making case-by-case conflict determinations. Under this process, a specific conflict determination will be made with respect to each employee who wishes to use flight privileges under the terms of this policy.

b. Required Notice to the FAA

Any employee who, for his or her own travel, or that of his or her family members, wishes to use flight privileges under the terms of this policy must first provide written notice to his or her immediate supervisor and local ethics officer. The notice should identify the air carrier involved and describe the terms of the flight privileges that have been extended to the employee or his or her family.

c. Disqualification Required Determination

Any employee who, for his or her own travel, or that of his or her family members, wishes to use flight privileges under the terms of this policy must first obtain a determination from his or her ethics officer as to whether exercising the flight privileges would create a real or apparent conflict so as to require the employee's disqualification from matters that involve the air carrier responsible for granting the flight privileges.

d. Discretionary Waiver of Disqualification

If in the opinion of the ethics officer, an employee's participation in a particular matter will not result in an actual conflict of interest under Title 18 USC 208, and the FAA has a significant interest in or need for that employee's participation in the matter, then the agency may grant a waiver to the employee under Title 5 CFR Section 2635.502(d) with respect to that particular matter. If a waiver is issued, the employee

may be directed to refrain from using flight privileges during the period of the waiver.

In certain cases, disqualification of the employee from one or a series of matters may not be an acceptable option to the agency. The employee's expertise and the agency's needs may require the employee to be available to work on certain matters.

e. Extraordinary Circumstances:

In the event of extraordinary circumstances, such as the impending bankruptcy of an air carrier, disqualification of an employee having flight privileges with the air carrier may be required because of a resulting conflict of interest or the appearance of one. In such a case, the employee may be directed to refrain from using, or allowing his or her spouse and any other family member use of, flight privileges with the air carrier during the period of the disqualification.

Issue Date: December 22, 2004

Deputy Chief Counsel
Deputy Ethics Official for the FAA

NEPOTISM

To guard against favoritism or the appearance of favoritism with respect to a relative within an organizational chain of command, it is the policy of the FAA that close relatives may not be assigned to any position in which one relative may directly or indirectly supervise, control or influence the work or the employment status of the other relative or the affairs of the organizational unit in which the other relative is employed.

This policy is in addition to the general executive branch restrictions against nepotism set out in the FAA Personnel Management System, Chapter I, Section 2 (March 28, 1996). The term "relative" covers 27 types of family relationships. Also see Human Resource Policy Manual (HRPM), Chapter 1.2, Employment of Relatives, February 1, 1999.

Note: ***Questions regarding nepotism issues should be directed to your local Human Resource Management Division.***

Seeking Other Employment

Title 5 C.F.R. Section 2635.601 - Overview. This subpart contains a disqualification requirement that applies to employees when seeking employment with persons whose financial interests would be directly and predictably affected by particular matters in which the employees participate personally and substantially. Specifically, it addresses the requirement of criminal law, 18 U.S.C. 208(a), that an employee disqualify himself from participation in any particular matter that will have a direct and predictable effect on the financial interests of a person ``with whom he is negotiating or has any arrangement concerning prospective employment." See Sec. 2635.402 and Sec. 2640.103. Beyond this statutory requirement, it also addresses the issues of lack of impartiality that require disqualification from particular matters affecting the financial interests of a prospective employer when an employee's actions in seeking employment fall short of actual employment negotiations.

Suppose I'm looking for a part-time job to earn more money. Is there any problem with this?

No, but there are rules that may apply to you if you are looking for a job whether it is on a part-time basis (***see page29 regarding FAA policy on outside activities, including part-time employment***) or whether you are looking to leave the Government for a full-time position.

First, you need to know whether the person or company that you are thinking about working for could be affected by projects and other matters you work on for the Government. If the prospective employer could not be affected by the Government project, then the rules do not apply. If the project could affect your prospective employer, then you may need to stop working on that project.

Another thing to keep in mind is that these rules may apply to you sooner than you think. Depending on the circumstances and who the prospective employer is, even sending out a letter and resume could trigger the requirement that you avoid working on any project that could affect that prospective employer.

