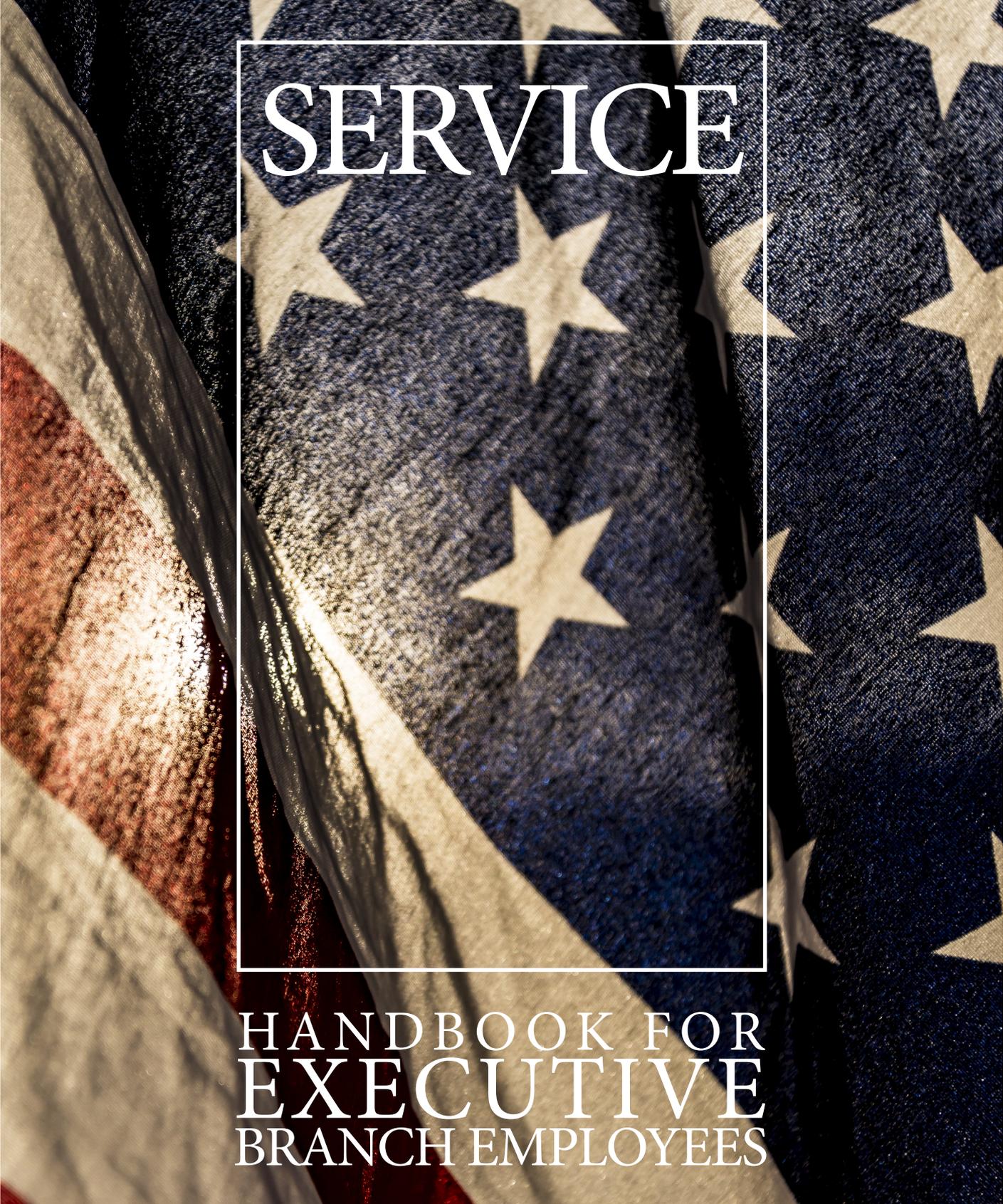


AWARENESS • ENGAGEMENT • ACCOUNTABILITY

# ETHICAL



SERVICE

HANDBOOK FOR  
EXECUTIVE  
BRANCH EMPLOYEES

# WELCOME

to federal service!

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In choosing to work for the United States Government, you are joining millions of other professionals who have committed themselves to serving the American public.

*“We, as public servants, safeguard the integrity of our nation’s Government.”*

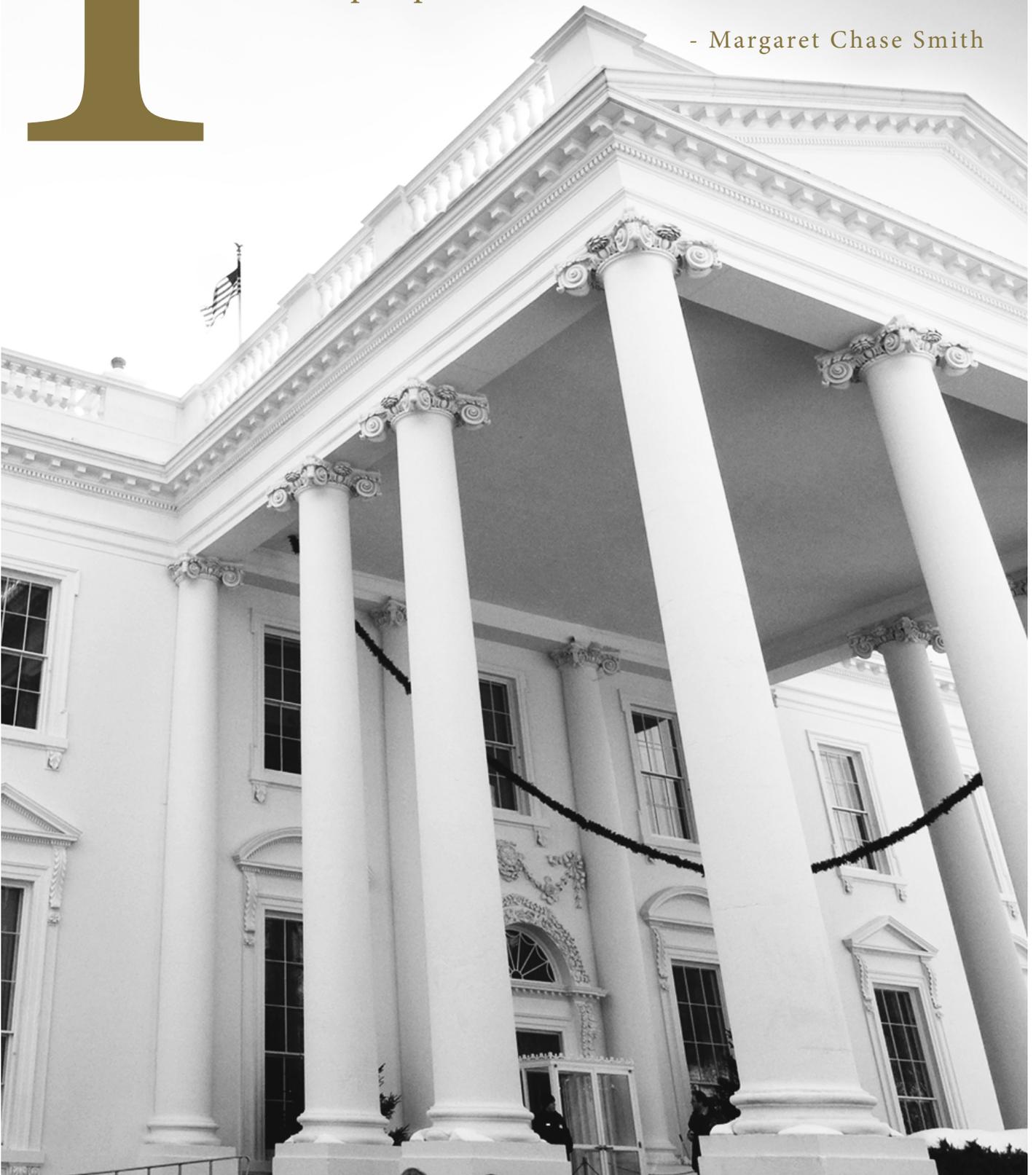
Working for the federal Government is more than just a job—it is a singular responsibility. We affirm this responsibility in the solemn oath we take to “well and faithfully discharge the duties of our offices.” We fulfill this responsibility in the day-to-day performance of those duties. And in fulfilling this responsibility, we safeguard the integrity of our nation’s Government.

This handbook is your introduction to the ethical and legal requirements of your Government service. Please review it thoughtfully, as the concepts explained here underlie the culture of our workplace and require your personal commitment.

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ublic service must be more than doing a job efficiently and honestly. It must be a complete dedication to the people and to the nation.

- Margaret Chase Smith



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## OUR PRINCIPLES & STANDARDS OF ETHICAL CONDUCT

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We are committed to upholding the highest principles and standards of ethical conduct in all that we do. We apply these principles and standards in the course of our daily work, and by faithfully observing them, we safeguard the honor of public service and the reputation of the executive branch. Through them, we hold ourselves and each other accountable for the integrity of our service to our country and to our fellow citizens.

- INSIDE ETHICS -

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# OUR COMMITMENT

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The {Department/Agency} is committed to upholding the highest ethical standards for all of its employees. To do that, we have support systems in place to help you determine what is ethically appropriate or legally required of you.

## AGENCY ETHICS PROGRAM

Always remember that you are not alone. [The Department/Agency] has support systems in place to assist you.

Each agency is required by law to have an ethics program that includes:

- a counseling program for agency employees on all ethics and standards of conduct matters,
- an ethics education program, and
- an effective financial disclosure system for officials in positions at greater risk for conflicts of interest.

[Placeholder for agency program description and link to ethics office information here.]

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# YOUR COMMITMENT

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As a public servant, your commitment to ethical service is vital to performing your work and supporting the agency's mission with honesty, integrity, impartiality, and in the spirit of service to others.

## Fulfilling the expectation of ethical service requires

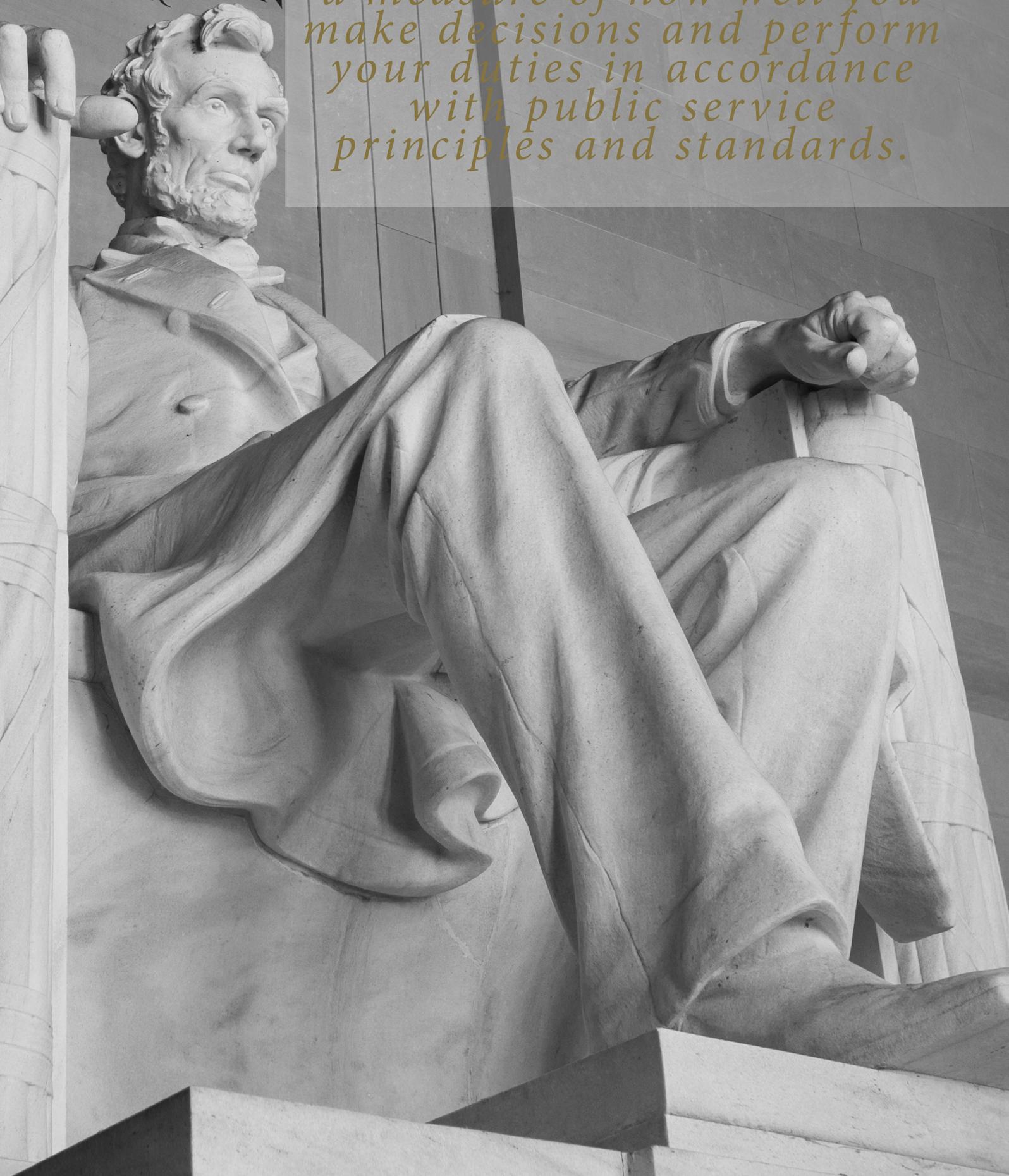
**Awareness:** becoming familiar with the principles, rules, and laws that define what is and isn't appropriate conduct.

**Engagement:** cultivating habits of asking questions and seeking advice.

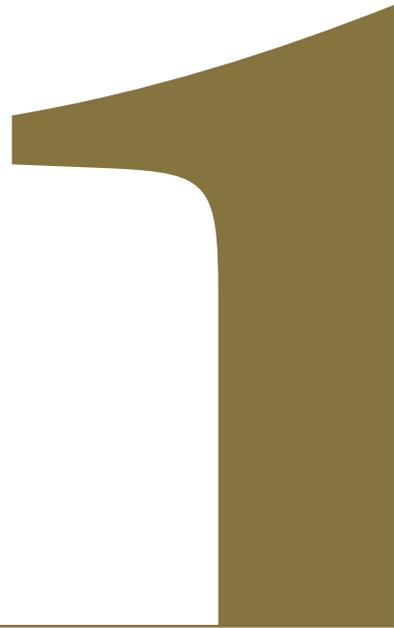
**Accountability:** acting in ways that reflect the expectations of public service and holding ourselves and each other accountable.

MPLE.  
OF THE PEOPLE  
D THE UNION  
AHAM LINCOLN  
FOREVER

*“Ethical conduct” involves just that—conduct. It is a measure of how well you make decisions and perform your duties in accordance with public service principles and standards.*



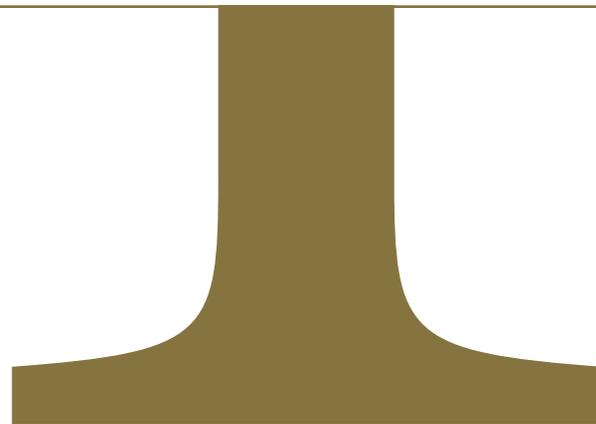




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# AWARENESS

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We are guided in our conduct by a set of principles, and a specific and enforceable set of standards and laws.

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# AWARENESS

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*Ethically informed conduct requires you to have at least a basic understanding of the applicable principles, standards, and laws.*

When carrying out our daily duties, we regularly face situations that involve ethical questions. From decisions as basic as how we use our time, to those as complex as how to allocate millions of dollars, the public's perception of the integrity of the work we do, both individually and collectively, is at stake.

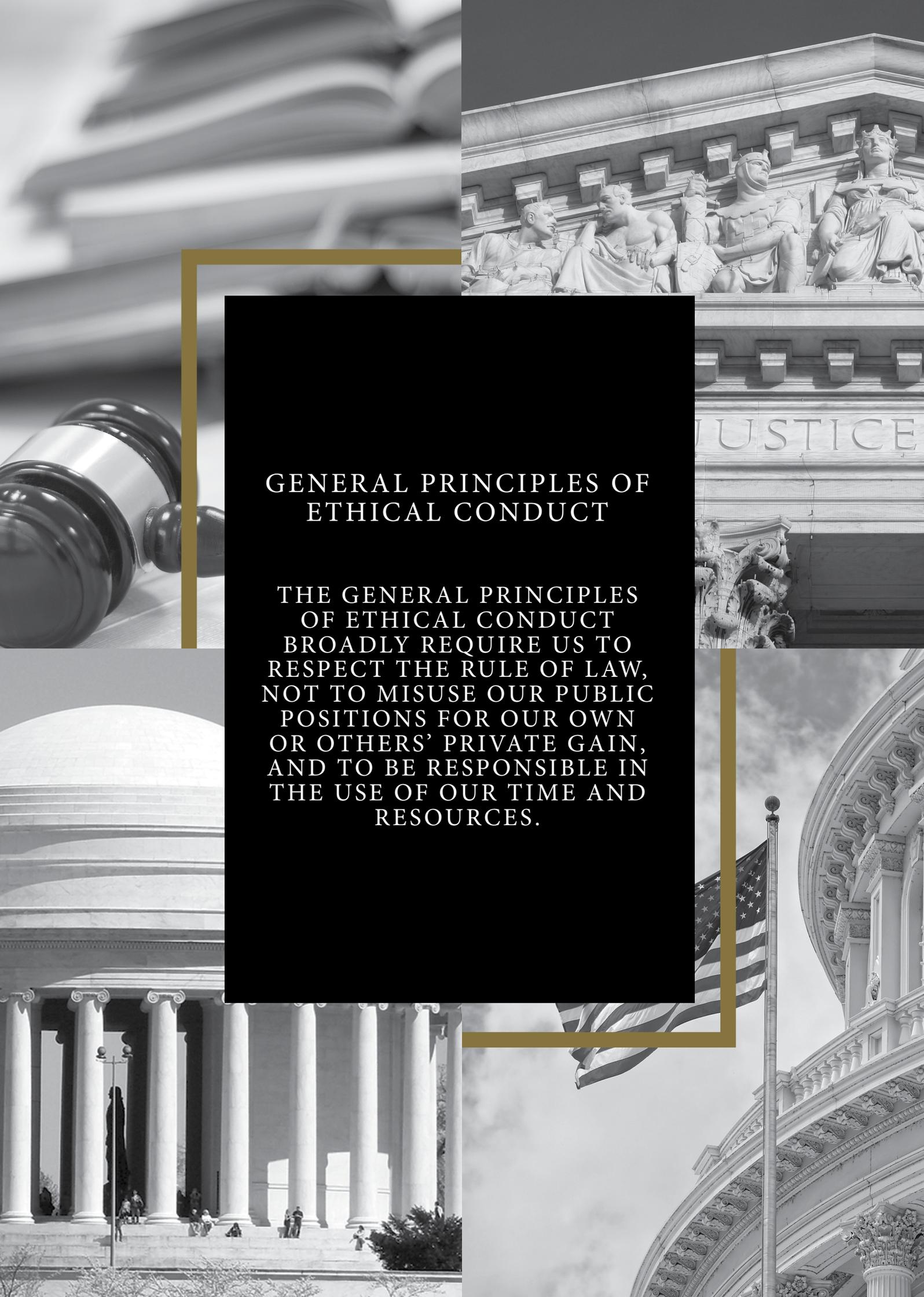
Sometimes gut instincts and good intentions may help us know the right thing to do. But good instincts and intentions are not enough when the integrity of our work could be questioned.

