

Ethics and the Federal Employee

Effective DC Training



ETHICS AND THE FEDERAL EMPLOYEE

- The following slides provide an orientation to ethics in NRCS and should be presented to all employees, especially those new to NRCS.



I will not be able to cover everything about the Federal ethics rules or make you an Ethics Expert today but.....



First a little
history...



Until recently NRCS
Ethics used to be in
Human Resources
in HQ and Caryl
Butcher Was the
Ethics Program
Manager



But then there was a re-
organization November 2007

USDA Secretary of Agriculture

**Assistant Secretary
for Administration**

USDA Office of Ethics

Science Ethics Division

**Farm, Conservation &
Rural Programs**

**Nutrition and Regulatory
Programs Division**

Forest Programs Division

**NRCS Ethics is
now here**





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Federal Ethics Features

Compliance-based System: _____

You're presumed to know and are required to follow ethics rules. Failure may result in criminal prosecution or fine or administrative action.

NRCS has areas of particular concern:

- Partnering Agreements
- Relationships between employees and non-Federal entities
- Employee Interests in NRCS programs

So how does Ethics help NRCS???

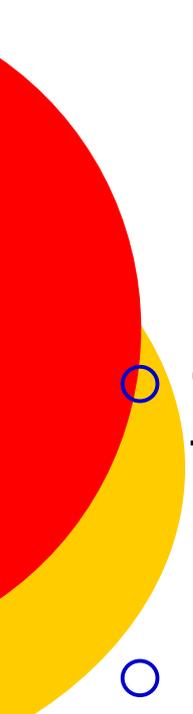
There is increased public awareness of the money that is allocated to farm programs.

Increased \$ = Greater Scrutiny

Knowing the
ethics rules helps
employees to...



Protect the
integrity of
NRCS
Programs
and services



○ Greater Scrutiny Demands Greater Transparency and...

○ Ethics takes the pain out of transparency



What is Government Ethics



Government Ethics are the rules of conduct governing Executive Branch employees. These rules are based on;

- Statutes,
- Standards of Ethical Conduct,
- USDA Supplemental Standards that may be specific to your agency,
- The 14 Principals of Ethical conduct.