Talk with an ethics official before you look for a job, whether full or part-time. He or she can advise you about the rules on seeking employment. If you are thinking of looking for

a part-time job, your ethics official can also tell you whether or not your agency has specific rules that apply to certain kinds of outside employment or that require you to obtain permission before you take a part-time job. The ethics official can also tell you about those things you will not be able to do for your new employer.

Looking for a Job

- *A company that is regulated by Todd's agency has asked him if he would like to talk about possible employment. Unless he responds by rejecting the invitation, Todd is seeking employment with that company and cannot work on matters that would affect it.*

  Bernie has told a private company that he needs some more time to think about the company's job offer. As long as the offer is pending, Bernie cannot work on matters that will affect that company.

- *Diane has written to the personnel office of a company that her agency regulates requesting that they send her a job application form. She has not begun seeking employment by simply asking for an application and she may work on matters affecting that company until she submits the application.*

- *More than two months have passed without a response of any kind since Claudia sent an unsolicited letter and resume to a company that is a party to a proceeding before her agency. Because of this length of time, Claudia is no longer considered to be seeking employment with the company.*

Misuse of Position

Title 5 C.F.R. Section 2635.701 - Overview. This subpart contains provisions relating to the proper use of official time and authority, and of information and resources to which an employee has access because of his Federal employment. This subpart sets forth standards relating to:

(a) Use of public office for private gain;
(b) Use of nonpublic information;
(c) Use of Government property; and
(d) Use of official time.

My blackberry needs a new face plate which will cost $100. I sent it to Fix-It Inc. for the repair. Several days later, Fix-It contacts me and asks if I want to make a deal. Fix-It has a place on their website where they post people taking pictures in front of their work facilities holding signs that say "Thank you Fix-It." They offer to do the repair for free, if I would send in a picture of myself holding the sign in front of the FAA building. Can I accept this offer?

No. The rule says that an employee shall not use or permit the use of his Government position or title or any authority associated with 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 organization of which the employee is an officer or member, and persons with whom the employee has or seeks employment or business relations.

Suppose a friend asks me to help her with a complaint that she made to my agency about a problem that she is having with a finance company. Is it all right if I get the consumer affairs office to act more quickly on her problem?

The rule says that you cannot use your position with the Government for your own personal gain or for the benefit of others. This includes family, friends, neighbors or others. In this case, you would be using the access you have to the consumer affairs office because of your Government job to obtain special treatment for your friend. You may also be violating a criminal law if you act as a spokesperson on behalf of your friend to your agency. But you could find out if there is anyone who routinely takes calls from the public about the status of their complaints and provide that information to your friend.

At lunch some of my coworkers were talking about developing some specifications for a project that my agency will soon be putting out for bids. A friend of mine works for a company that is in the business and it might help him if he knew about what's coming along. Is it all right to tell him about the project without discussing the specifications?

That depends on whether the project itself is public information. You cannot use (or allow someone else to use) non-public information to benefit yourself or some other person. If information about the project has not been made known to the public and is not authorized to be made known upon request, then it is nonpublic information and cannot be disclosed. It makes no difference that you heard about it at the lunch table and not as a result of your official duties. If the fact that the agency is going to pursue the project is public, you can certainly make sure your friend knows when the agency publishes or makes available information about the project.

May I use the photocopier at work to make copies of a flyer for a bake sale at my child's school?

No. The rule says that you must conserve and protect Government property and that you cannot use Government property or allow its use other than for authorized purposes. It makes no difference whether you gain personally or whether the group you are helping is non-profit. You may not use the photocopying machine, or any other Government property, including supplies, computers, telephones, mail, records or Government vehicles for purposes other than doing your job unless otherwise authorized.

Suppose my boss asks me to help him do some work connected with some outside groups he belongs to. Is that something that I may do?