Consequently, we have a set of principles and a specific and enforceable set of standards and laws to help guide our conduct.

*General Principles  
of Ethical Conduct*

*Standards of  
Ethical Conduct*

*Criminal Conflict  
of Interest Laws*



## GENERAL PRINCIPLES OF ETHICAL CONDUCT

THE GENERAL PRINCIPLES  
OF ETHICAL CONDUCT  
BROADLY REQUIRE US TO  
RESPECT THE RULE OF LAW,  
NOT TO MISUSE OUR PUBLIC  
POSITIONS FOR OUR OWN  
OR OTHERS' PRIVATE GAIN,  
AND TO BE RESPONSIBLE IN  
THE USE OF OUR TIME AND  
RESOURCES.

## GENERAL PRINCIPLES OF ETHICAL CONDUCT

There are fourteen General Principles of Ethical Conduct. These General Principles essentially require loyalty to law, selfless service, and responsible stewardship.

### LOYALTY TO LAW

We each have taken a solemn oath—to support and defend the Constitution. In all things, we uphold the Constitution and the oath we take. We fulfill this oath by respecting the rule of law—by adhering to all legal authorities in the work we perform and as citizens.

We also ensure that others follow the law—by disclosing waste, fraud, abuse or corruption when we see it, and by supporting disclosures by others. We hold each other and ourselves accountable, knowing that transparency and honesty are the surest ways to avoid conflicts and promote public confidence in Government.

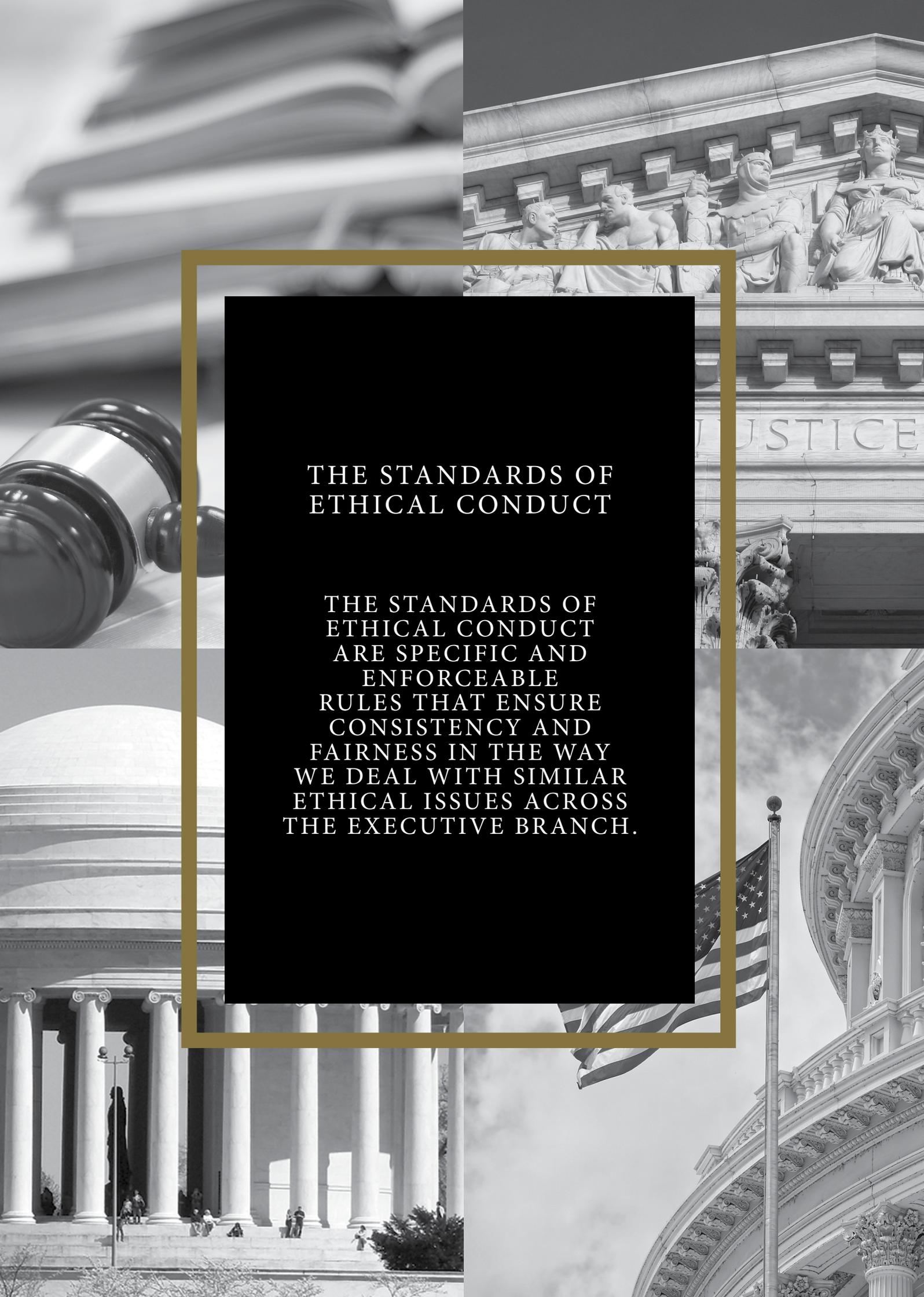
### SELFLESS SERVICE

Public service is a profession—for some, a calling—that involves a duty to something larger than ourselves. We must always act, and appear to act, with our nation's interests before our own. We not only put forth an honest effort in our work, but we do not seek personal advantage for ourselves or others. We hold ourselves to the highest standards, knowing that even the question of impropriety is sometimes enough to undermine good work.

### RESPONSIBLE STEWARDSHIP

Monies, property, information and other governmental resources are entrusted to us. They do not belong to us personally. We honor our commitment to the American public by using these resources wisely and only to accomplish the work of the United States Government.





THE STANDARDS OF  
ETHICAL CONDUCT

THE STANDARDS OF  
ETHICAL CONDUCT  
ARE SPECIFIC AND  
ENFORCEABLE  
RULES THAT ENSURE  
CONSISTENCY AND  
FAIRNESS IN THE WAY  
WE DEAL WITH SIMILAR  
ETHICAL ISSUES ACROSS  
THE EXECUTIVE BRANCH.

## STANDARDS OF ETHICAL CONDUCT

The Standards of Ethical Conduct, which are introduced below, contain specific requirements and address situations where executive branch employees are likely to encounter ethical dilemmas. Additional information about these topics can be found by clicking on their respective links.

**Use of Government Position.** As an employee, you cannot use your position with the Government for your own personal gain or for the benefit of others.

**Conflicting Financial Interests.** You are prohibited from working on Government matters in which you, your spouse or minor child, or certain others have a financial interest.

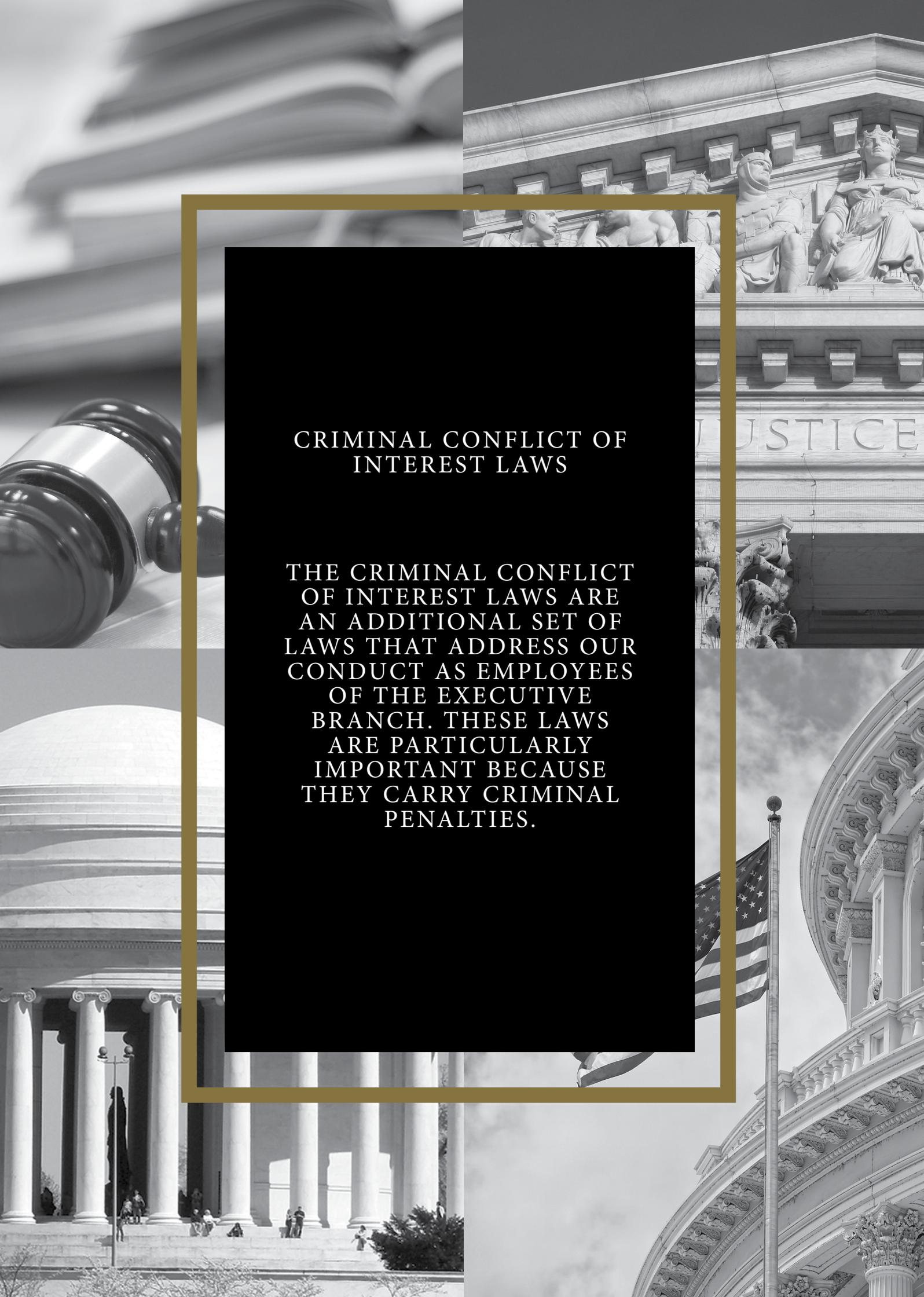
**Impartiality.** In general, you should not act on a Government matter if a reasonable person who knew the circumstances of the situation could legitimately question your impartiality.

**Seeking Other Employment.** If you are seeking other employment – either a future position or part-time work performed in your off-duty hours – you may not work on particular matters that would affect the prospective employer’s financial interest.

**Outside Activities.** You may not engage in outside employment or other activity if it conflicts with your official duties or violates a law or regulation.

**Gifts from Outside Sources.** Generally, you may not accept gifts that are given because of your official position or that come from certain “prohibited” sources.

**Gifts Between Employees.** Generally, you cannot give a gift to your official superior. Also, you generally cannot accept a gift from another employee who earns less pay.



## CRIMINAL CONFLICT OF INTEREST LAWS

THE CRIMINAL CONFLICT  
OF INTEREST LAWS ARE  
AN ADDITIONAL SET OF  
LAWS THAT ADDRESS OUR  
CONDUCT AS EMPLOYEES  
OF THE EXECUTIVE  
BRANCH. THESE LAWS  
ARE PARTICULARLY  
IMPORTANT BECAUSE  
THEY CARRY CRIMINAL  
PENALTIES.

## CRIMINAL CONFLICT OF INTEREST LAWS

Each of the criminal conflict of interest laws, which are introduced below, prohibits specific types of conduct. Additional information about these laws can be found by clicking on their respective links.

**Conflicting Financial Interests (18 U.S.C. 208)**. You are prohibited from working on Government matters in which you, your spouse or minor child, or certain others have a financial interest. (Note: This prohibition is also discussed in the Standards of Ethical Conduct.)

**Supplementation of Salary (18 U.S.C. 209)**. You may not be paid by someone other than the United States for doing your Government duties.

**Bribery (18 U.S.C. 201)**. You are prohibited from accepting gratuities or bribes to influence your Government actions.

**Representing Others in Claims and Other Matters Affecting the Government (18 U.S.C. 205)**. You are generally prohibited from certain involvement in claims against the United States, or from representing another before the Government in matters in which the United States is a party or has a direct and substantial interest.

**Receiving Compensation in Matters Affecting the Government (18 U.S.C. 203)**. You are prohibited from receiving compensation for representational activities involving certain matters in which the United States is a party or has a direct and substantial interest.

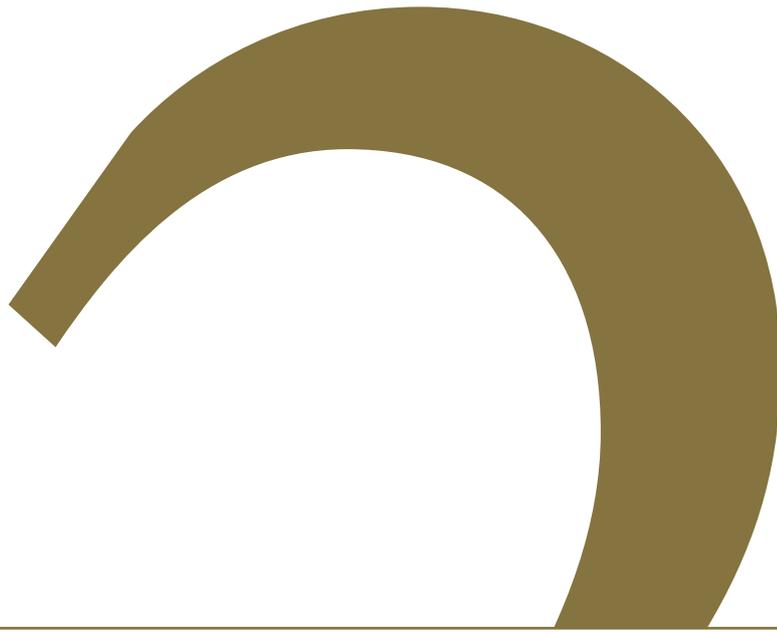
**Restrictions on Former Employees (18 U.S.C. 207)**. After you leave Government service (or leave certain high-level positions), you may be subject to limitations on your post employment activities.

LAW  
CASES

LAW  
CASES

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CASES

Volume

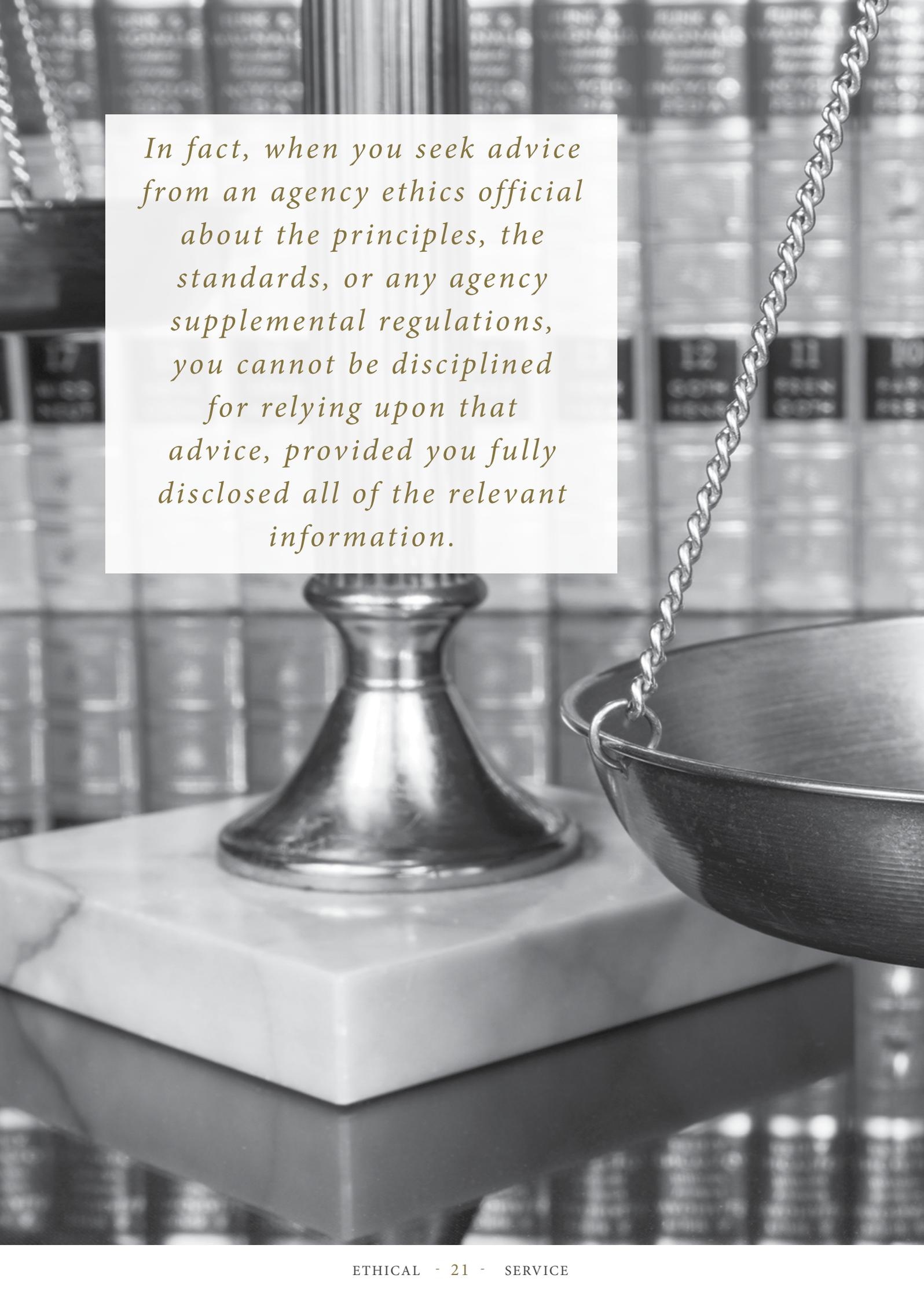


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## ENGAGEMENT

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Building awareness of the ethics principles, rules and laws so you can spot actual or potential ethical issues is an ongoing process.