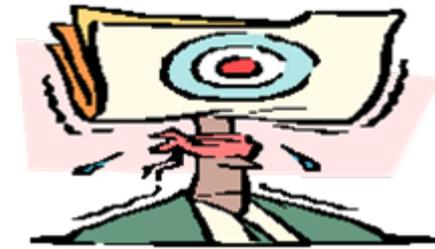


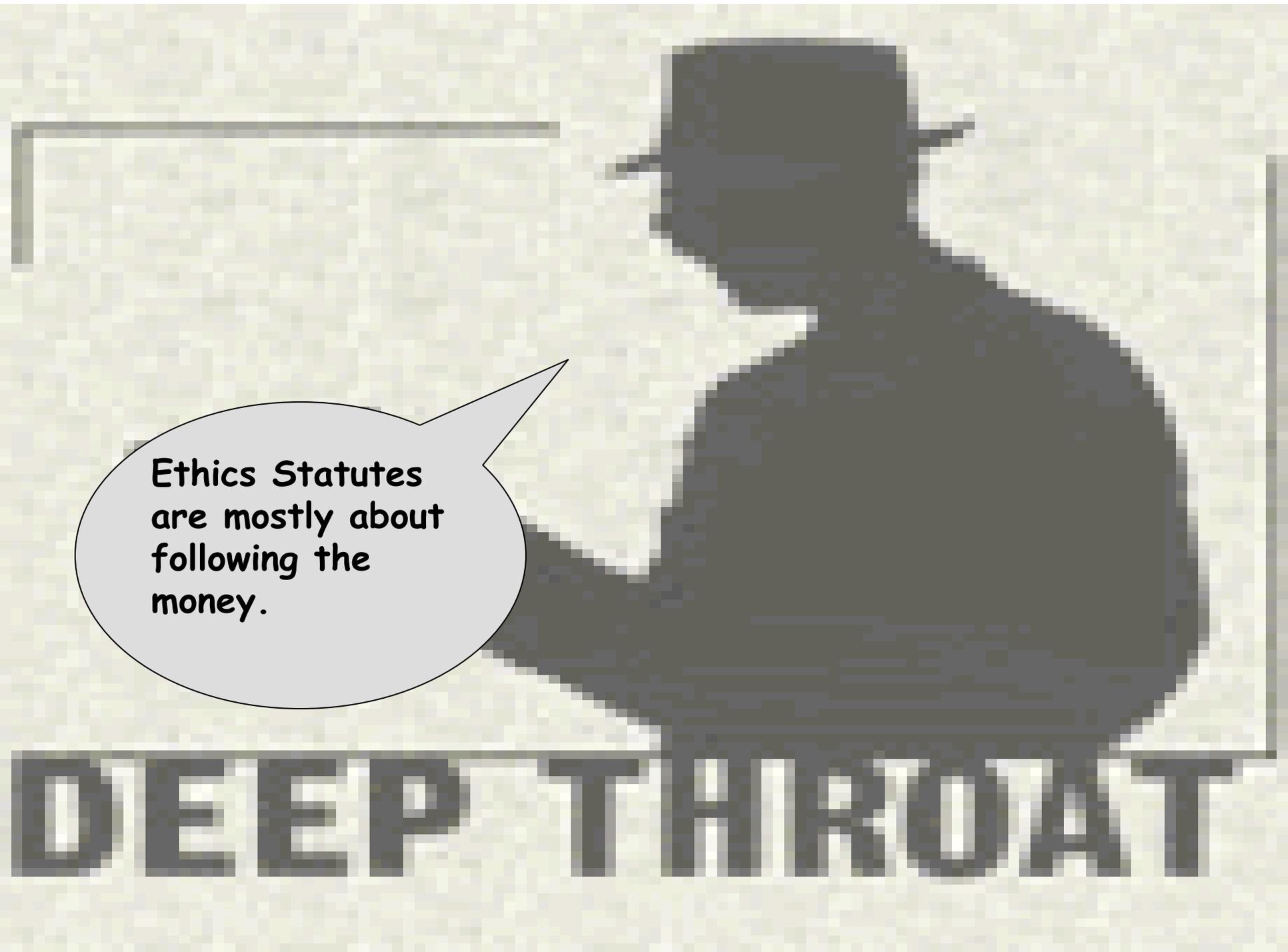
Now back to the Statutes

WHY ARE THE ETHICS RULES CONFUSING?

OK. Try and keep up here. It may get tricky. Ethics Rules are largely based on 6 criminal statutes — passed in the 19th century for a smaller government. As government grew, the Standards were developed to help apply the laws to modern situations. In turn, USDA issued its Supplement to apply the Standards to USDA.

Problem: The 19th century laws are — 19th century laws. The Standards try and make sense out them and we're interpreting as fast as we can, OK? Here's kind of how it breaks down . . .





**Ethics Statutes
are mostly about
following the
money.**

DEEP THROAT

These 6 Criminal Statutes help us follow the money:

18 U.S.C. §201 – Bribery

18 U.S.C. §203 – Compensation

18 U.S.C. §205 – Representation

18 U.S.C. §207 – Post Employment

18 U.S.C. §208 – Financial Interest

18 U.S.C. §209 – Supplement Salary



§201. Bribery of public officials and witnesses

Prohibits a Federal employee from seeking, receiving or agreeing to accept anything of value for themselves or others **in return for:**

- being influenced in an official act;
- being influenced to aid in the commission of a fraud on the United States; or
- being induced to do or omit any action in violation of official duty.



In shorts: Just say “No!” to quid pro quo.



Proving that a congressman is not above the law, former congressman Randall "Duke" Cunningham was sentenced in a Federal Court on March 3, 2006, to eight years and four months in prison, for taking bribes and evading taxes.

18 USC § 203 Compensation



This statute bars employees from seeking or accepting compensation for **assisting in representing** another before the executive branch, or Federal courts or receiving money for anyone else's representation.

Representation Also Includes;

Knowingly making,
any communication (oral
or written) to or
appearance before any
officer or employee of a
Federal agency,
with the intent to influence,



18USC 205 Claims against the Government & Representation

Prohibits a Federal employee acting as an agent or attorney for:

- prosecuting any claim against the US or sharing in the claim;
- anyone else before a Federal agency or court on a matter in which the US has an interest.



18 USC § 207 Post Employment Restrictions



- Permanent
- Two-year
- One Year



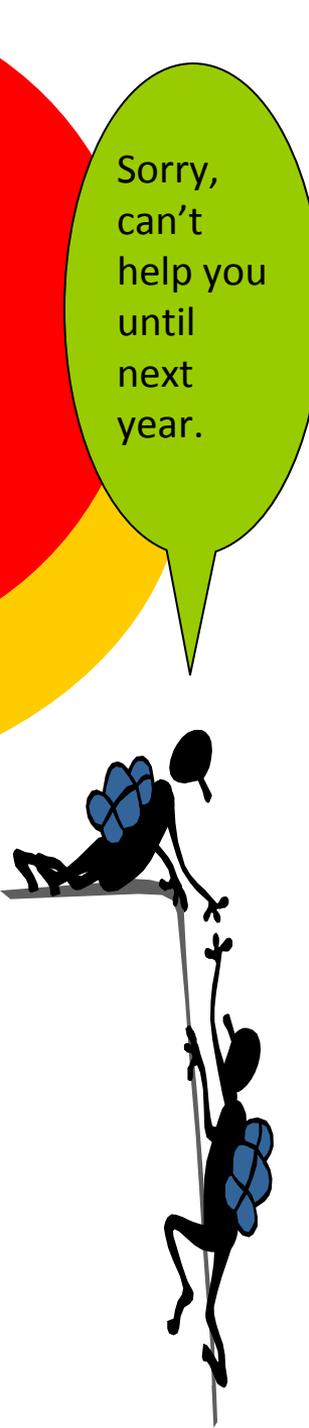
Permanent restrictions on representation