The rules say that an employee shall use official time in an honest effort to perform official duties. Official time at work is to be used for the performance of official duties. So the answer is no, unless there is some other specific authority which allows you to use your time at work for other purposes. Further, an employee shall not encourage, direct, coerce, or request a subordinate to use official time to perform activities other than those required in the performance of official duties.

Some Things That Cannot Be Done with Government Time, Information and Resources

- *John, who runs a printing business in the evening and on weekends, may not use his office computer in furtherance of that business.* ***See FAA Electronic Mail Policy and Internet Policy Orders, pages 21 – 28.***

- *Ken cannot tell his friend to sell his stock in a company that Ken knows is under investigation by his agency.*

- *Joyce, who works as a real estate broker in the evening and on weekends, may not make or take calls at her Government office to or from potential real estate clients.*

- *Ahmad cannot use agency letterhead for a letter of recommendation for his brother-in-law for a job with an office supply company.*

Electronic Mail Policy FAA Order 1370.81A Effective 05/13/02

IMPORTANT: ***This order has been summarized for the purposes of ethics training only. See complete Order at:*** http://www.faa.gov/aio/common/documents/1370_81A.pdf

PURPOSE. This order establishes agencywide Federal Aviation Administration (FAA) policy on the use, operation and management of the FAA's administrative electronic (e-mail) system by FAA users. FAA users is defined as individuals authorized to use FAA electronic information systems, including the FAA e-mail system, as part of their assigned duties. This includes FAA employees and support contractors.

SCOPE. This order applies to all offices, services, regions, centers, employees, contractors, support personnel, and all others who use or administer the FAA e-mail system.

POLICY. The FAA e-mail system shall be used to improve information dissemination and support business transactions within prescribed mandates, laws, and restrictions.

a. **Use of the FAA E-Mail System.** The FAA e-mail system shall be available only for authorized activities, as detailed in this paragraph.

(1) **Authorized Use.** The FAA e-mail system shall be used:

(a) For valid work requirements (e.g., exchange of information that supports the FAA mission, goals, and objectives; and business-related communications with colleagues within the FAA, the public, other Government agencies, academia, industry, and international civil aviation authorities).

(b) For limited personal use (e.g., brief communications), provided such use does not:

1 Interfere directly or indirectly with FAA computer or networking services;

2 Burden FAA with additional incremental cost;

3 Interfere with an FAA user's employment or other obligations to the Government;

4 Reflect negatively on the FAA or its employees; or

5 Violate any Federal or FAA rules, regulations, or policies.

(2) **Unauthorized Use.** Improper use of the FAA e-mail system includes:

(a) Using the FAA e-mail system for any purpose that violates the law or FAA rules, regulations, and policies;

(b) Concealing or misrepresenting user identity or affiliation in electronic messages;

(c) Accessing or altering source or destination addresses of e-mail;

(d) Intentionally propagating chain letters, broadcasting inappropriate or unsolicited messages (e.g., non-business matters) to lists or individuals, and comparable resource-intensive unofficial activity;

(e) Using the FAA e-mail system for any commercial purpose, for financial gain, or in support of outside individuals or entities;

(f) Intentionally viewing, transmitting, collecting, or storing vulgar, abusive, discriminatory, obscene (including sexually explicit or pornographic materials), or harassing messages or material;

(g) Attempting to libel, slander, or harass other users;

(h) Posting to external newsgroups, bulletin boards, or other public forums, unless it is a business-related requirement, closely related to the employee's area of expertise, and appropriate office approvals have been obtained;

(i) Engaging in matters directed toward any unauthorized fundraising, lobbying, or partisan political activities; and

(j) Representing the agency in an official capacity when not authorized to do so.

b. **Conduct on the FAA E-Mail System by FAA Users.** Standards of ethical conduct and appropriate behavior apply to the use of FAA computer networks, including the FAA e-mail system. All FAA users shall conduct activities on the FAA e-mail system with the same integrity as in face-to-face business transactions.

c. All information created, transmitted, received, obtained, accessed, or in any way captured electronically using the FAA e-mail system is the property of the U.S. Government.