*In fact, when you seek advice from an agency ethics official about the principles, the standards, or any agency supplemental regulations, you cannot be disciplined for relying upon that advice, provided you fully disclosed all of the relevant information.*

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# ENGAGEMENT

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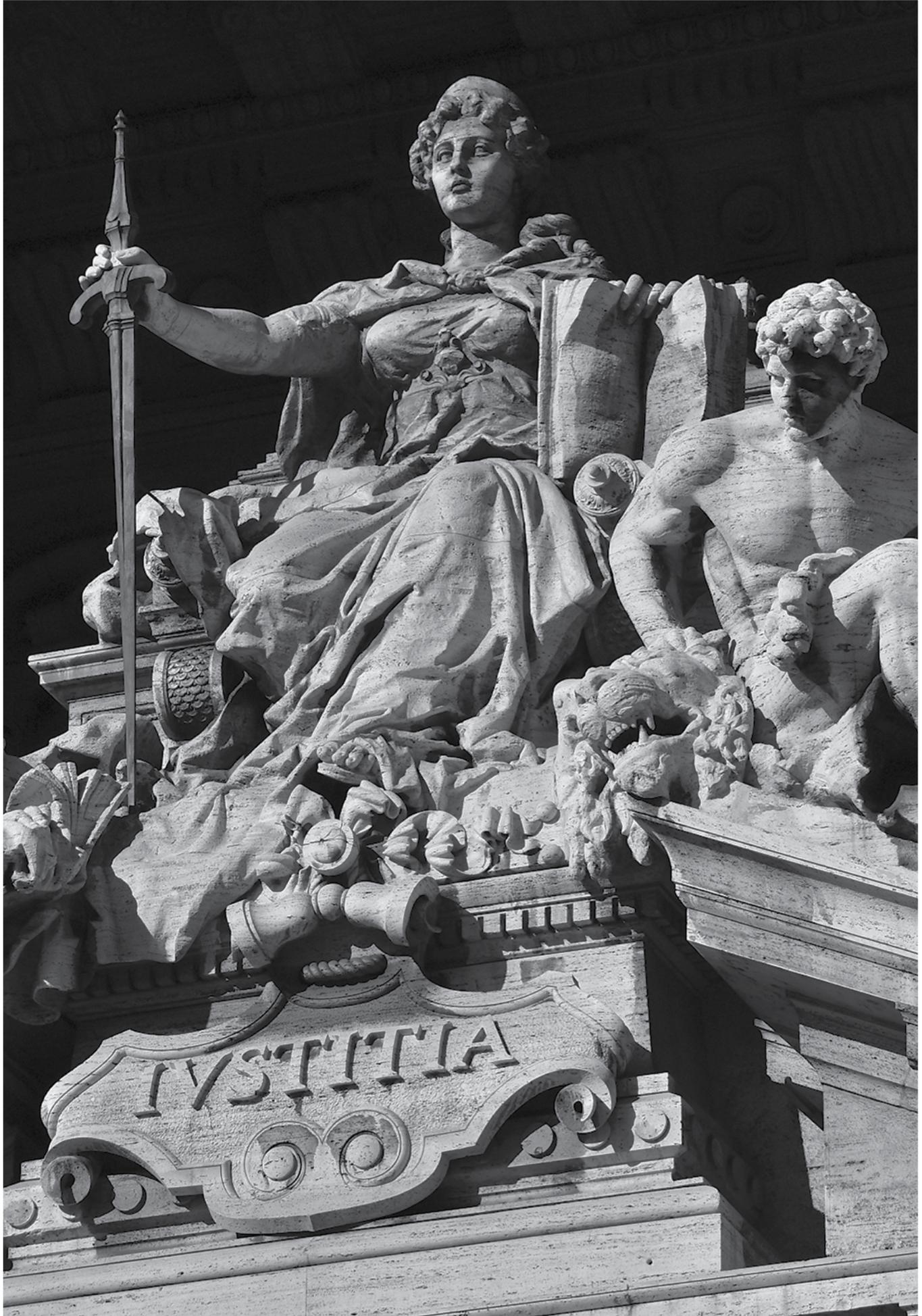
Building awareness of the ethics principles, rules and laws so you can spot actual or potential ethical issues is an ongoing process. It requires that you cultivate habits of asking questions and seeking advice.

If you find yourself in a situation and don't know whether there is a problem or are unsure what to do, talk it out with someone. Consult your supervisor or an agency ethics official. Ethics officials are there to answer your questions and assist you.

[Insert DAEO information here.]

Given that an ethics violation harms the reputation of the Government, disrupts the agency's work, and has personal repercussions for you, it is in everyone's interest that you ask questions and seek advice before acting.

You should never feel alone in making decisions about what is ethically appropriate or legally required of you.





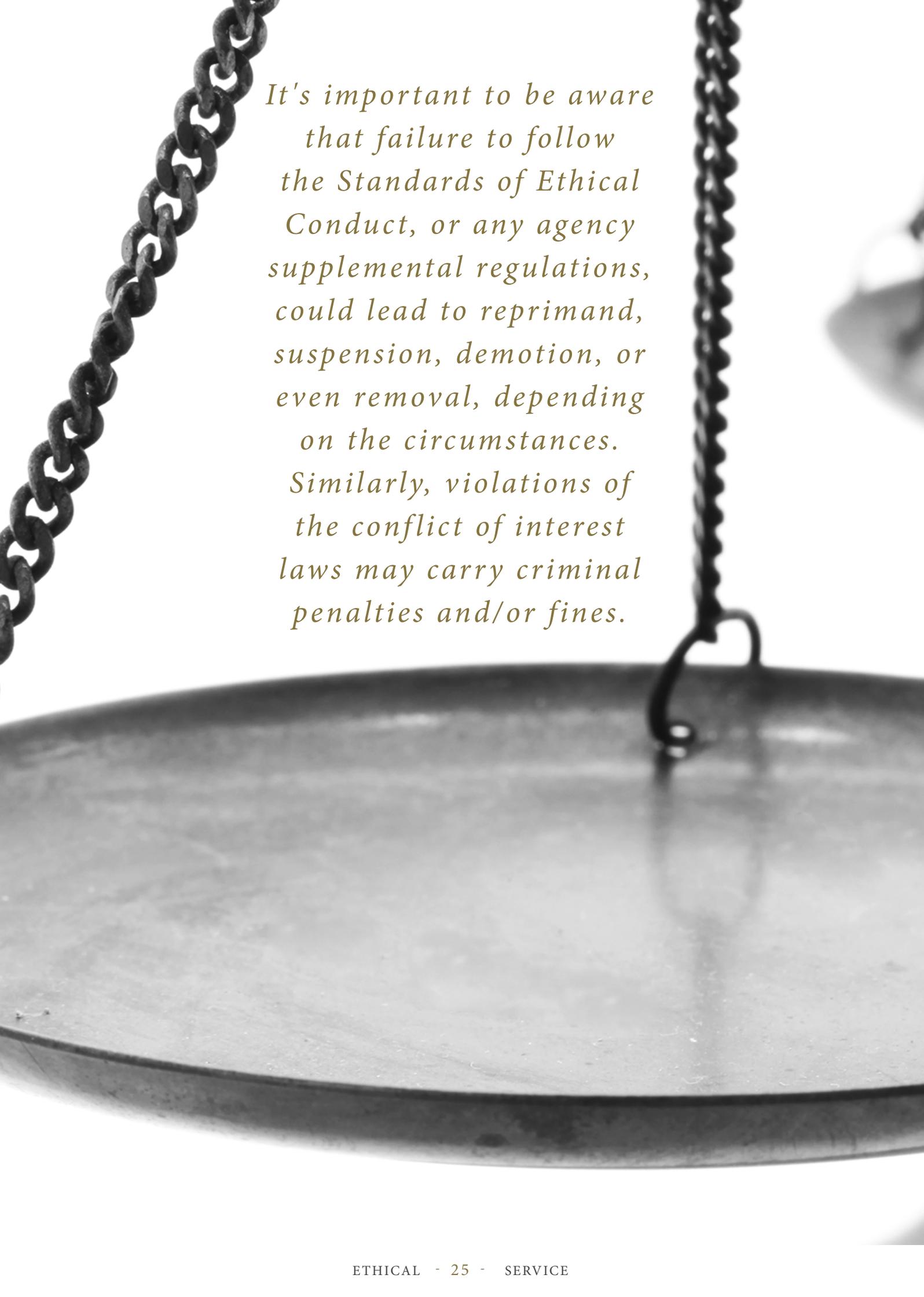
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# ACCOUNTABILITY

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Accountability is the cornerstone of honest service.



*It's important to be aware that failure to follow the Standards of Ethical Conduct, or any agency supplemental regulations, could lead to reprimand, suspension, demotion, or even removal, depending on the circumstances. Similarly, violations of the conflict of interest laws may carry criminal penalties and/or fines.*

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# ACCOUNTABILITY

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An ethical workplace is one where ethical conduct is encouraged and supported. It is also one where concerns can be raised without fear of retaliation. If you observe waste, fraud, abuse or other misconduct, there are avenues for reporting it.

The agency ethics office is always a resource for discussing what you have observed.

Likewise, you can report your concerns to the agency Office of Inspector General or to the Office of Special Counsel.

When we each act with integrity, and expect the same of others, we not only perform with excellence but we engender trust.

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# INDEX OF RESOURCES

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Fourteen General Principles of  
Ethical Conduct

Standards of Ethical Conduct

Criminal Conflict of Interest Laws

[Agency ethics program  
information]

[Agency supplemental regulations]

STANDARDS  
OF  
ETHICAL

CONDUCT

SUMMARY FOR  
EXECUTIVE  
BRANCH EMPLOYEES

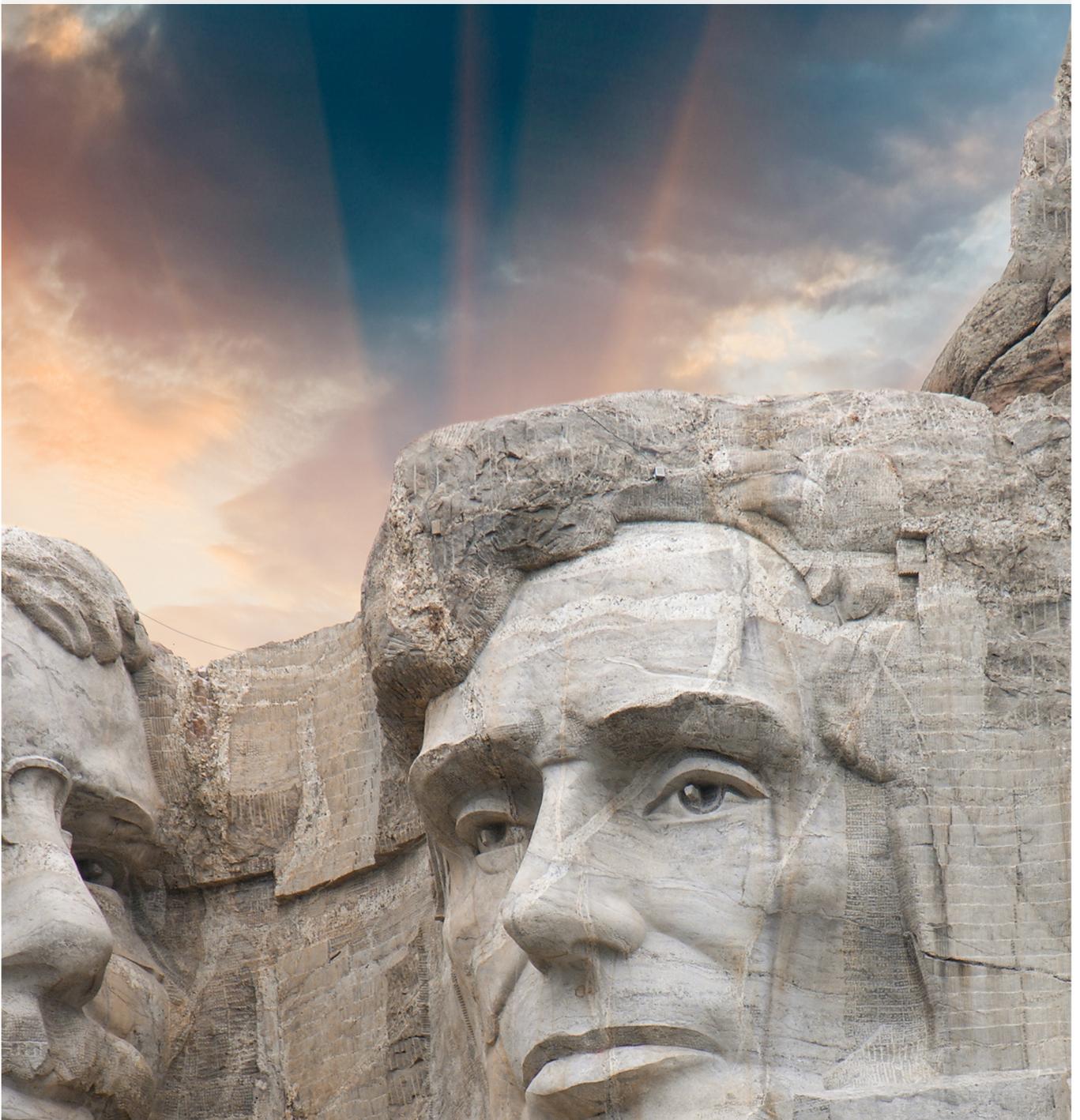
This booklet contains summaries of the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635. These summaries are not a substitute for actual ethics advice. You should consult your agency ethics official for specific guidance about the application of these rules to your situation.

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<b>5</b> - OUTSIDE ACTIVITIES	<u>P.21</u>
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*As an employee, you cannot use your position with the Government for your own personal gain or for the benefit of others. This includes family, friends, neighbors, and persons or organizations that you are affiliated with.*





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USE OF GOVERNMENT POSITION

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# USE OF GOVERNMENT POSITION AND RESOURCES

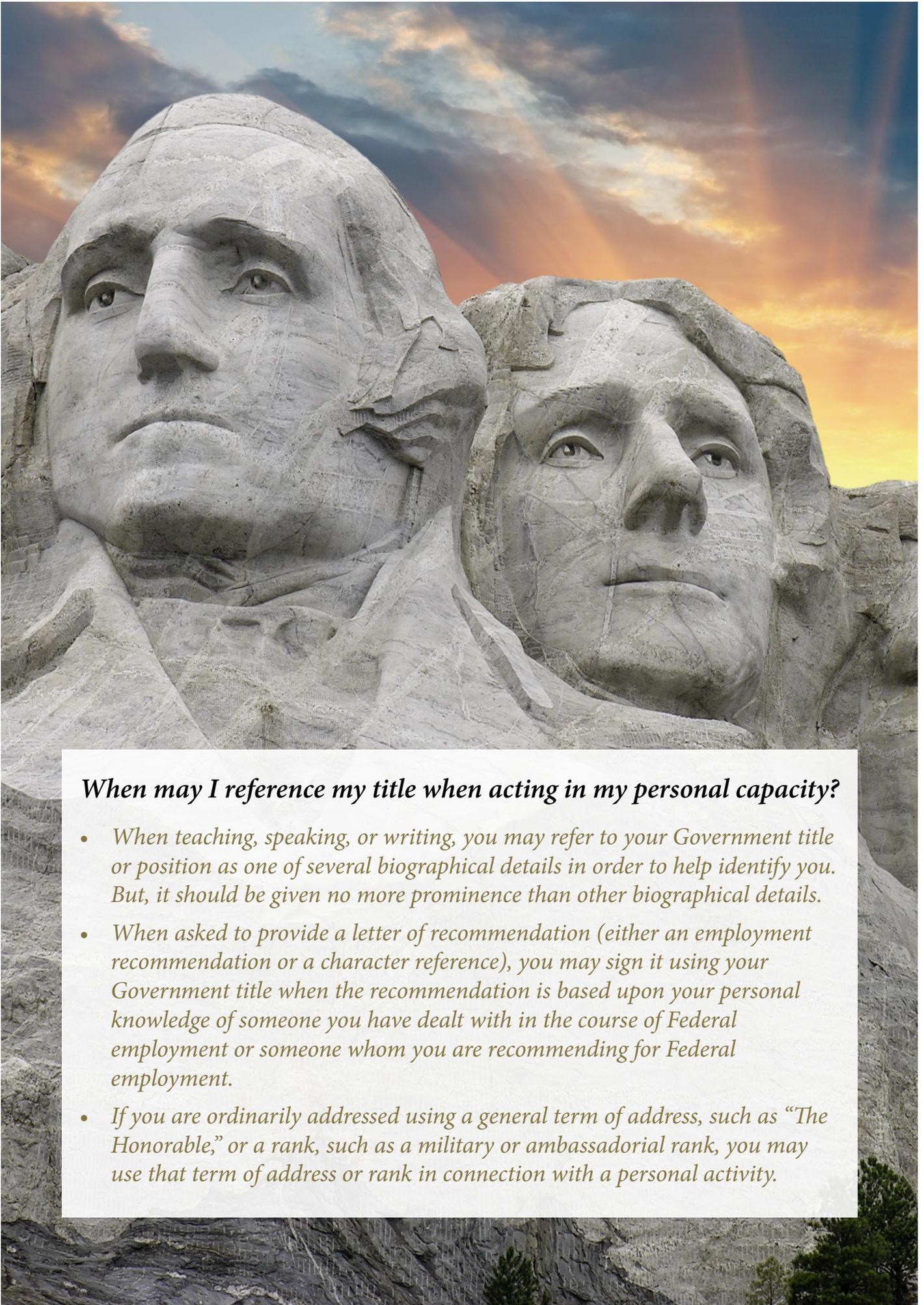
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**In order to ensure that your public office is not used for private gain, there are restrictions on your use of the authority associated with your Government position:**

- **Inducement or coercion of benefits.** You may not use your Government position to induce or coerce anyone to provide a benefit to you or to another.
- **Endorsement.** You may not use your Government position to suggest that your agency or any part of the executive branch endorses organizations (including nonprofits), products, services, or people.
- **Use of title or agency's name.** Except in limited circumstances (see box), you may not use your Government title or agency's name to suggest that the agency or any part of the executive branch endorses your personal activities or the activities of another.