While a A Federal employee at USDA, you worked on a contract with John Deer Tractor. You may not then go and work for Deer Tractor on that same USDA contract.



2-Year
Restrictions
Concerning
Particular
Matters Under
Your Official
Responsibility

**That were pending
completion**



Sorry,
can't
help you
until
next
year.

1-- Year Restrictions on Aiding or Advising & Senior Employees

- * Former employees may not aid or assist others on trade or treaty negotiations using FOIA-protected information obtained within 1 year of terminating Federal service; and
- * Former SESs and those in equivalent or higher pay levels, may not (1) represent others before USDA; or (2) represent, aid, or advise a foreign government before a Federal agency or court.

18USC § 208 Financial Interests



An employee of the executive branch including a special Government employee may not participate personally and substantially in a matter in which he or she has a financial interest. In addition the particular matter must not be a financial interest of the employee's spouse, minor child, general partner, or an organization the employee has any arrangement concerning past or prospective employment.

18USC § 209. Salary of Government officials and employees payable only by United States



An officer or employee of the executive branch of the United States Government may not receive additional salary, contribution or supplementation of salary, as compensation for his services to the United States, or of the District of Columbia, from any source other than the Government of the United States.



Government-wide Standards of Ethical Conduct

5 CFR Part 2635

- **Standard: Objective. Your intent doesn't matter.**
- **Basis: Appearance-based.**
- **Administrative Enforcement.**
- **Violation can cost you your job.**



Government-wide Standards of Ethical Conduct

5 CFR Part 2635

- Gifts -- outside sources & employees
- Conflicting Financial interests
- Impartiality
- Seeking Other Employment
- Misuse of Position
- Outside Employment & Activities
- Fundraising & Expert Testimony

1.

Loyalty to the Constitution

First you must remember that Public Service is a public trust, requiring you to place loyalty to the Constitution, the laws and ethical principles above private gain.



2. Financial Interests

And speaking about private gain,
don't even *Dream* of holding
monetary interests that would
conflict with the honest performance
of your job such as interest in public
lands and any exploration activities.





3. Nonpublic Information

It's against the law for you to use nonpublic government information to wheel and deal for your own benefit or anyone else's.



4. Gift Restrictions

You cannot receive a gift from a person or organization that does business with, hopes to do business, is regulated by, the USDA, or whose interests could be affected by the performance or nonperformance of your official duties.



Non-Gifts Feel Free to Accept:

- **Modest food and drink -- not part of a meal**
(e.g., doughnuts and coffee - even danish and espresso);
- **Cards, plaques, trophies** – nominal presentation items;
- **Available to Public/all Federal Employees** (e.g., loans, discounts and benefits, and rewards and contest prizes;
- **Pension benefits** from a former employer; and
- **Items/benefits obtained through Government Contract.**



Some Gifts You Can Accept:

- ~~• \$20/\$50 rule – Gift worth \$20 per occasion; up to a total of \$50/yr from a given source;~~
- Friends and Family – No monetary limit;
- Widely-attended gatherings. Free attendance at large events if agency says it is of value to you as an employee;
- Discounts/benefits from your outside job or spouse's job; and
- There are others, too. Check with us!



5. Performance of Duties

You shall make an honest effort to do your job...

The New York Post reported *February 9, 2006* that Mayor Bloomberg had a city clerical worker fired after visiting his office and saw him playing a solitaire card game on his computer.



6. Unauthorized Commitments

You may not knowingly make unauthorized commitments or promises of any kind on behalf of the Government.



Yes sir, we can give you the world...I think.

7. Private Gain: The Case of the Body Snatchers.

“I was working in the lab late one night, when my eyes beheld an eerie sight”



January 21, 2006, The Pittsburgh Post-Gazette reported a real case of “The Body Snatchers”... A federal grand jury indicted Allegheny County Medical Examiner Dr. Cyril H. Wecht charging that he used his public office for private gain. He is accused of trading unclaimed bodies in exchange for use of lab space at Carlow University.