RESPONSIBILITIES.

a. **E-mail users shall:**
   1. Utilize e-mail only in support of their official duties and responsibilities, except as specified in this order for limited incidental use.
   2. Identify and preserve e-mail messages that are official records, consistent with paragraph 12 of this order.
   3. Follow all rules of information security and privacy including those detailed in paragraphs 13 and 14 of this order.

RECORDS MANAGEMENT.

a. The FAA e-mail system is not an approved official records system.

b. All Government employees and contractors are required by law to make and preserve records containing evidence of the organization, functions, policies, decisions, procedures, and essential transactions of the agency. These records must be properly maintained and preserved as prescribed in Order 1350.14, Records Management, as follows:

1. The sender of a FAA created e-mail is responsible for preserving the record.
2. The office responding to an external e-mail is responsible for preserving the incoming e-mail as an agency record.
3. All other recipients' copies of the e-mail are not records and may be destroyed when no longer needed.

c. Any electronic materials that are determined to be records shall be disposed of in compliance with the General Records Schedules as published by the National Archives and Records Administration or FAA specific Archivist-approved records schedule, such as Order 1350.15, Records Organization, Transfer, and Destruction Standards.

d. Users may purge or delete e-mail and attachments that are official FAA records after printing and storing or properly electronically storing in approved official records systems.

SECURITY.

a. **Classified Information.** The FAA e-mail system shall not be used for the creation, storage, processing, or transmission of any classified information.

b. **Privacy/Confidentiality.** The contents of U.S. Government-owned and/or funded electronic information systems including e-mail are the property of the U.S Government and may be subject to audit and inspection. **No FAA user should have the expectation of personal privacy or ownership using any FAA electronic information or communication equipment.**

c. **Unauthorized Access.** Unauthorized access includes, but is not limited to, access beyond an individual's authorization limits and accessing the contents of another individual's (or group's) e-mail. Order 1370.82, Information Systems Security Program, requires that information be properly protected from unauthorized access.

d. **Sensitive Information.** Sensitive information is information meeting specific standards that require additional protection against unauthorized disclosure (i.e. the Trade Secrets Act or 49 CFR 1520, Protection of Sensitive Security Information (replaced 14

CFR Part 107)). Certain specific procedures must be followed when using the FAA e-mail system to forward sensitive information (see paragraph 13 of this order).

PRIVACY ACT. The use of e-mail to transfer information covered under the Privacy Act should not be done, as this leaves that information extremely vulnerable to inadvertent or improper disclosure. The transfer of Privacy Act information in the body of an e-mail, or the attachment of a Privacy Act record to an e-mail, allows that information to be forwarded to other, possibly unauthorized personnel, or to be printed and left visible for unauthorized personnel to see. Refer to Order 1280.1, Protecting Privacy of Information About Individuals, for further information on the Privacy Act.

FREEDOM OF INFORMATION ACT (FOIA). E-mail messages and attachments are subject to FOIA requests. Under the FOIA, users and system administrators are obligated to conduct a reasonable search of all FAA information and records, including electronic data that could be responsive to the request. Searches of these electronic files are pursued to the same extent that such searches would be pursued in general hard copy files. Refer to Order 1200.23, Public Availability of Information, for further information on FOIA.

Internet
Use Policy
FAA Order 1370.79A
Effective 10/12/99

IMPORTANT: ***This order has been summarized for the purposes of ethics training only. See complete Order at:*** http://www.faa.gov/aio/common/documents/1370_79A.pdf

PURPOSE. This order establishes agency-wide Federal Aviation Administration (FAA) policy on the appropriate use of the Internet, which includes electronic messaging.

SCOPE. This policy applies to all FAA employees and contractors accessing the Internet using FAA resources.

POLICY. FAA Internet resources shall be used within prescribed mandates, laws, and restrictions to improve information dissemination and to support business transactions.

a. **Use of the FAA Internet Resources.** FAA Internet resources shall be available only for authorized activities, as detailed in this paragraph.