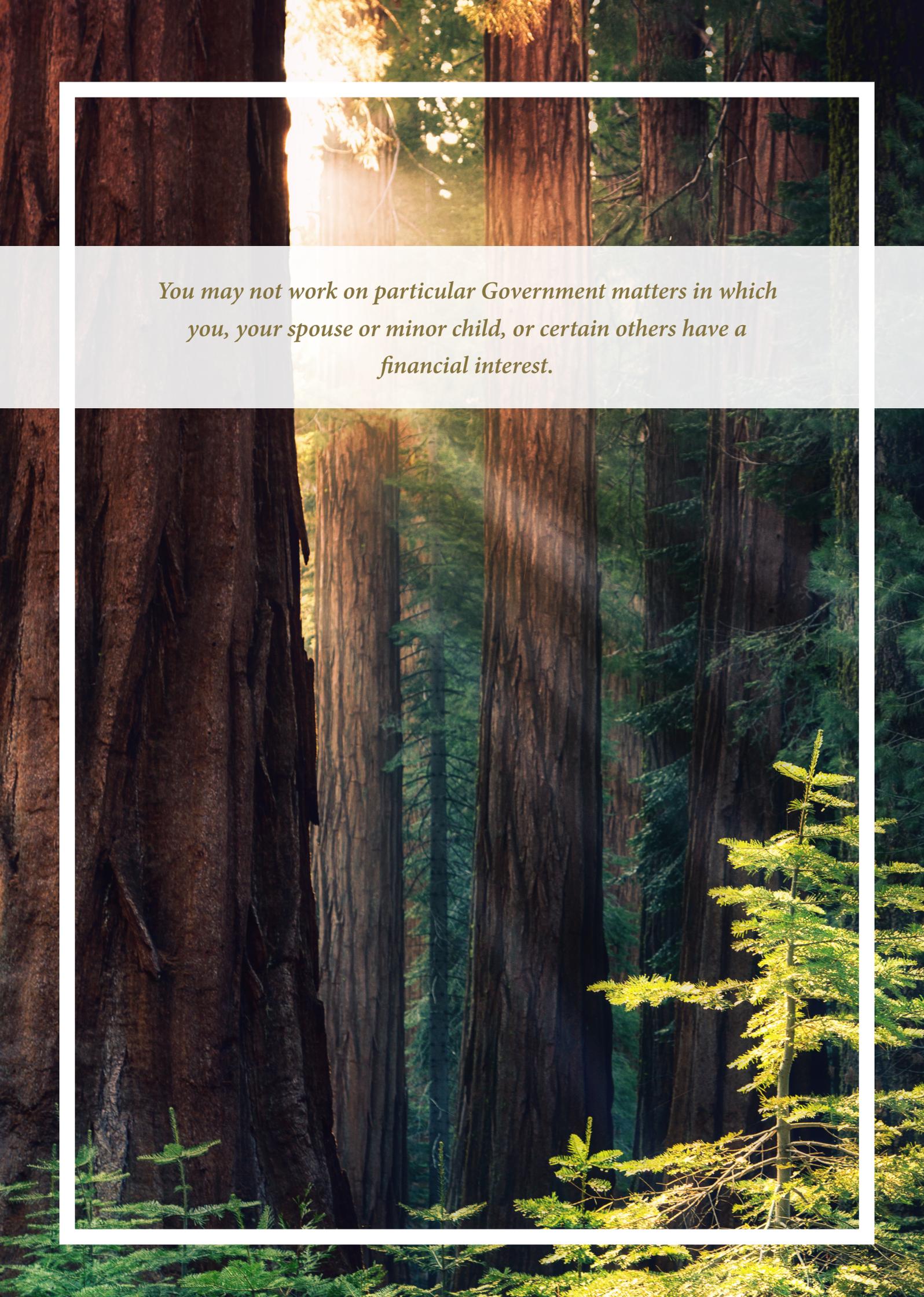
**Likewise, there are also restrictions on the use of resources you have access to while performing your Government duties:**

- **Use of Government information.** You may not use or allow the use of nonpublic Government information to further your own private interests or the private interests of others. If information 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.
- **Use of Government property.** You have a duty to protect and conserve Government property and may not use Government property, or allow its use, for purposes that aren't authorized.
- **Use of official time.** Except as otherwise authorized, you must use official time in an honest effort to perform your Government duties. Additionally, you may not ask or direct subordinates to perform activities other than those required in the performance of their Government duties.

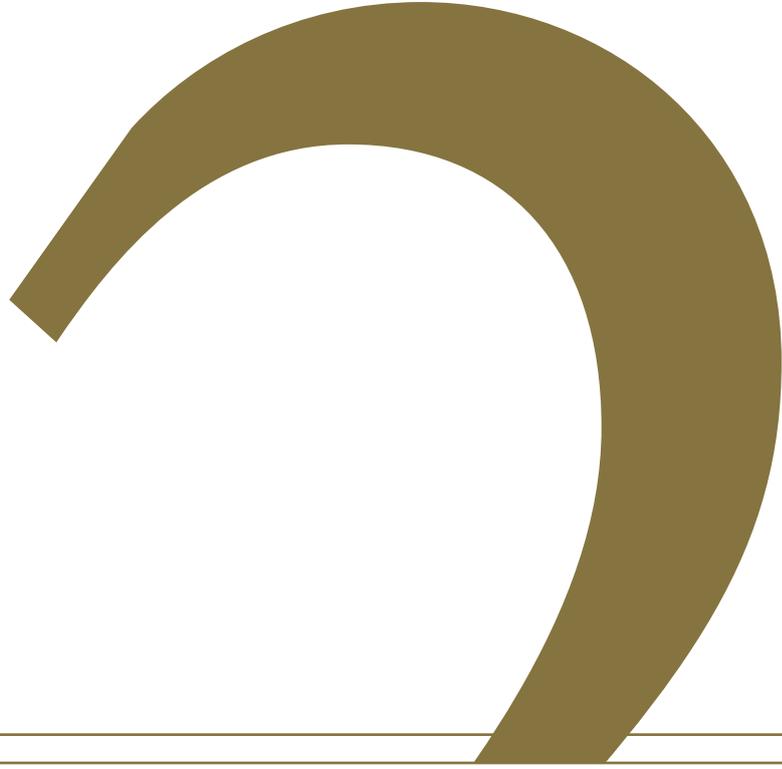


***When may I reference my title when acting in my personal capacity?***

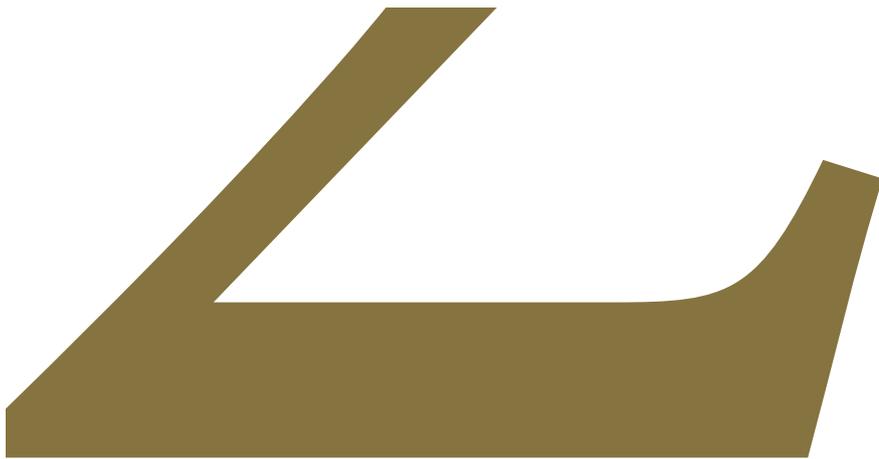
- *When teaching, speaking, or writing, you may refer to your Government title or position as one of several biographical details in order to help identify you. But, it should be given no more prominence than other biographical details.*
- *When asked to provide a letter of recommendation (either an employment recommendation or a character reference), you may sign it using your Government title when the recommendation is based upon your personal knowledge of someone you have dealt with in the course of Federal employment or someone whom you are recommending for Federal employment.*
- *If you are ordinarily addressed using a general term of address, such as “The Honorable,” or a rank, such as a military or ambassadorial rank, you may use that term of address or rank in connection with a personal activity.*



*You may not work on particular Government matters in which you, your spouse or minor child, or certain others have a financial interest.*



# CONFLICTING FINANCIAL INTEREST



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# CONFLICTING FINANCIAL INTEREST

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In addition to the Standards of Ethical Conduct, [a criminal statute \(18 U.S.C. section 208\)](#) prohibits you from working on Government matters that will affect your own personal financial interest, or the financial interests of certain other people, including:

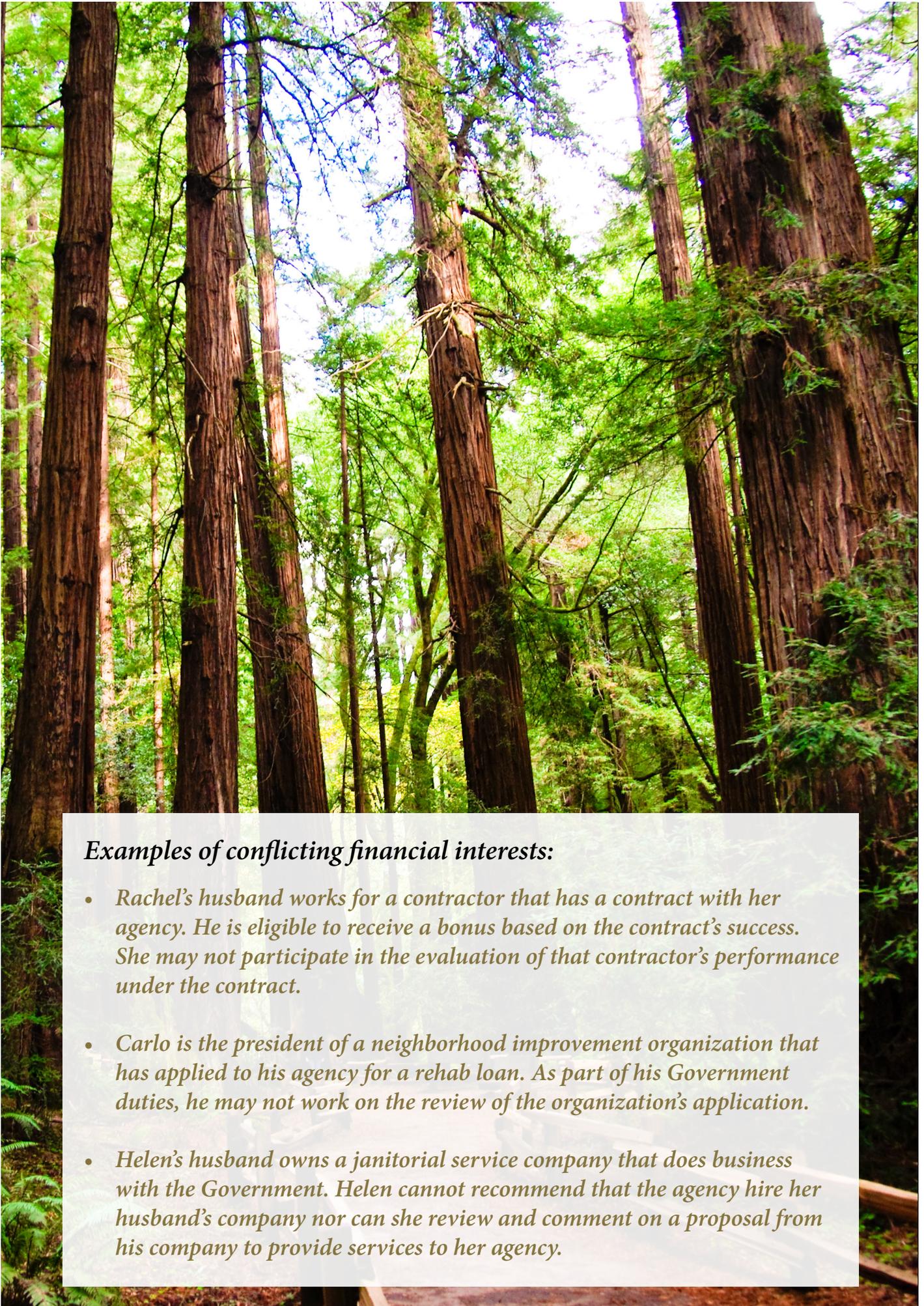
- **your spouse, minor child, or general partner;**
- **any organization in which you are serving as an officer, director, trustee, general partner or employee; and**
- **any person or organization with whom you are negotiating or have an arrangement for future employment.**

There are various ways you could experience a conflict of interest between the work you perform and a financial interest you or others hold. Stock ownership is one example. If you or your spouse or minor child owned \$30,000 of stock in a company that would be affected by your job duties, you would not be able to perform those duties until certain measures are taken to resolve the conflict. This would be true even if the extent of the gain or loss is small or isn't known.

Keep in mind, however, that conflicts can arise from interests other than stock. For example, if you are on the board of directors of an organization, you could not act on a grant or contract that would benefit that organization.

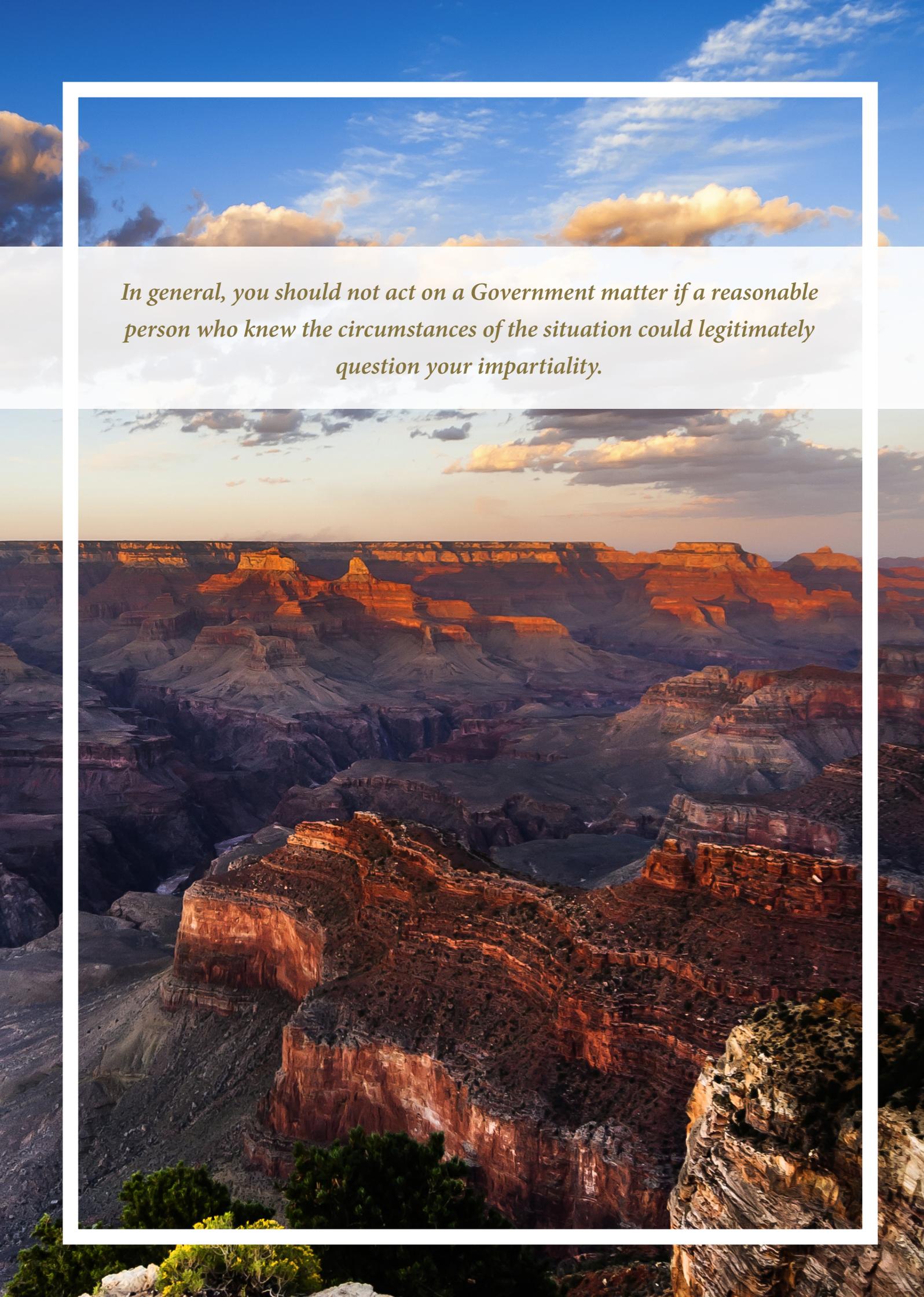
In some cases, the law recognizes that your financial interest may be so remote or inconsequential that the interest should not prevent you from being involved in a particular assignment. However, your agency may also have additional restrictions that prohibit you from holding certain interests or outside positions.

If you think you might have a conflicting financial interest, you should discuss it with your supervisor or your ethics official. They can provide you with guidance to address the conflict. This might include not working on the Government matter, selling stocks, or resigning from an outside position. Your ethics official will be able to assist you with your particular circumstances.



### *Examples of conflicting financial interests:*

- *Rachel's husband works for a contractor that has a contract with her agency. He is eligible to receive a bonus based on the contract's success. She may not participate in the evaluation of that contractor's performance under the contract.*
- *Carlo is the president of a neighborhood improvement organization that has applied to his agency for a rehab loan. As part of his Government duties, he may not work on the review of the organization's application.*
- *Helen's husband owns a janitorial service company that does business with the Government. Helen cannot recommend that the agency hire her husband's company nor can she review and comment on a proposal from his company to provide services to her agency.*



*In general, you should not act on a Government matter if a reasonable person who knew the circumstances of the situation could legitimately question your impartiality.*



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# IMPARTIALITY



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# IMPARTIALITY

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First, and perhaps most intuitively, your impartiality could be questioned if the Government matter on which you are working is likely to affect the financial interests of a member of your household.

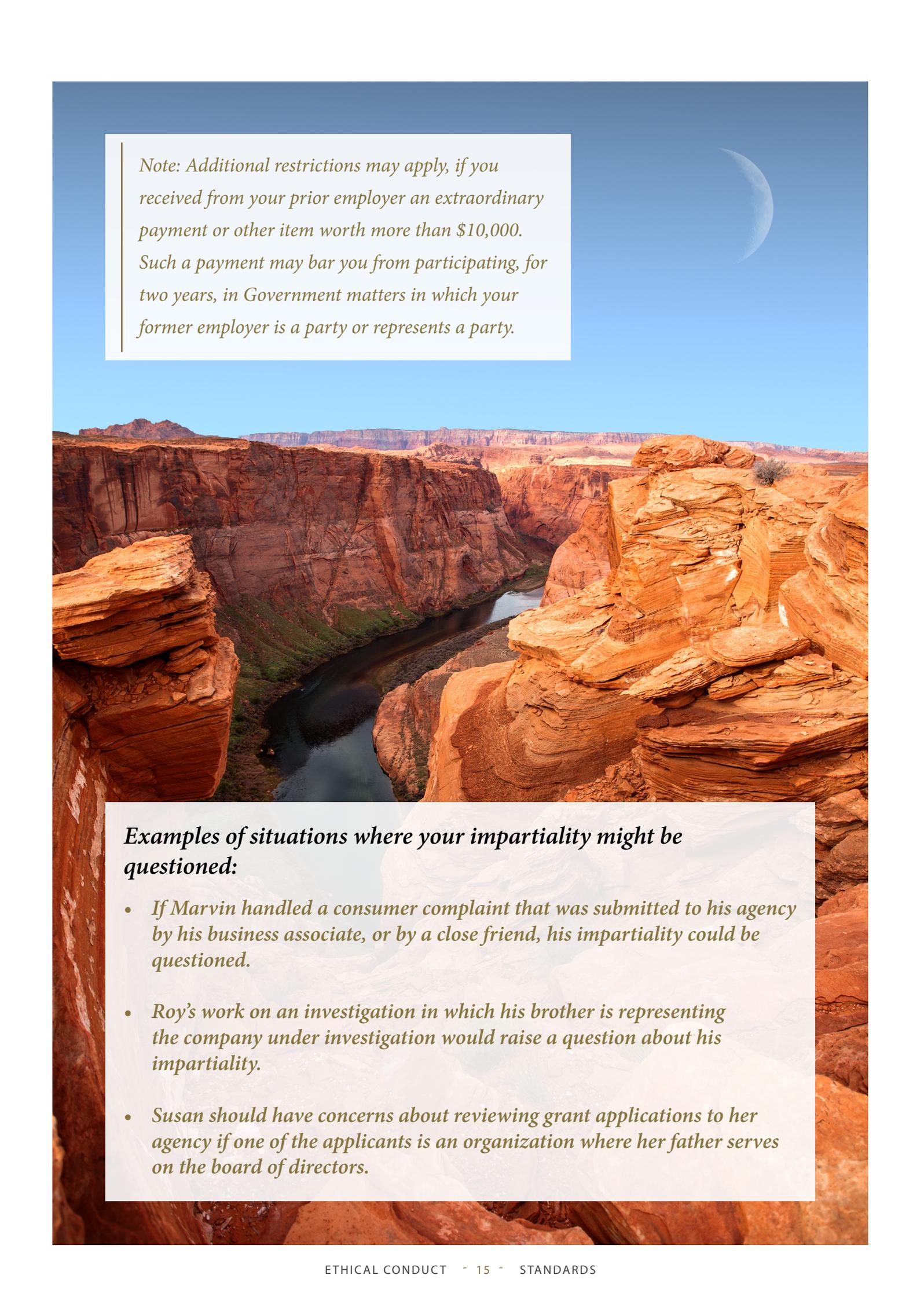
However, your impartiality could also be questioned if you were to work on a Government matter where someone with whom you have a “covered relationship” is involved—they are a party or represent a party to the Government matter.