(1) **Authorized Use -** FAA Internet resources shall be used:

(a) For valid work requirements (e.g., exchange of information that supports the FAA mission, goals, and objectives; job-related professional development for FAA management and staff; access to scientific, technical, and other information that has relevance to FAA; and business-related communications with colleagues in Government agencies, academia, and industry).

(b) for limited personal use (e.g., brief communications or Internet searches), provided such use does not:

1 Interfere directly or indirectly with FAA computer or networking services;

2 Burden FAA with additional incremental cost;

3 Interfere with an FAA user's employment or other obligations to the Government;

4 Reflect negatively on the FAA or its employees; or

5 Violate any Federal or FAA rules, regulations, or policies.

(2) **Unauthorized Use.** Improper use of FAA Internet resources includes:

(a) Using the Internet for any purpose that violates the law or FAA rules, regulations, and policies;

(b) Concealing or misrepresenting user identity or affiliation in electronic messages;

(c) Accessing or altering source or destination addresses of e-mail;

(d) Interfering with the supervisory or accounting functions of computer resources, including attempts to obtain system privileges unless authorized by system owners;

(e) Propagating chain letters, broadcasting inappropriate or unsolicited messages (e.g., non-business matters) to lists or individuals, and comparable resource-intensive unofficial activity;

(f) Using FAA Internet resources for any commercial purpose, for financial gain (including gambling), or in support of outside individuals or entities;

(g) Seeking, viewing, transmitting, collecting, or storing vulgar, abusive, discriminatory, obscene (including sexually explicit or pornographic materials), harassing messages or material;

(h) Attempting to libel, slander, or harass other users;

(i) Posting to external newsgroups, bulletin boards, or other public forums, unless it is a business-related requirement, closely related to the employee's area of expertise, and appropriate office approvals have been obtained;

(j) Engaging in matters directed toward any unauthorized fundraising, lobbying, or partisan political activities;

(k) Interfering with legitimate Internet service of any authorized FAA user; and

(l) Representing the agency in an official capacity when not authorized to do so.

b. **Conduct on the Internet by FAA Users.** Standards of ethical conduct and appropriate behavior apply to the use of FAA computer networks, including the Internet. All FAA users shall conduct activities on the Internet with the same integrity as in face-to-face business transactions.

c. **Internet Security.** All FAA users shall take appropriate measures to comply with FAA Order 1370.82, FAA Information systems Security Program, which is currently in draft and will replace Order 1600.54B, FAA Automated Information Systems Security Program, to preclude security risks such as viruses and unauthorized disclosure of sensitive information. FAA users, managers, and administrators using FAA Internet resources shall receive initial and periodic security awareness training appropriate for use on the Internet.

d. **Management and Administration of FAA Internet Activities.** Use of FAA Internet resources shall be managed in a manner that is consistent with good customer service principles, employs sound business practices, and effectively represents the best interests of the FAA.

(1) **Monitoring of Internet Usage.** FAA users must be aware that they have no expectation of privacy while using any Government-provided access to the Internet. Employee Internet and electronic messaging activities may be subject to monitoring, recording, and periodic audits to ensure that the system is functioning properly and to protect against unauthorized use.

(2) **Usage Statistics.** As a management function, evaluation of site usage data (log files) is a valuable way to evaluate the effectiveness of websites. However, collection of data from publicly accessible sites for undisclosed purposes is inappropriate. There are commercially available software packages that will summarize log file data into usable statistics for management purposes, such as the most/least requested documents, type of browser software used to access the website, etc. Use of this type of software is appropriate, as long as there is full disclosure as specified in the privacy and security notices and as long as there is compliance with records management storage and disposal requirements. Appendix 1, Privacy Notice, contains information about how personal

information is handled when a person visits the FAA website. Appendix 2, Key Government guidance with Potential Internet Impact, contains information on compliance with Federal regulations.

(3) **User-Identifying Collection Methods for Public Websites.** In accordance with Appendix 1, Privacy notice, it is prohibited to use methods that collect user information such as extensive lists of previously visited sites, e-mail addresses, or other information to identify or build profiles on individual visitors to the FAA public website. It is permissible to collect or store non-user-identifying information; however, users shall always be notified of what information is collected or stored, why the information is being collected or stored, and how that information is being used.

(4) **Compliance with Applicable Laws, Regulations, etc.** A number of requirements contained in laws, regulations, Executive orders, and FAA orders guide FAA Internet use (appendix 2). FAA organizations shall ensure that FAA users comply with applicable Federal and departmental requirements.

(5) **Decisional Authority.** Each office that reports directly to the Administrator shall designate one or more person(s), a the Director level or below, as accountable for making day-to-day decisions about Internet site development, maintenance, content, consistency and/or linkage with other Internet sites, and infrastructure investments. The person(s) designated by the office shall be responsible and accountable for sites developed and support by that office. Appendix 3, FAA disclaimer and Liability Notice, contains information on liability and censorship of information.

RESPONSIBILITIES.

a. The Office of Information Services and Chief Information Officer is responsible for developing agency policies and procedures for Internet use.

b. The Office of Acquisitions is responsible for the management and maintenance of the FAA website and establishing the linkages from the FAA public website to other official websites.

c. The Office of Personnel is responsible for providing a copy of this order to each new employee during orientation.

d. All FAA managers and supervisors are responsible for providing their employees with a copy of this order and ensuring proper us of the Internet.

Outside Activities

Title 5 C.F.R. Section 2635.801 - Overview. This subpart contains provisions relating to outside employment/business activities; paid and unpaid teaching, speaking and writing activities; service as an expert witness; fundraising activities; and satisfying just financial obligations that are in addition to the principles and standards set forth in other subparts of the Standards and may apply whether compensated or not.

IMPORTANT – FAA Policy on Outside Activities: Although the FAA does not require agency approval before you engage in outside employment/business or other activities, particularly if related to aviation matters, we encourage you to seek guidance from ethics counsel in advance since there may be numerous ethics concerns related to such activities that need to be addressed. In general, ***FAA policy states that employees are permitted to engage in outside aviation employment so long as the outside employer does not conduct activities for which the employee's facility or office has official responsibility.*** See FAA Order 3750.7, Appendix 5 (1998) at: http://intraweb.tc.faa.gov/webpages/legal/Appendix%201-5.pdf

What about activities off the job, on my own time?

It depends on what you do and who you do it for. The rule says that you cannot engage in outside employment or any outside activity if it conflicts with the official duties of your Government job. There could be a conflict because of a law or agency regulation or because doing the outside activity would disqualify you from performing a significant amount of your Government duties.

Suppose I teach the course on beginner swimming in the physical education department at the community college. Is that all right?

There are restrictions that apply to outside teaching, speaking and writing. Generally, if the activity relates to your official duties, the rule is that you cannot be paid for it. However, even if the course does relate to your work, there is an exception for teaching a course in the regular program of certain educational institutions that would allow you to teach the community college course. If your Government job requires you to deal with the community college or in any way affects the college's financial interests, you should check with your ethics official first before you accept the teaching position.

What about fundraising?

There are rules that apply to ***fundraising as a private individual.*** Basically you can engage in private fundraising outside the workplace as long as you do not ask for a contribution from a subordinate or from someone who is regulated by, does business with, or seeks official action by your agency, or has interests that may be substantially affected by you when you do your job. Also, you cannot use your title, position, or authority, or Government time or equipment, to further the fundraising effort. And you must avoid any action that would violate any of the other conduct rules. ***Fundraising in your official capacity is highly restricted by other laws and rules so you should always ask your ethics official first before engaging in that activity.***

Charitable fundraising activities by Federal employees in the workplace are governed by 5 C.F.R. Part 950--Solicitation of Federal Civilian And Uniformed Service Personnel For Contributions To Private Voluntary Organizations--issued by Office of Personnel Management (OPM) and commonly known as the Combined Federal Campaign (CFC).