The rule lists a number of “covered relationships” with people and organizations that could create an improper appearance. These “covered relationships” include:

- a person with whom you have or seek to have a business, contractual, or other financial relationship;
- a person who is a member of your household or a relative with whom you have a close personal relationship;
- a person or organization for whom your spouse, parent, or dependent child serves or seeks to serve as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee;
- any person or organization for whom you have, within the last year, served as an officer, director, trustee, general partner, agent, attorney, consultant, contractor, or employee; and
- any organization, other than a political party, in which you are an active participant.

Finally, there may be circumstances other than those described here that would raise a question regarding your impartiality.

If you have a situation that you think might raise such a concern, then you should immediately 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.



*Note: Additional restrictions may apply, if you received from your prior employer an extraordinary payment or other item worth more than \$10,000. Such a payment may bar you from participating, for two years, in Government matters in which your former employer is a party or represents a party.*

***Examples of situations where your impartiality might be questioned:***

- If Marvin handled a consumer complaint that was submitted to his agency by his business associate, or by a close friend, his impartiality could be questioned.*
- Roy's work on an investigation in which his brother is representing the company under investigation would raise a question about his impartiality.*
- Susan should have concerns about reviewing grant applications to her agency if one of the applicants is an organization where her father serves on the board of directors.*



*If you are seeking other employment – either a future position or part-time work performed in your off-duty hours – you may not work on Government matters that would affect the prospective employer’s financial interests.*



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SEEKING OTHER EMPLOYMENT

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# SEEKING OTHER EMPLOYMENT

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Before you begin seeking employment, you need to know whether the person or organization that you are thinking about working for could be affected by projects and other matters you work on for the Government. If the project could affect your prospective employer, then you may need to stop working on that project before you make any employment-related contacts.

These rules may apply to you sooner than you think. You are considered to be “seeking employment” (and therefore may **not** work on Government matters affecting the future employer’s financial interest) if any of the following occurs:

- **you contact a prospective employer about possible employment (unless you are merely requesting a job application),**
- **a prospective employer contacts you about possible employment and you make a response other than rejection, or**
- **you are engaged in actual negotiations for employment.**

Talk with an ethics official before you look for a job, whether full-time or part-time. He or she can advise you about the rules on seeking employment. Also contact an ethics official immediately if you receive an unsolicited offer or inquiry from a prospective employer who may have a financial interest in matters that cross your desk.

If you are thinking about looking for part-time work, your ethics official can also tell you whether 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 things you will not be able to do for your new employer.

*A note about resumes—there is no “mass mailing” exception to the seeking employment restrictions. However, you are not considered to be seeking employment with anyone if you merely post a resume to your personal social media account.*

### ***When am I no longer considered to be “seeking employment?”***

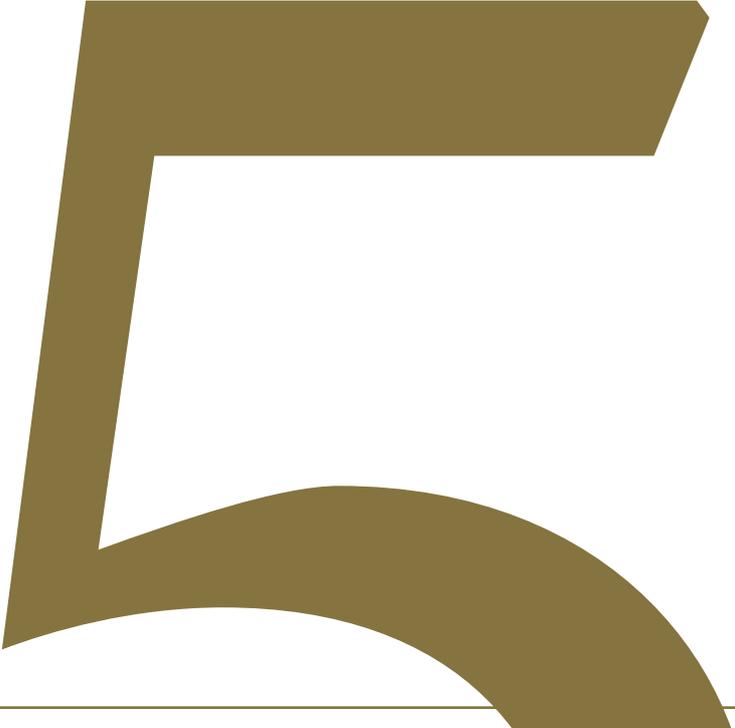
- *If you sent an unsolicited resume, and two months have passed without having received any expression of interest, the seeking employment restrictions no longer apply to you with respect to that employer.*
- *If either you or the prospective employer rejects the possibility of employment and all discussions of possible employment have ended.*
- *If you merely defer employment discussions until the foreseeable future, you have not rejected the possibility of employment.*

***Example:*** *An official of a State Health Department compliments Karen on her work and asks her to call if she is ever interested in leaving her agency. Karen replies that she cannot discuss future employment while working on a project that affects the State’s health care funding, but would like to once the project is finished. Because she merely deferred the discussion until the foreseeable future, she is “seeking employment.”*



*Many executive branch employees engage in outside employment or other activities in their off-duty hours. Activities that are undertaken, with or without compensation, in one's personal capacity are referred to as "outside activities." However, you may not engage in the outside activity if it conflicts with your Government duties or violates a law or regulation.*

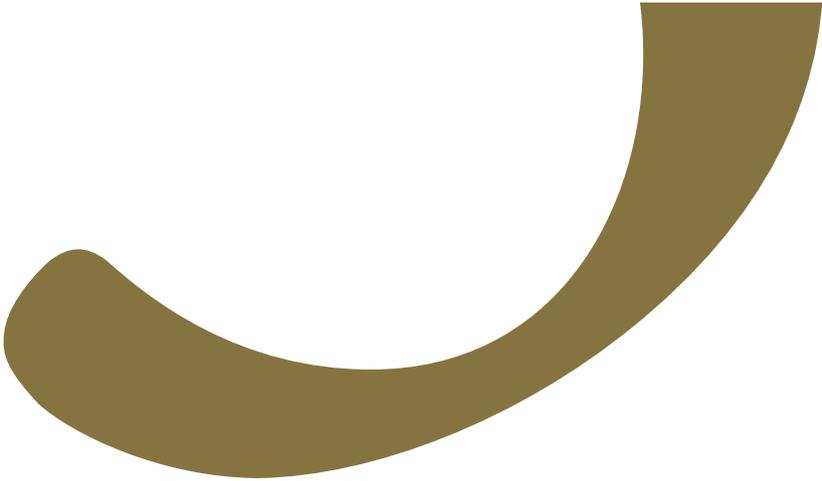




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OUTSIDE ACTIVITIES



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# OUTSIDE ACTIVITIES

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An outside activity could be prohibited by a law or regulation that applies to your agency, or it might present a conflict of interest or raise a question of impartiality in the performance of your duties.

Several laws and regulations restrict specific types of outside activities. These restrictions include:

- a prohibition against receiving compensation for teaching, speaking, or writing related to your Government duties;
- a prohibition on personally representing others (or sharing in compensation for another's representation) before any court, Federal agency, or certain other entities concerning matters of interest to the United States (subject to certain exceptions);
- limitations on fundraising in a personal capacity; and
- a prohibition against serving as an expert witness, other than on behalf of the United States, in certain proceedings in which the United States is a party or has a direct and substantial interest.

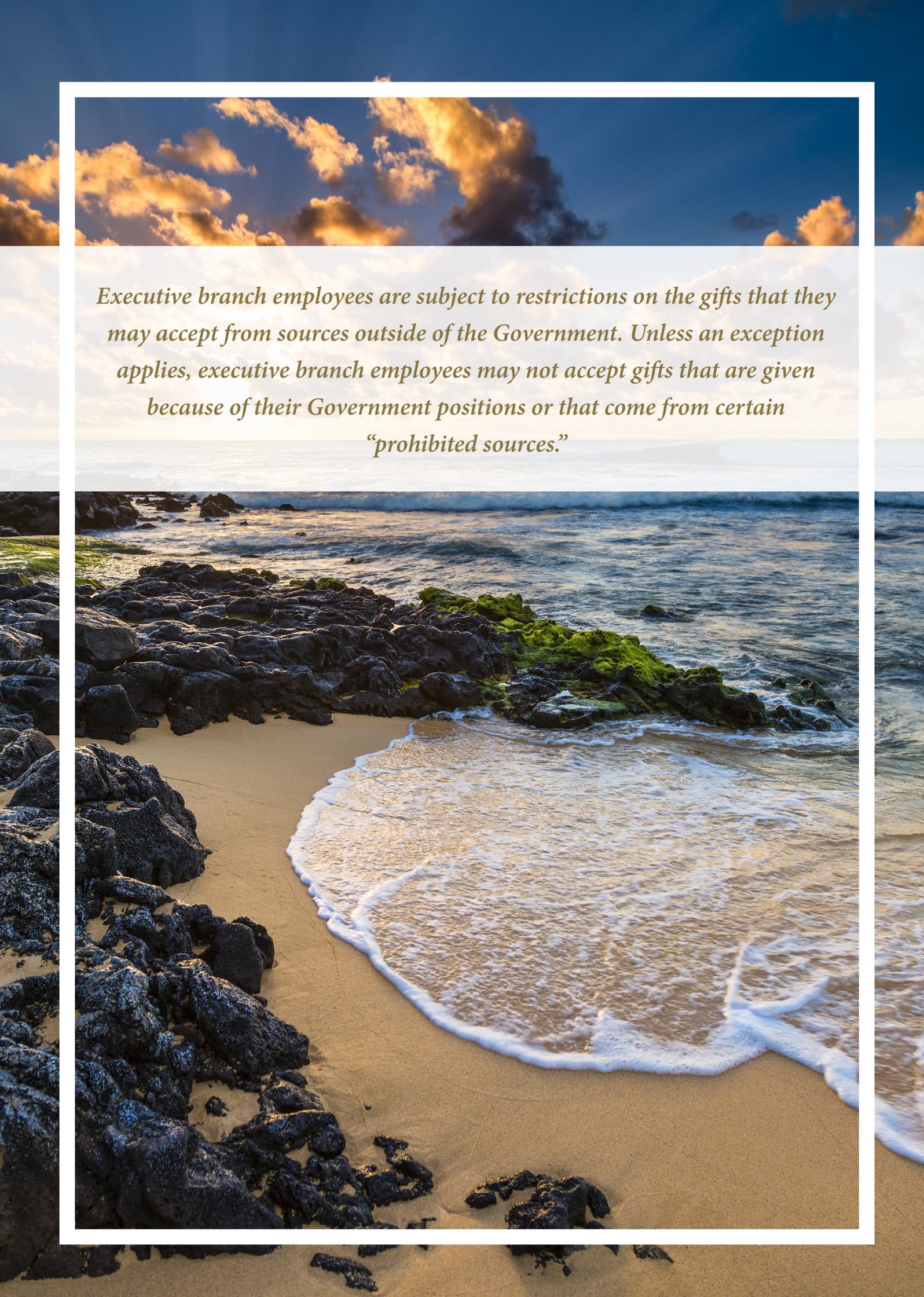
Additionally, there are outside income limitations and other special rules that apply to high-ranking noncareer employees and Presidential appointees.

Keep in mind that some agencies have rules that require their employees to obtain prior approval before engaging in specified outside activities. However, even if prior approval is not required, you are strongly encouraged to seek advice from an agency ethics official, particularly if it's possible that the activity could conflict with your Government duties or is otherwise restricted. Your ethics official can provide you with guidance tailored to your specific situation.

### *Examples of things that may or may not be done as outside activities:*

- *Victoria may work as a part-time salesperson with a clothing store as long as her Government duties do not affect the company that owns the chain of clothing stores.*
- *Carter's agency has a prior-approval requirement for certain outside activities. Having received approval, Carter serves as a board member for a local nonprofit organization. Carter may not work on Government matters that could affect the organization.*
- *George, who processes Medicare claims, may not be paid for teaching a one-day seminar for senior citizens on the Medicare program and how to fill out Medicare claims.*
- *Val may not use her job title or position with a Federal law enforcement agency- nor could she wear her uniform-when she raises funds for her county's police officers' association as an outside activity.*





*Executive branch employees are subject to restrictions on the gifts that they may accept from sources outside of the Government. Unless an exception applies, executive branch employees may not accept gifts that are given because of their Government positions or that come from certain “prohibited sources.”*

A large, stylized number '6' in a dark olive green color, composed of thick, rounded strokes. The top curve of the '6' is positioned above the text, and the bottom curve is positioned below it. Two thin horizontal lines cross the middle of the '6', passing behind the text.

GIFTS FROM OUTSIDE SOURCES

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# GIFTS

## FROM OUTSIDE SOURCES

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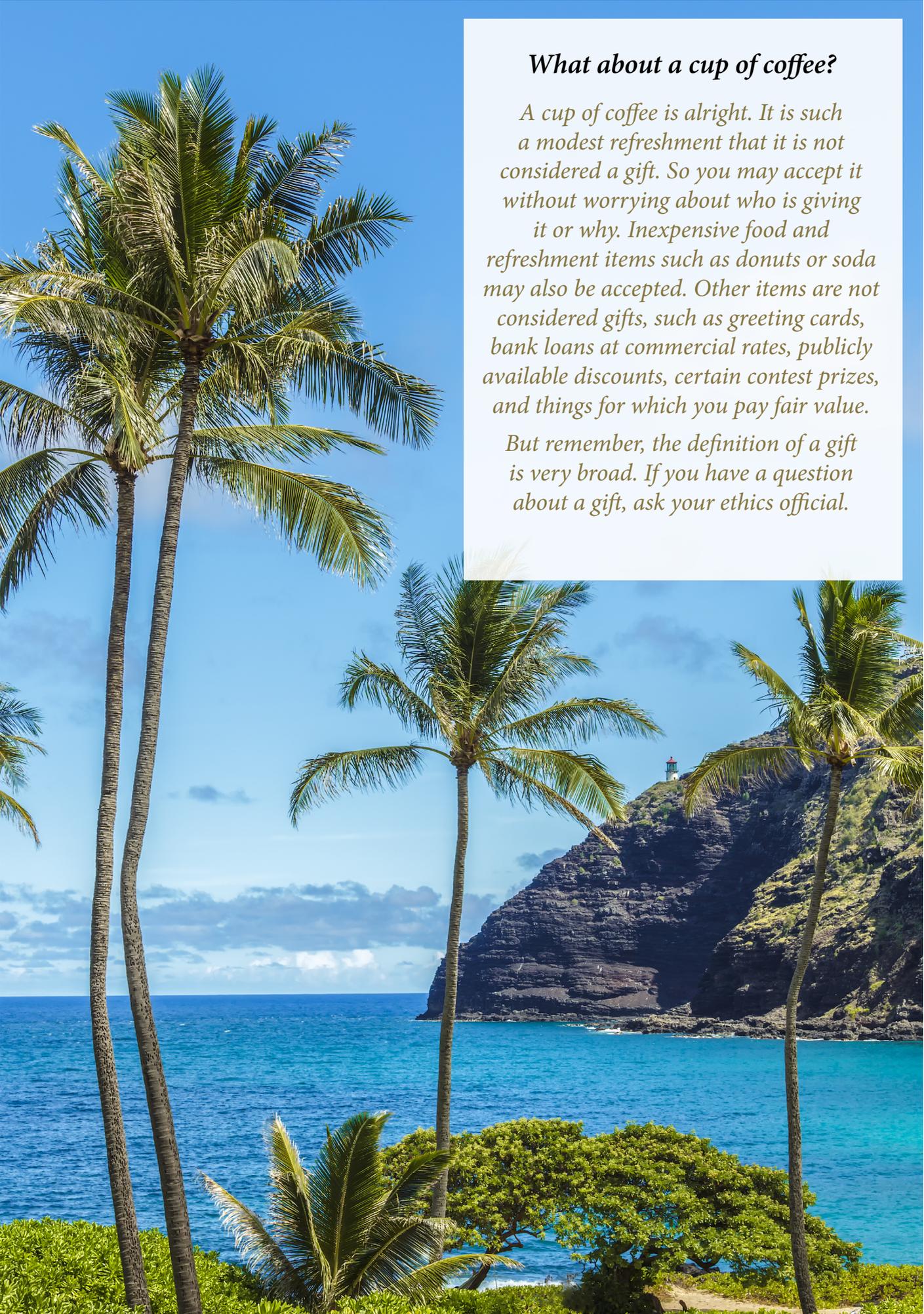
Generally, anything that has monetary value is considered a gift.

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, as a general rule, you cannot accept it.

Also, you may not accept a gift from people or organizations who are “prohibited sources”—those who 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 those who have interests that may be significantly affected by your Government duties, as they are also considered “prohibited sources.”

There are a few exceptions to the prohibition on gifts from outside sources.