The CFC allows for the solicitation on behalf of charitable organizations during an annual fundraising drive that is intended to be fair, trustworthy, and non-disruptive. ***The CFC is the only authorized solicitation of employees in the Federal workplace on behalf of charitable organizations.*** No other solicitation on behalf of charitable organizations may be conducted in the Federal workplace, except in certain cases of emergency or disaster appeals, which must be approved by the Director of OPM. Solicitation means any action requesting money, either by cash, check or payroll deduction, on behalf of charitable organizations. Special fundraising events for the CFC must be approved in advance in Washington, DC, by AHR-1 and by Regional Administrators/Center Directors or to the Human Resource Management Division if so delegated. See memorandum dated September 13, 1996, from Associate Administrator for Administration to the FAA Management Board. See page 32.

For more information on charitable fundraising, go to http://www.opm.gov/cfc/index.asp.

Some Things That Can and Can't Be Done off the Job

- *Carter's agency requires prior approval of outside activities including service as an officer or director of an organization. With his agency's approval, Carter may serve as an officer of his condominium association.*
- *Victoria may work as a part-time salesperson with a clothing store in the local shopping center so long as her official duties do not affect the company that owns the chain of clothing stores.*

- *Yolanda may not use her job title or position with a Federal law enforcement agency to raise funds for the police officers' association in her county.*

- *George, who processes Medicare claims, may not be paid for teaching a one-day seminar for a senior citizens' group on the Medicare program and how to fill out Medicare claims.*

U.S. Department of Transportation
Federal Aviation Administration

Memorandum

Subject: **INFORMATION**: Combined Federal Campaign (CFC) Guidance

Date: SEP 13 1996

From: Associate Administrator for Administration

Reply to Attn. of:

To: FAA Management Board

The 1996 Combined Federal Campaign (CFC) for the Washington Metropolitan Area will be conducted October 1 to October 31, 1996. As we begin to prepare for the yearly Campaign activities, I'd like to offer you some guidance.

The guidance outlined in 5 C.F.R., Part 950, "Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations" (as revised on January 1, 1996), provides that employee solicitations shall be conducted during duty hours using methods that permit true voluntary giving and donor confidentiality. Campaign kick-offs, victory events, awards, and other non-solicitation events to build support for the CFC are strongly encouraged.

Special CFC fundraising events, such as raffles, lotteries, auctions, bake sales, athletic events, or other activities are permitted if approved by the appropriate agency head or Government official, and are consistent with agency ethics regulations. The authority to grant approval of special CFC fundraising events at FAA headquarters has been delegated by the Administrator to AHR-1 through my office. In the regions and centers, the authority to grant such approval is with the Regional Administrator or Director. Further delegation may be authorized to the Human Resource Management Division. CFC coordinators in the regions, centers, and at headquarters shall submit their proposed list of special CFC fundraising events for approval to the appropriate agency official at least two weeks before the event is scheduled. All special fundraising events must provide the donor with the option of designating to a specific participating organization or federation, or be advised that the donation will be counted as an undesignated contribution and distributed according to CFC regulations.

It is also the agency's position that these special events should be, to the extent possible, cost-effective. That is, we should not expend Government resources (i.e., agency funds, equipment, employee time, etc.) in excess of what is expected to be raised at the event. Employees should also be reminded that, under the Standards of Ethical Conduct regulations published in 5 C.F.R. Part 2635, personally soliciting funds or other support from subordinates or from known prohibited sources is not permitted.