- **Items valued at \$20 or less (other than cash), provided that the total value of gifts from the same person is not more than \$50 in a calendar year.**
  - **Gifts motivated solely by a family relationship or personal friendship.**
  - **Gifts based on an employee’s or his spouse’s outside business or employment relationships.**
- **Meals, lodging, and transportation customarily provided by a prospective employer as part of bona fide employment discussions.**
  - **Benefits provided in connection with certain political activities.**
  - **Free attendance at certain widely attended gatherings, provided that the agency has determined that attendance is in the interest of the agency.**



## *What about a cup of coffee?*

*A cup of coffee is alright. It is such a modest refreshment that it is not considered a gift. So you may accept it without worrying about who is giving it or why. Inexpensive food and refreshment items such as donuts or soda may also be accepted. Other items are not considered gifts, such as greeting cards, bank loans at commercial rates, publicly available discounts, certain contest prizes, and things for which you pay fair value.*

*But remember, the definition of a gift is very broad. If you have a question about a gift, ask your ethics official.*



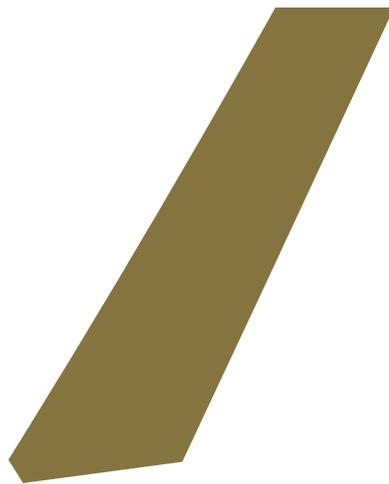
*With a few exceptions, you cannot give, donate to, or ask for contributions for a gift to your official superior. Also, you generally cannot accept a gift from another employee who earns less pay.*





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## GIFTS BETWEEN EMPLOYEES



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# GIFTS BETWEEN EMPLOYEES

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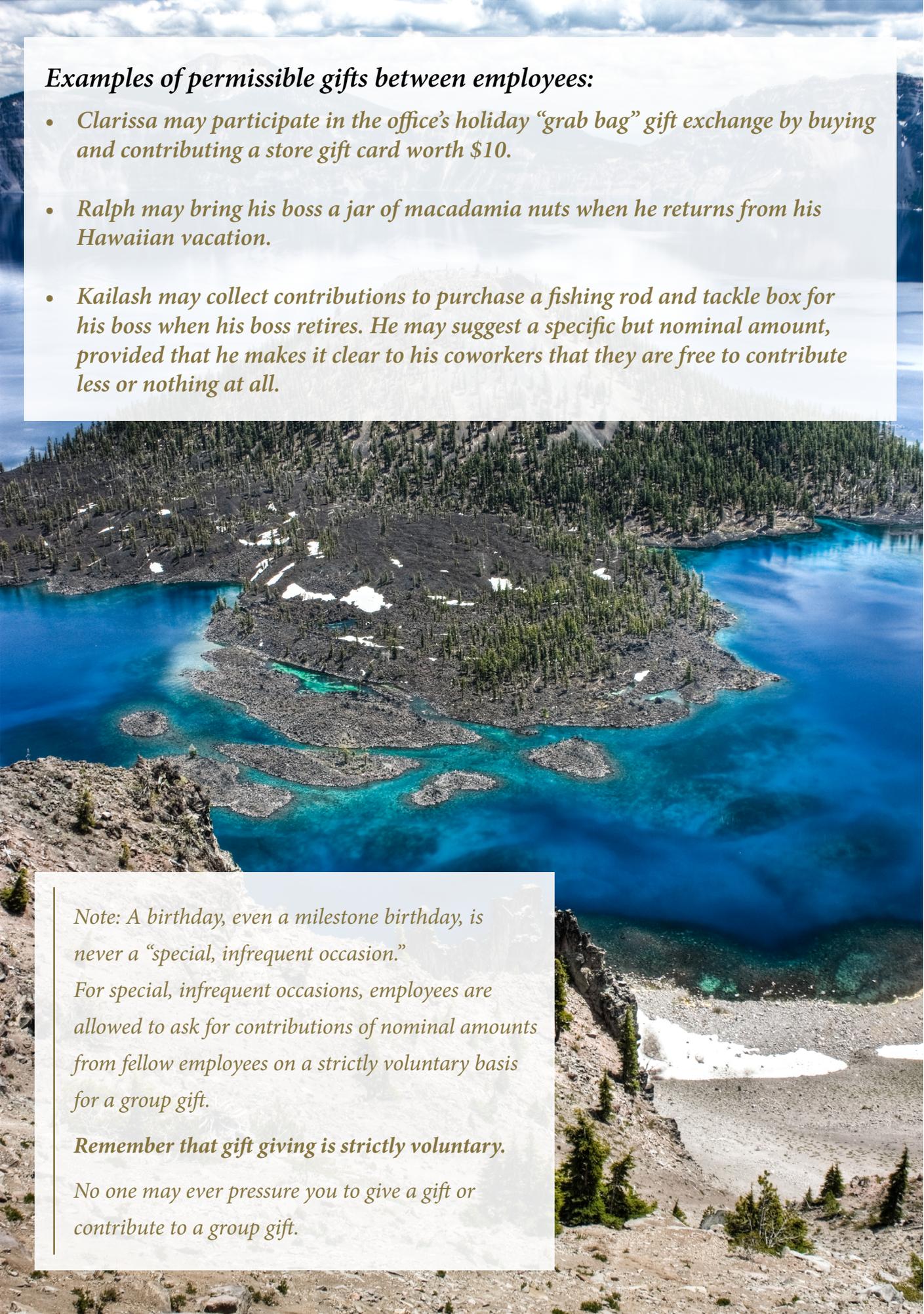
Employees are generally prohibited from giving gifts to their official superiors, or from making or soliciting donations for such gifts. An official superior includes your immediate boss and anyone above your boss in the chain of command in your agency. An employee also cannot accept a gift from another employee who earns less pay, unless the person giving the gift is not a subordinate and the gift is based on a personal relationship.

There are several exceptions that would allow you to give your official superior a gift, or that would allow you to accept a gift from another employee who earns less pay. These include:

- gifts valued at \$10 or less (other than cash), on an occasion when gifts are traditionally given or exchanged. These occasions could include, for example, the holidays, a birthday, or a return from an out-of-town vacation;
- food, or nominal contributions for food, that will be shared in the office among several employees; and
- personal hospitality. This would include inviting your boss to your home for a meal or party, or conversely, being invited to the home of an employee who earns less pay. 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. Similarly, on these types of occasions, you could accept a gift from another employee who earns less pay. These occasions include:

- marriage;
- illness;
- birth or adoption; or
- occasions that end the employee-superior relationship, such as retirement, resignation, or transfer.



***Examples of permissible gifts between employees:***

- *Clarissa may participate in the office’s holiday “grab bag” gift exchange by buying and contributing a store gift card worth \$10.*
- *Ralph may bring his boss a jar of macadamia nuts when he returns from his Hawaiian vacation.*
- *Kailash may collect contributions to purchase a fishing rod and tackle box for his boss when his boss retires. He may suggest a specific but nominal amount, provided that he makes it clear to his coworkers that they are free to contribute less or nothing at all.*

*Note: A birthday, even a milestone birthday, is never a “special, infrequent occasion.”*

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

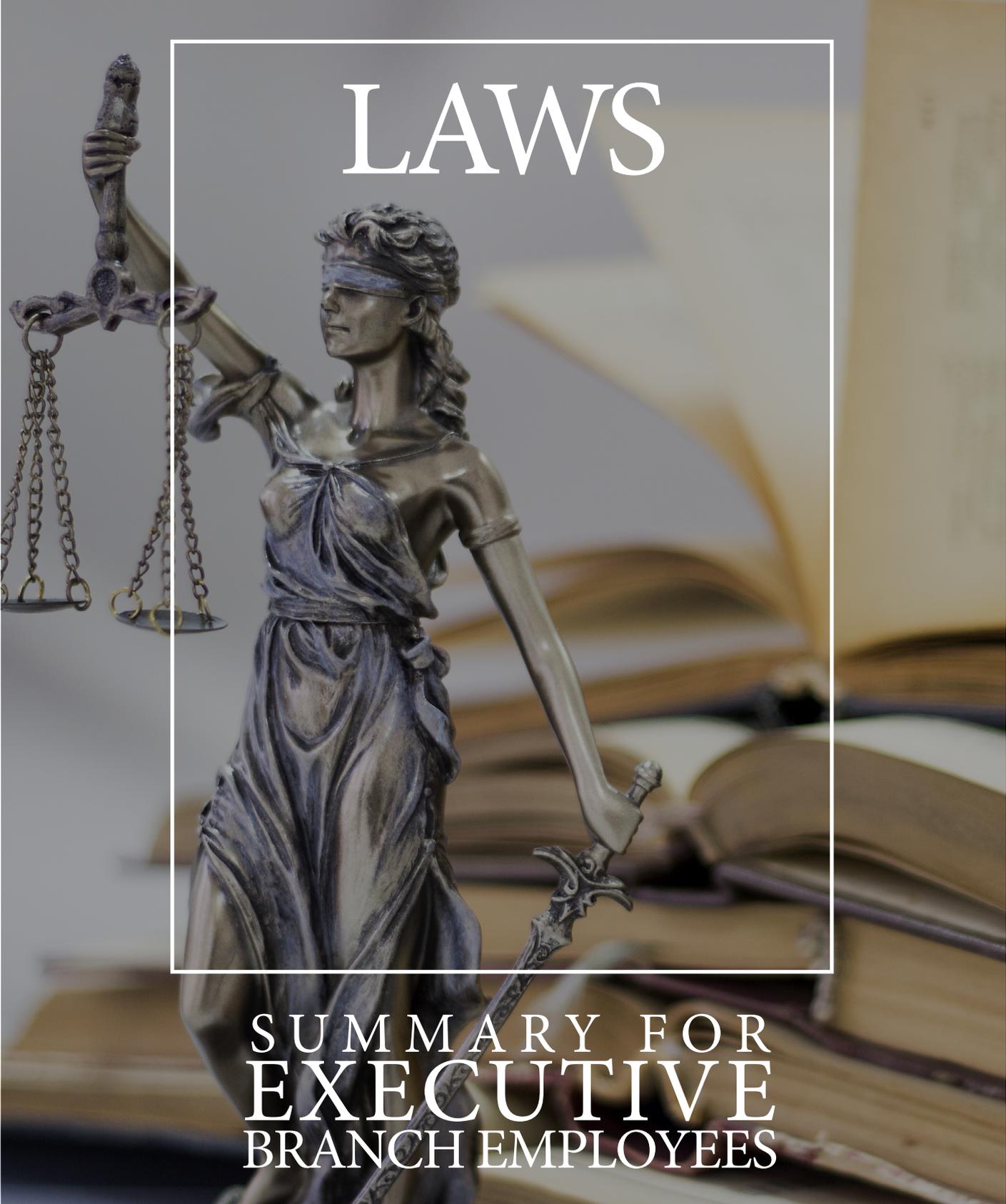
***Remember that gift giving is strictly voluntary.***

*No one may ever pressure you to give a gift or contribute to a group gift.*



CRIMINAL CONFLICT  
OF

# INTEREST



LAWS

SUMMARY FOR  
EXECUTIVE  
BRANCH EMPLOYEES

This booklet contains summaries of the Criminal Conflict of Interest Laws, 18 U.S.C. sections 201-209. These summaries are not a substitute for legal advice. You should consult your agency ethics official for specific guidance about the application of these laws to your situation.

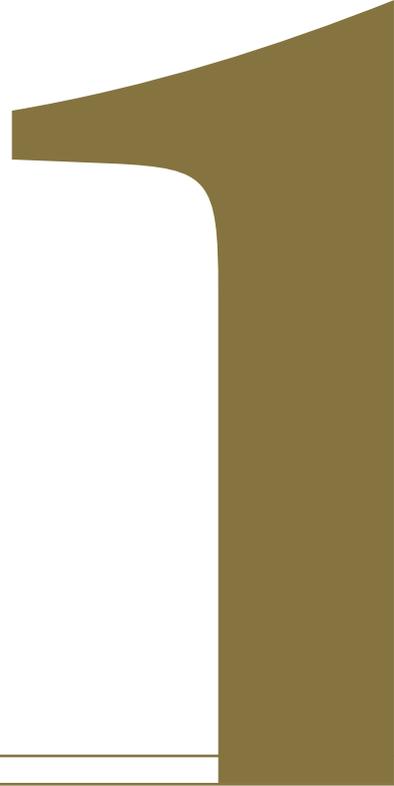
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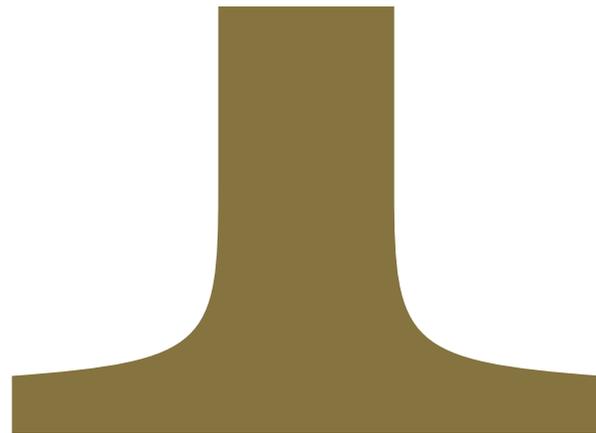
# *18 U.S.C. 208*

You are prohibited from working on Government matters in which you, your spouse or minor child, or certain others have a financial interest.



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CONFLICTING FINANCIAL INTEREST



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# CONFLICTING FINANCIAL INTEREST

## 18 U.S.C. 208

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18 U.S.C. section 208 prohibits you from working on Government matters that will affect your own personal financial interest, or the financial interests of certain other people, including:

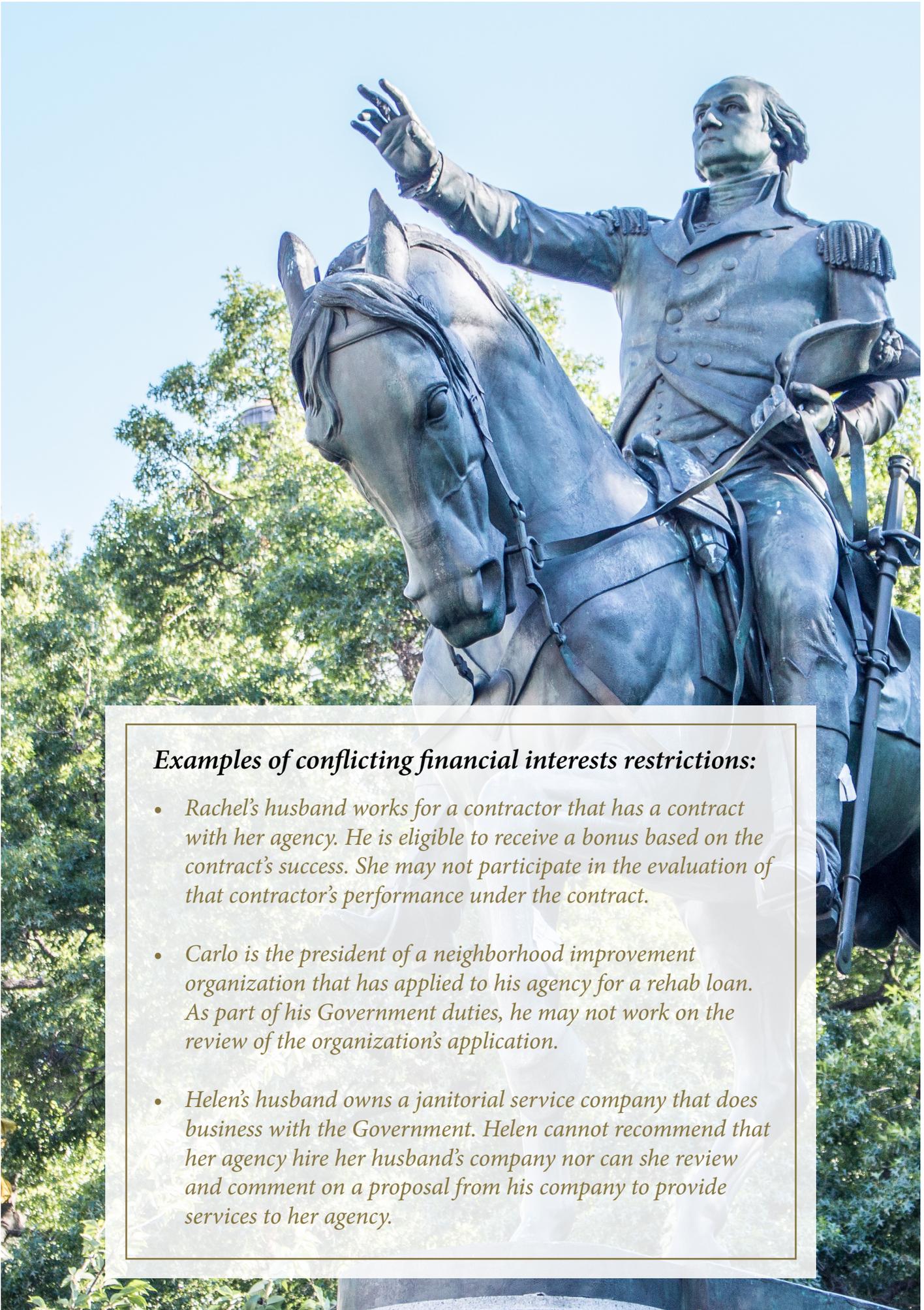
- **your spouse or minor child;**
- **your general partner;**
- **any organization in which you are serving as an officer, director, trustee, general partner or employee; and**
- **any person or organization with whom you are negotiating or have an arrangement for future employment.**

There are various ways you could experience a conflict of interest between the work you perform and a financial interest you or others hold. Stock ownership is one example. If you or your spouse or minor child owned \$30,000 of stock in a company that would be affected by your job duties, you would not be able to perform those duties until certain measures are taken to resolve the conflict. This would be true even if the extent of the gain or loss is small or isn't known.

Keep in mind, however, that conflicts can arise from interests other than stock. For example, if you are on the board of directors of an organization, you could not act on a grant or contract that would benefit that organization.

In some cases, the law recognizes that your financial interest may be so remote or inconsequential that the interest should not prevent you from being involved in a particular assignment. However, your agency may also have additional restrictions that prohibit you from holding certain interests or outside positions.

If you think you might have a conflicting financial interest, you should discuss it with your supervisor or your ethics official. They can provide you with guidance to address the conflict. This might include not working on the Government matter, selling stocks, or resigning from an outside position. Your ethics official will be able to assist you with your particular circumstances.



***Examples of conflicting financial interests restrictions:***

- *Rachel's husband works for a contractor that has a contract with her agency. He is eligible to receive a bonus based on the contract's success. She may not participate in the evaluation of that contractor's performance under the contract.*
- *Carlo is the president of a neighborhood improvement organization that has applied to his agency for a rehab loan. As part of his Government duties, he may not work on the review of the organization's application.*
- *Helen's husband owns a janitorial service company that does business with the Government. Helen cannot recommend that her agency hire her husband's company nor can she review and comment on a proposal from his company to provide services to her agency.*

# 18 U.S.C. 209

You may not be paid by someone other than the United States for doing your Government duties.



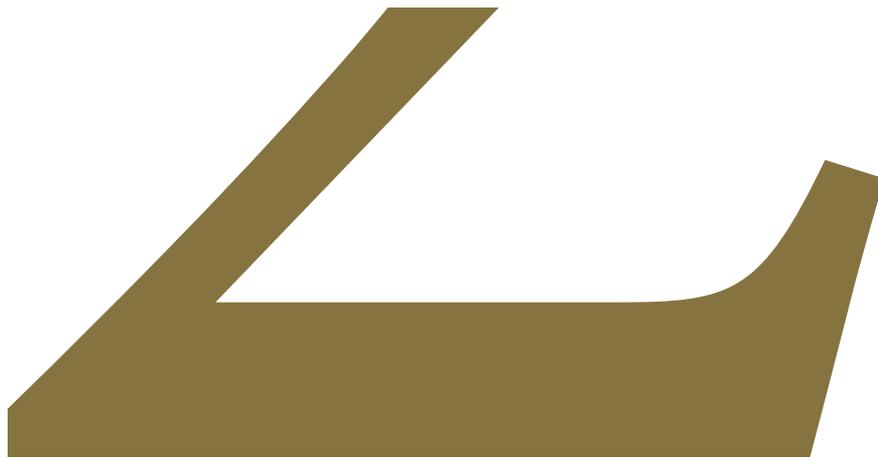
WE HOLD THESE TRUTHS TO BE SELF-EVIDENT: THAT ALL MEN ARE CREATED EQUAL, THAT THEY ARE ENDOWED BY THEIR CREATOR WITH CERTAIN INALIENABLE RIGHTS, AMONG THESE ARE LIFE, LIBERTY AND THE PURSUIT OF HAPPINESS, THAT TO SECURE THESE RIGHTS GOVERNMENTS ARE INSTITUTED AMONG MEN. WE... SOLEMNLY PUBLISH AND DECLARE, THAT THESE COLONIES ARE AND OF RIGHT OUGHT TO BE FREE AND INDEPENDENT STATES---AND FOR THE SUPPORT OF THIS DECLARATION, WITH A FIRM RELIANCE

PROVIDENCE, WE MUTUALLY PLEDGE OUR LIVES, OUR FORTUNES AND OUR



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SUPPLEMENTATION OF SALARY



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# SUPPLEMENTATION OF SALARY

## 18 U.S.C. 209

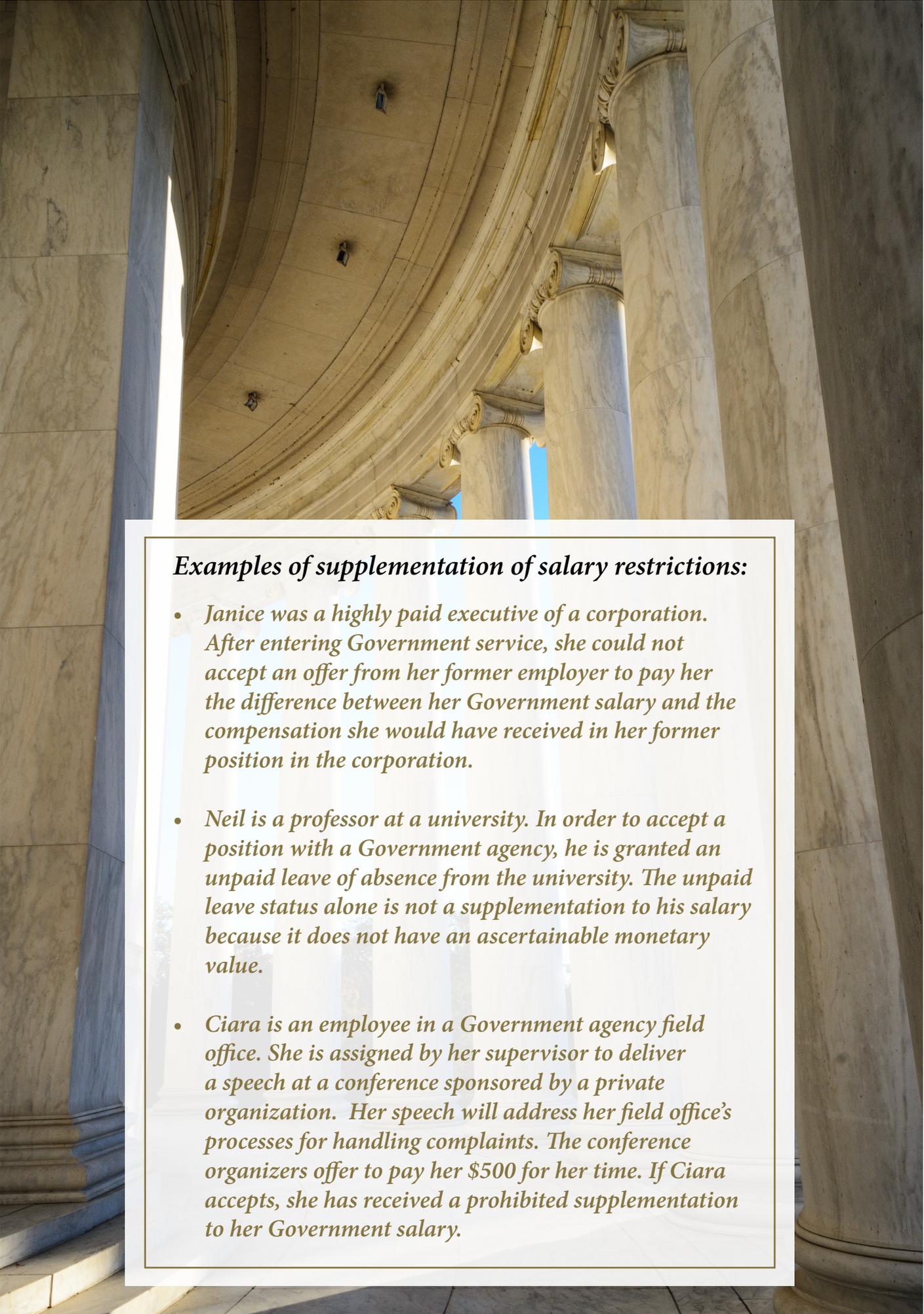
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With some limitations, 18 U.S.C. section 209 prohibits you from receiving any salary or contribution to or supplementation of your federal salary from anyone but the Government as compensation for your services as a Government employee. In other words, no one other than the United States can pay you for doing your official Government duties.

Section 209 is intended to prevent divided loyalty and even the appearance of wrongdoing. Consequently, the prohibition applies even if the person paying you has no dealings or relations with your agency, and even if the Government experiences no injury as a result of the supplementation.

The prohibition does not apply to:

- **special Government employees and employees serving without compensation;**
- **payments made by the treasury of any State, county, or municipality;**
- **continued participation in a former employer's bona fide employee welfare or benefit plan (such as a pension, retirement, group life, health or accident insurance, profit-sharing, or stock bonus plan);**
- **payments from a tax-exempt nonprofit organization for travel, subsistence and other expenses incurred in connection with training; and**
- **payments for moving expenses incurred in connection with participation in an executive exchange or fellowship program in an executive agency.**



***Examples of supplementation of salary restrictions:***

- *Janice was a highly paid executive of a corporation. After entering Government service, she could not accept an offer from her former employer to pay her the difference between her Government salary and the compensation she would have received in her former position in the corporation.*
- *Neil is a professor at a university. In order to accept a position with a Government agency, he is granted an unpaid leave of absence from the university. The unpaid leave status alone is not a supplementation to his salary because it does not have an ascertainable monetary value.*
- *Ciara is an employee in a Government agency field office. She is assigned by her supervisor to deliver a speech at a conference sponsored by a private organization. Her speech will address her field office's processes for handling complaints. The conference organizers offer to pay her \$500 for her time. If Ciara accepts, she has received a prohibited supplementation to her Government salary.*



# 18 U.S.C. 201

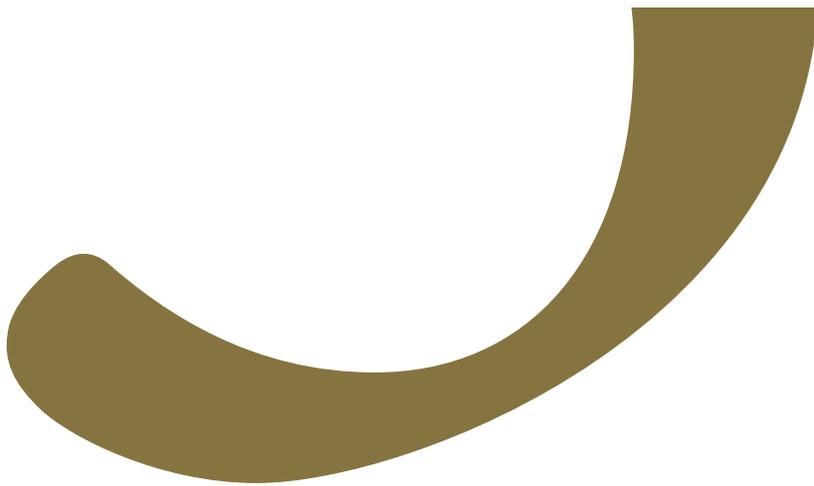
You are prohibited from accepting bribes or gratuities to influence your Government actions.





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BRIBERY AND ILLEGAL GRATUITIES



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# BRIBERY & ILLEGAL GRATUITIES

## 18 U.S.C. 201

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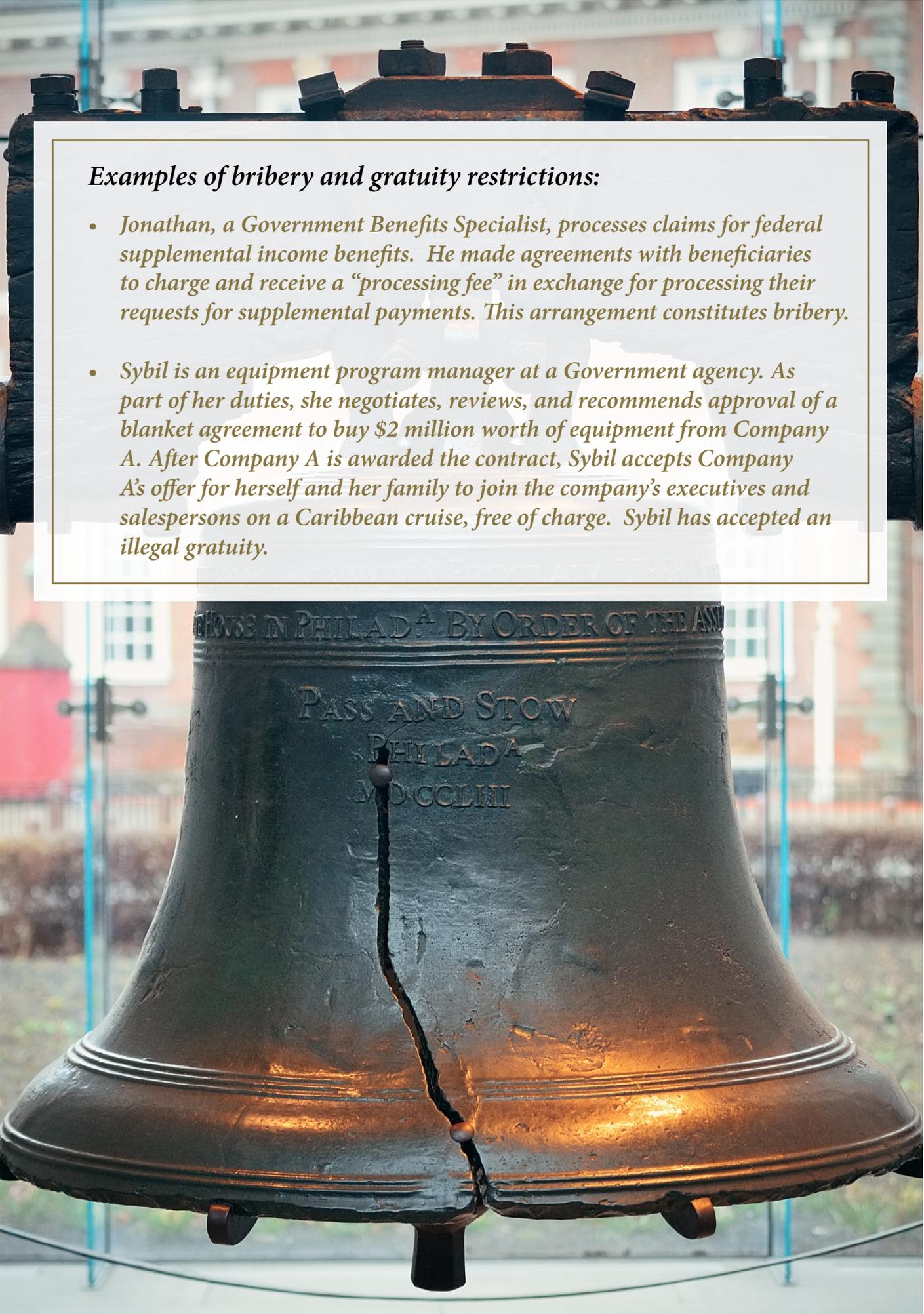
You are prohibited from demanding, seeking, receiving, accepting or agreeing to receive or accept anything of value as a bribe to influence your Government actions or as a gratuity for or because of your Government actions.

18 U.S.C. section 201 contains two separate prohibitions: the first deals with bribery, the second with illegal gratuities. What is the distinction? An aphorism the Department of Justice has used to sum up the distinction between a bribe and a gratuity is this-- a bribe says “please” and a gratuity says “thank you.”



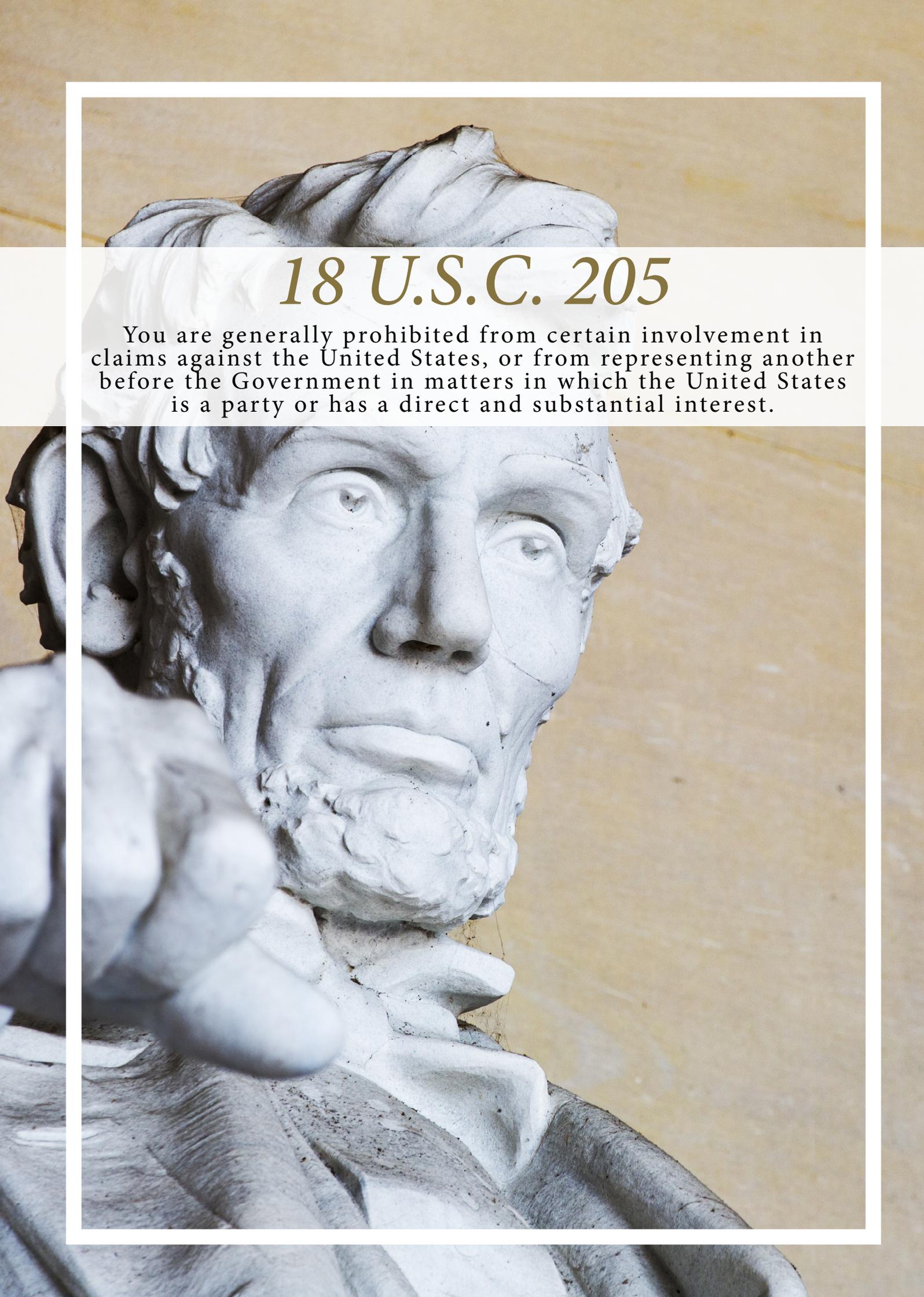
Bribery requires an intent “to be influenced” in an official act. In other words, for bribery to occur there must be a quid pro quo— an agreement that you will be influenced in the performance of any official act and will seek or accept something of value in exchange.

An illegal gratuity is more like a tip. You accept, or agree to accept, something of value for an official act that has already taken place or may take place sometime in the future.



*Examples of bribery and gratuity restrictions:*

- *Jonathan, a Government Benefits Specialist, processes claims for federal supplemental income benefits. He made agreements with beneficiaries to charge and receive a “processing fee” in exchange for processing their requests for supplemental payments. This arrangement constitutes bribery.*
- *Sybil is an equipment program manager at a Government agency. As part of her duties, she negotiates, reviews, and recommends approval of a blanket agreement to buy \$2 million worth of equipment from Company A. After Company A is awarded the contract, Sybil accepts Company A's offer for herself and her family to join the company's executives and salespersons on a Caribbean cruise, free of charge. Sybil has accepted an illegal gratuity.*

A close-up photograph of a marble bust of Abraham Lincoln. The bust is shown from the chest up, facing slightly to the right. The marble is light-colored with some darker veining. The background is a plain, light-colored wall. The bust is the central focus of the image, with the text overlaid on it.

# *18 U.S.C. 205*

You are generally prohibited from certain involvement in claims against the United States, or from representing another before the Government in matters in which the United States is a party or has a direct and substantial interest.

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REPRESENTING OTHERS IN CLAIMS & OTHER  
MATTERS AFFECTING THE GOVERNMENT

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# REPRESENTING OTHERS IN CLAIMS & OTHER MATTERS AFFECTING THE GOVERNMENT

## 18 U.S.C. 205

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With some exceptions, 18 U.S.C. section 205 prohibits you from representing anyone other than yourself in claims and other matters before any department, agency, or court (and certain other Government entities) if the United States is a party or has an interest. This representation is prohibited even if it is uncompensated, and regardless of whether it relates to your agency or the work you perform for the Government.