Additional information or guidance received will be forwarded to you as it is received.

for R. Colington

Edwin A. Verburg

POLITICAL ACTIVITIES
HATCH ACT AND IMPLEMENTING REGULATIONS

There are various restrictions on Federal employee's involvement in political activities. The following information was taken from the Office of Special Counsel (OSC) website and is merely general in nature. ***Specific questions regarding political activities must be directed to the OSC at 1-800-854-2824.*** See: http://www.osc.gov/hatchact.htm

Permitted/Prohibited Activities for Federal Employees Who May Participate in Partisan Political Activity

Federal employees ***may***-

be candidates for public office in nonpartisan elections

register and vote as they choose

- assist in voter registration drives

express opinions about candidates and issues

- contribute money to political organizations

attend political fundraising functions

attend and be active at political rallies and meetings

join and be an active member of a political party or club

- sign nominating petitions

campaign for or against referendum questions, constitutional amendments, municipal ordinances

- campaign for or against candidates in partisan elections

make campaign speeches for candidates in partisan elections

distribute campaign literature in partisan elections

- hold office in political clubs or parties including serving as a delegate to a convention

Federal employees ***may not***-

- use their official authority or influence to interfere with an election
- Knowingly solicit or discourage the political activity of any person who has business before their agency
- solicit, accept or receive political contributions unless both individuals are members of the same federal labor organization or employee organization and the one solicited is not a subordinate employee

be candidates for public office in partisan elections

engage in political activity while:

- on duty
- in a government office
- wearing an official uniform
- using a government vehicle

wear partisan political buttons on duty

This list does not apply to Federal employees in the following agencies, divisions or positions: This list does not apply to federal employees in the following agencies, divisions or positions: Federal Election Commission; Federal Bureau of Investigations; Secret Service; Central Intelligence Agency; National Security Agency; National Security Counsel; Defense Intelligence Agency; National Imagery and Mapping Agency; Merit Systems Protection Board; Office of Special Counsel; Office of Criminal Investigations of the IRS; Office of Investigative Programs of the U.S. Customs Service; Office of Law Enforcement of the Bureau of Alcohol, Tobacco, and Firearms; Criminal Division of the Department of Justice; Career members of the Senior Executive Staff; Administrative Law Judges; Contract appeals board members.

For examples regarding the above, go to:
http://www.osc.gov/documents/hatchact/haflyer.htm

Restrictions on Former Employees

IMPORTANT: ***If you are thinking about leaving the Government and working elsewhere, you should go to the following website and read the information regarding post-employment restrictions:***
http://www.usoge.gov/pages/laws_regs_fedreg_stats/other_ethics_guidance.html and click on: **Summary of the criminal statute at 18 U.S.C. § 207** (PDF), as it applies to post-Government employment of executive branch employees. If you have specific questions, contact your local ethics official.

Note: ***See also Seeking Other Employment Section on page 19 for the restrictions under 18 USC 208.***

Suppose I take a job in the private sector. Am I subject to any rules after I leave the Government?

Under Section 207 of Title 18, a criminal statute, all former employees may be subject to three post-employment restrictions; two other restrictions apply additionally only to senior officials paid at or above the rate of pay for Level 5 of the Senior Executive Service. In addition, employees who perform certain functions in procurements over $10M are subject to a post-employment restriction created by the Procurement Integrity Act, 41 USC 423. It is a good idea to ask about these rules when you are asking about seeking employment. You will want to know if you are permitted to do the work your prospective new employer wants you to do before you take that job.

Some Things That Can and Can't Be Done After Leaving a Government Job

- *Walter may accept a job as a compliance officer with a company that is regulated by his former agency. Walter may have some limitations in communicating with his former agency on his company's behalf.*

- *Rudolf may not represent his new private employer in a dispute with the Government over a security services contract that he reviewed while working for the Government.*

- *For two years, Zenia may not represent her new employer before her former agency regarding investigations conducted by her subordinates during her last year of Government service.*

CERTIFICATION OF TRAINING
2005 ANNUAL ETHICS TRAINING
"A BRIEF WRAP ON ETHICS"

I hereby certify that I have reviewed the 2005 ethics training package entitled, "A BRIEF WRAP ON ETHICS."

_____
Printed Name

_____
Signature

_____
Position

_____
Office Symbol/Phone No.

_____
Date

Return to your organization's administrative assistant (or other designee).
Do not return to ACT-7.