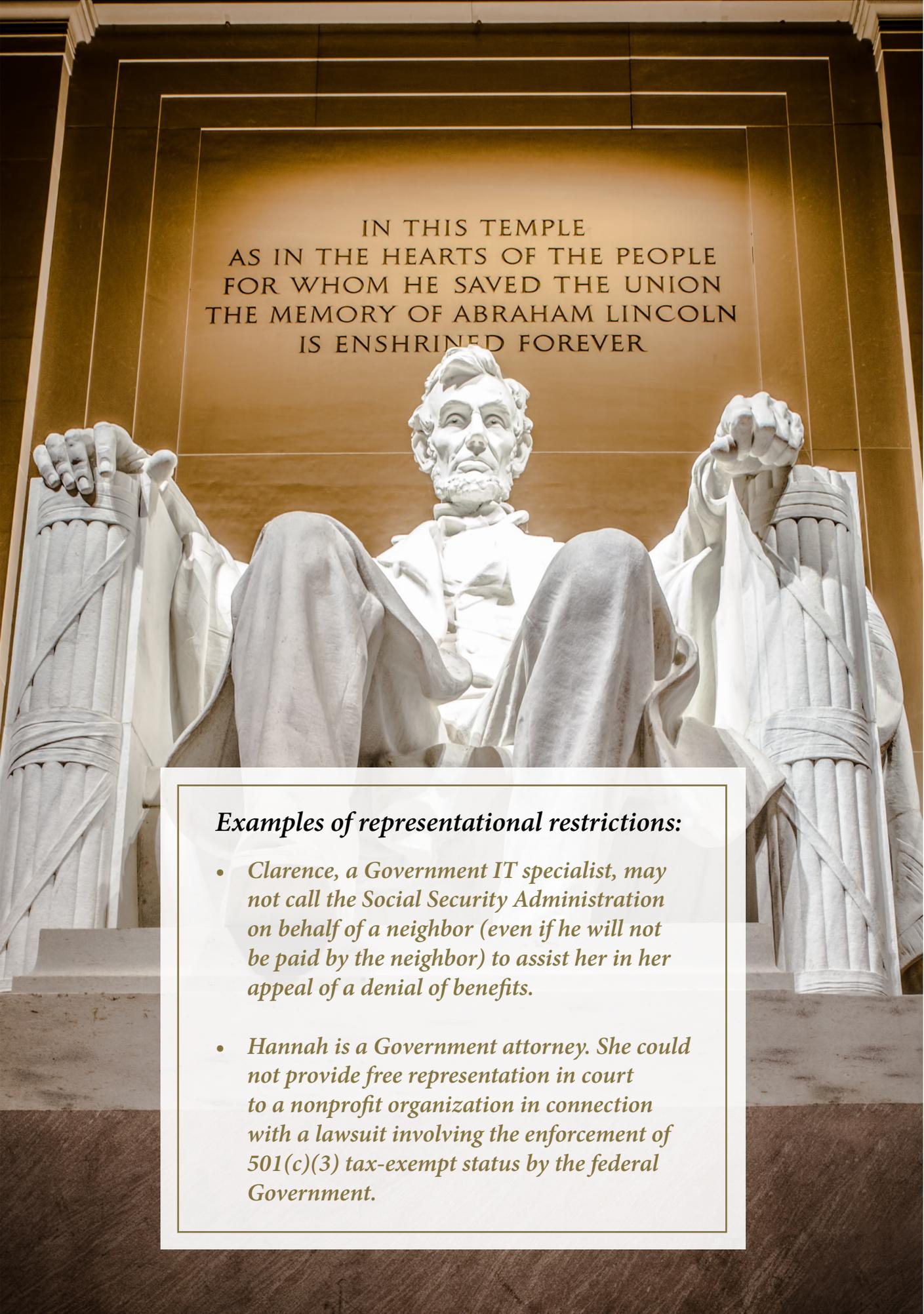
In addition, 18 U.S.C. section 205 prohibits you from:

- **acting as an agent or attorney for anyone else in bringing a claim against the United States: or**
- **receiving compensation for assisting someone else in bringing a claim against the United States.**

It's important to note that you can always represent yourself. Additionally, there are some exceptions that may apply to your situation. For example, one notable exception would allow you, under certain circumstances and with agency approval, to represent your parents, spouse, children, and certain others with whom you have a fiduciary

relationship (such as serving as a guardian, trustee or executor).

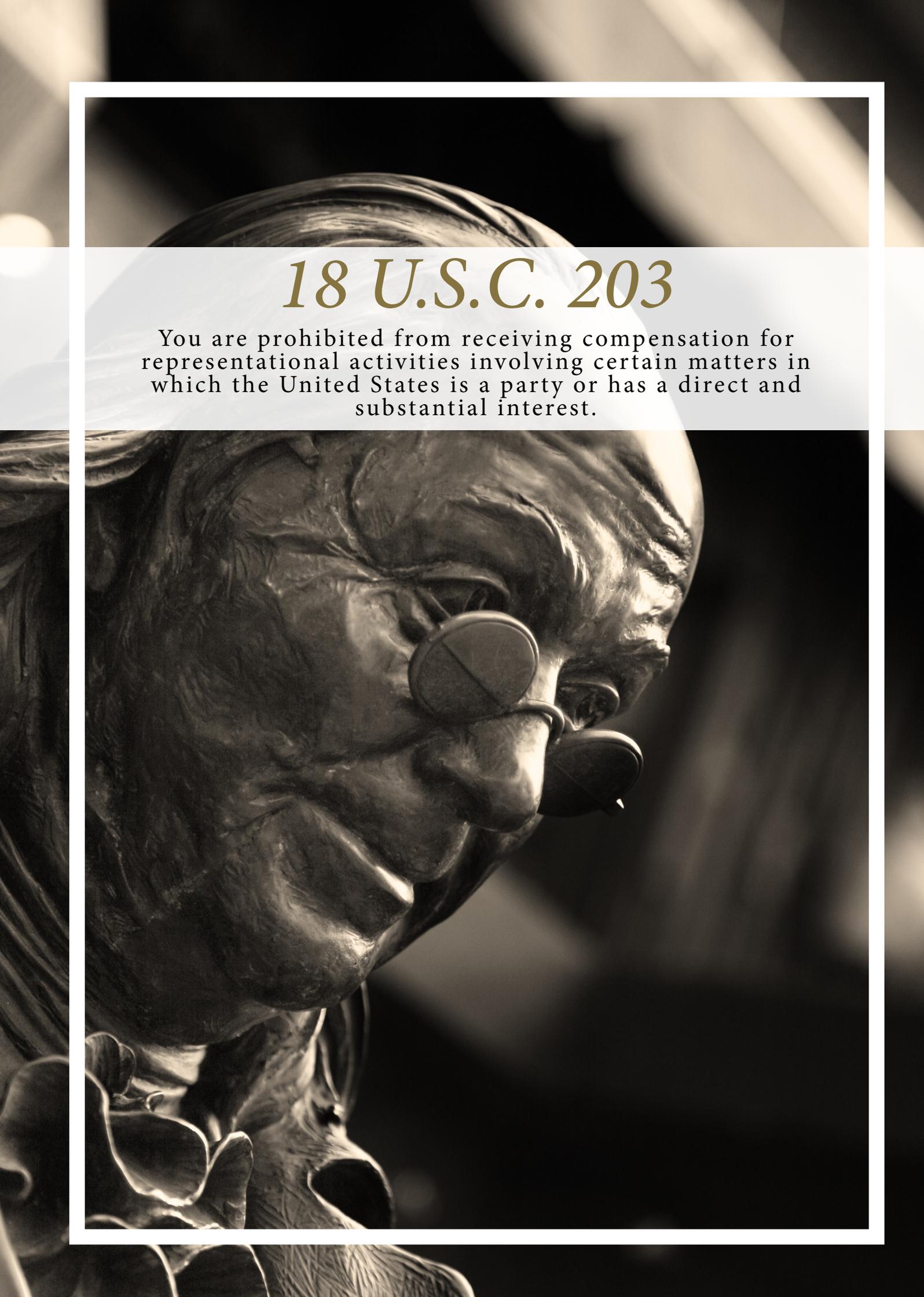
If you are thinking about engaging in any activity that may implicate 18 U.S.C. section 205, talk with an ethics official. He or she can advise you about the application of the law and any relevant exceptions.



IN THIS TEMPLE  
AS IN THE HEARTS OF THE PEOPLE  
FOR WHOM HE SAVED THE UNION  
THE MEMORY OF ABRAHAM LINCOLN  
IS ENSHRINED FOREVER

***Examples of representational restrictions:***

- *Clarence, a Government IT specialist, may not call the Social Security Administration on behalf of a neighbor (even if he will not be paid by the neighbor) to assist her in her appeal of a denial of benefits.*
- *Hannah is a Government attorney. She could not provide free representation in court to a nonprofit organization in connection with a lawsuit involving the enforcement of 501(c)(3) tax-exempt status by the federal Government.*



# *18 U.S.C. 203*

You are prohibited from receiving compensation for representational activities involving certain matters in which the United States is a party or has a direct and substantial interest.



RECEIVING COMPENSATION IN CONNECTION  
WITH MATTERS AFFECTING THE GOVERNMENT

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# RECEIVING COMPENSATION IN CONNECTION WITH MATTERS AFFECTING THE GOVERNMENT

## 18 U.S.C. 203

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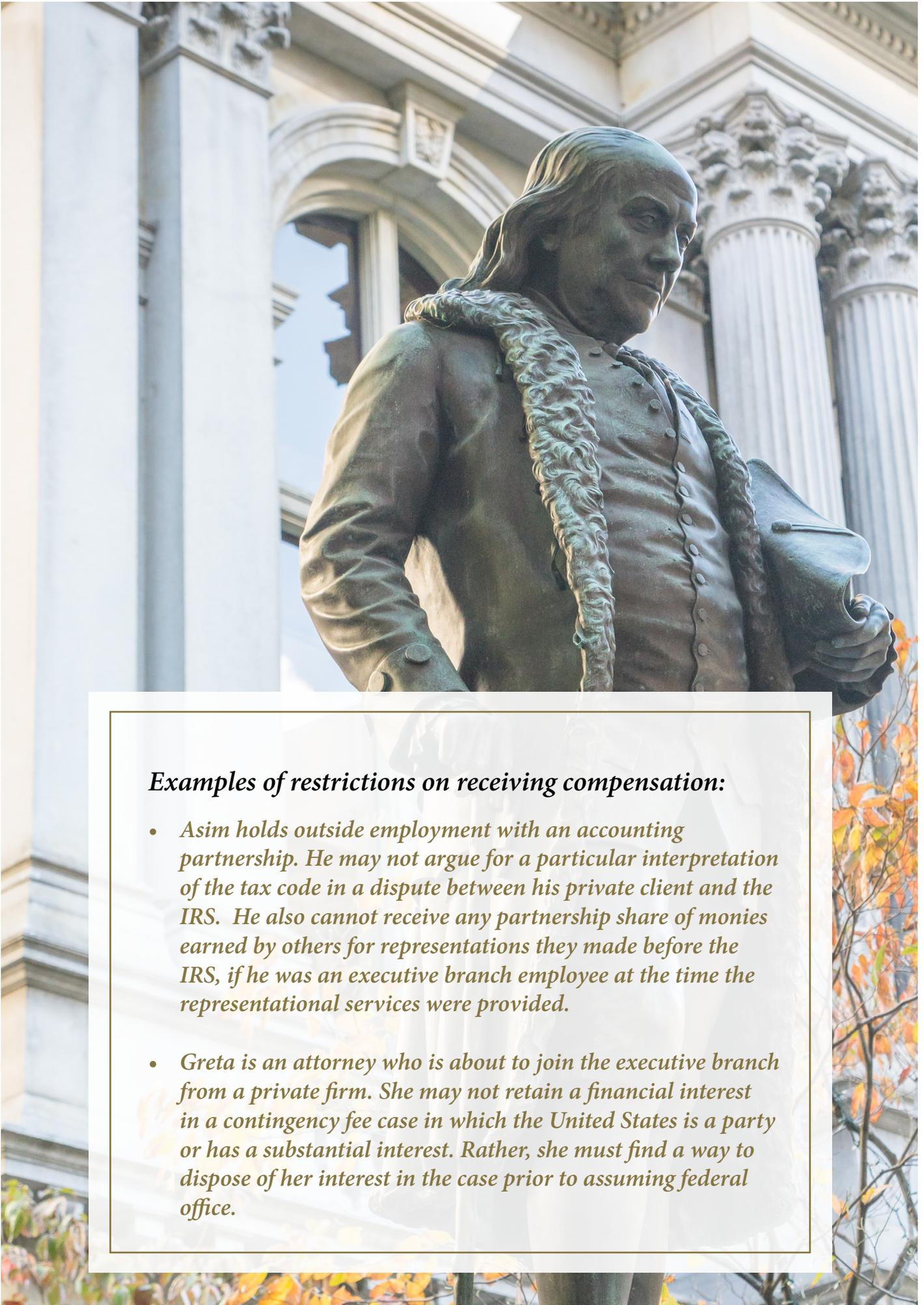
18 U.S.C. section 203 prohibits you from receiving or seeking to receive any compensation (including legal fees, partnership share, bonuses, or other payments) for representational services to others, before any department, agency, or court (and certain other Government entities), in matters where the United States is a party or has an interest.

There are two important things to remember about this prohibition:

- It applies if the representational services are provided during the time that you are an executive branch employee, regardless of whether you receive the payment during or after Government service.
- It applies whether you provide the representational services yourself or someone else provides them.

Keep in mind that there are some exceptions that might apply, depending on your circumstances. One notable exception would generally allow you, with agency approval, to represent – with or without compensation – your parents, spouse, children, and certain others with whom you have a fiduciary relationship (such as serving as a guardian, trustee or executor).

If you foresee receiving compensation for representational services provided by you or someone else, talk with an ethics official. He or she can advise you about the application of the law and any relevant exceptions.



***Examples of restrictions on receiving compensation:***

- *Asim holds outside employment with an accounting partnership. He may not argue for a particular interpretation of the tax code in a dispute between his private client and the IRS. He also cannot receive any partnership share of monies earned by others for representations they made before the IRS, if he was an executive branch employee at the time the representational services were provided.*
- *Greta is an attorney who is about to join the executive branch from a private firm. She may not retain a financial interest in a contingency fee case in which the United States is a party or has a substantial interest. Rather, she must find a way to dispose of her interest in the case prior to assuming federal office.*

A low-angle, close-up photograph of the Statue of Liberty, showing the crown, the face, and the raised right arm holding the torch. The statue is green and set against a clear blue sky. The image is framed by a white border.

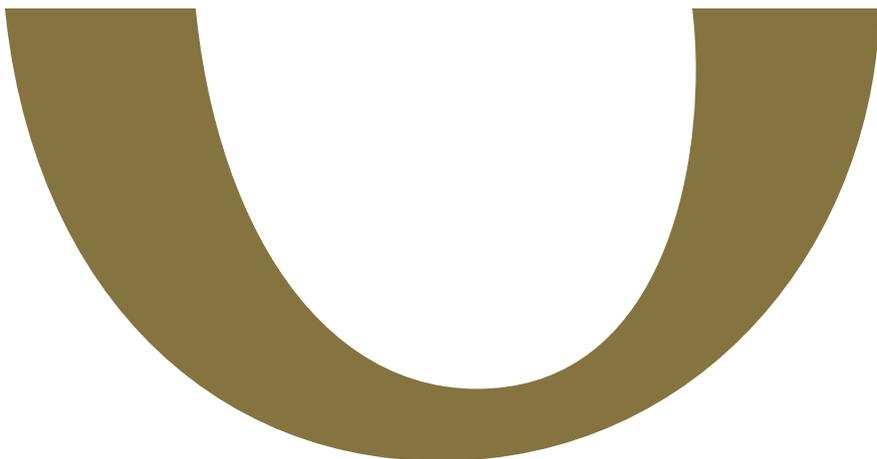
# *18 U.S.C. 207*

After you leave Government service (or leave certain high-level positions), you may be subject to limitations on your post employment activities.



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RESTRICTIONS ON FORMER EMPLOYEES



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# RESTRICTIONS ON FORMER EMPLOYEES

## 18 U.S.C. 207

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18 U.S.C. section 207 is the primary source of post Government employment restrictions that may prohibit you from engaging in certain activities after you leave Government service. None of the statute's restrictions bar you from accepting employment with any private or public employer. Instead, they prohibit you from engaging in certain communications and appearances before the federal Government on behalf of other people or organizations.

Two of the post employment restrictions are essentially "switching sides" restrictions. These may apply to any former Government employee regardless of rate of pay. Several "cooling off" restrictions apply only to former high-level Government officials. The remaining restrictions apply to individuals who performed certain duties for the Government.

### *Examples of post Government employment restrictions:*

- *Terence reviewed a license renewal for a telecommunications company during his Government service. After he left his Government job, he was hired by the same telecommunications company. For the "lifetime" of that license renewal, Terence may not contact his former agency, or any other agency or department, on behalf of his new employer to discuss the license renewal.*
- *In the prior example, if Terence had not participated in the license renewal but merely supervised others who worked on the renewal during his last year of Government service, he would still be prohibited from discussing the matter with his former agency, or any other agency or department, for two years from the date he terminated his Government service.*
- *Chandra was an SES-level employee with a federal agency. After leaving "senior service" she became an unpaid consultant with People for Change, an advocacy group. People for Change asks her to contact the head of her former agency and request a meeting to discuss the group's ideas on regulatory reform. For one year after she terminates her "senior service," Chandra may not contact her former agency on behalf of People for Change to seek any official action, including requesting a meeting with the head of the agency.*

**“Switching sides”** restrictions—These restrictions bar you from making a communication or appearance before a Federal department, agency, or court to seek Government action on behalf of anyone else. These restrictions apply only to certain types of matters you were involved in while serving the Government (e.g., specific party matters such as contracts, grants or similar matters).

- If you participated in the Government matter directly (e.g. personally and substantially), the restriction lasts for the lifetime of the matter.
- If the matter was merely pending under your official responsibility during your last year of Government service, then you are restricted for two years after you leave Government service.

**“Cooling-off”** restrictions—These restrictions apply to certain former high-level officials.

- If you are a “senior” employee, for one year after you leave a “senior” position, you may not represent another person or entity by making a communication to or appearing before your former agency to seek official action on any matter.
- A “very senior” employee is subject to a similar prohibition, except that the bar lasts for two years and also extends to contacts with specified high-level officials at any department or agency.
- Separately, both former “senior” and “very senior” employees are prohibited for one year from representing, aiding, or advising a foreign government or foreign political party with the intent to influence Government officials in the executive and legislative branches.

**“Other”** restrictions—Two remaining section 207 restrictions affect only those individuals who performed specified duties for the Government.

- If you participated personally and substantially during your last year of Government service in an ongoing trade or treaty negotiation covered by the statute.
- If you were a former assignee under the Information Technology Exchange Program.

If you engage in trade or treaty negotiations or if you are an assignee, you should consult with your ethics official for further details about the specific post employment restrictions that may apply to you.



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GENERAL PRINCIPLES

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# GENERAL PRINCIPLES

*The following general principles apply to every employee and may form the basis for the standards contained in this part. Where a situation is not covered by the standards set forth in this part, employees shall apply the principles set forth in this section in determining whether their conduct is proper.*

1. Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws and ethical principles above private gain.
2. Employees shall not hold financial interests that conflict with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using nonpublic Government information or allow the improper use of such information to further any private interest.
4. An employee shall not, except as permitted by subpart B of this part, solicit or accept any gift or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth honest effort in the performance of their duties.

6. Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.
7. Employees shall not use public office for private gain.
8. Employees shall act impartially and not give preferential treatment to any private organization or individual.
9. Employees shall protect and conserve Federal property and shall not use it for other than authorized activities.
10. Employees shall not engage in outside employment or activities, including seeking or negotiating for employment, that conflict with official Government duties and responsibilities.
11. Employees shall disclose waste, fraud, abuse, and corruption to appropriate authorities.
12. Employees shall satisfy in good faith their obligations as citizens, including all just financial obligations, especially those—such as Federal, State, or local taxes—that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or the ethical standards set forth in this part. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.