8. Preferential Treatment

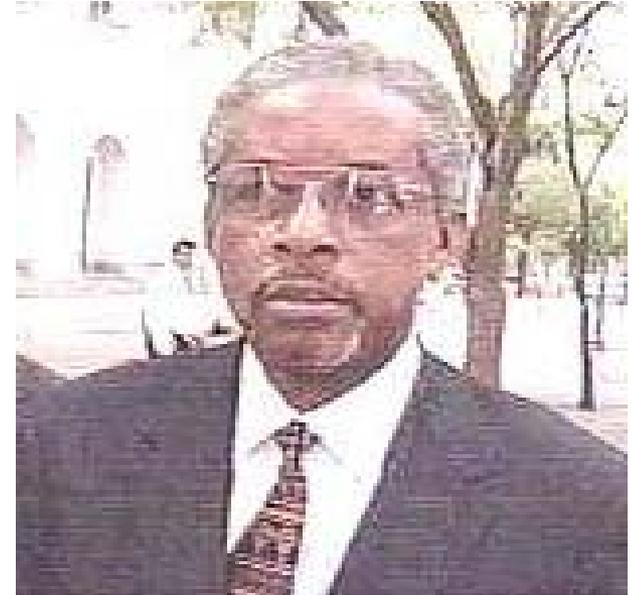
You must act impartially. Do not give preferential or privileged treatment to any group or individual.



What! No Royal preferential treatment?

There Goes The Judge

ALAN J. GREEN , former 24th Judicial District Court Judge, was sentenced in Federal Court by United States District Judge Lance M. Africk to a period of fifty-one (51) months imprisonment. GREEN was convicted by a jury in federal court following trial on one count of mail fraud and deprivation of the honest services of a public official in violation of Title 18, United States Code, Sections 1341 and 1346.



9. Using Government Property & Time

You have a duty to protect and conserve Government property and shall not use such property, or allow its use, for other than official purposes.



9. Some Thoughts on Government Property & Time

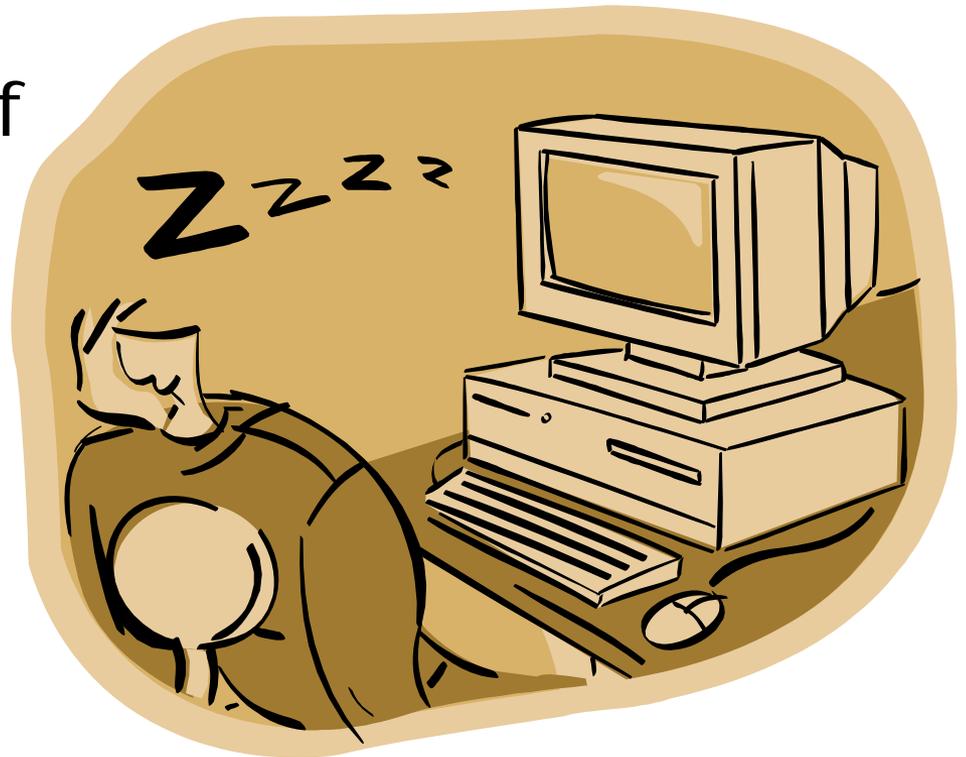
Examples: Don't use Government equipment or time to:

- * Operate an outside business or profit-making activity;
- * View pornography, gamble or make internet purchases; or
- * Participate in partisan political activities.



Using Official Government Time

You shall put forth
an honest effort
in the
performance of
your duties.



10. Outside Employment

Before you take that second job,
please fill out an outside
employment form and submit it
to your supervisor. The forms are
available on the ethics website.



<http://www.usda-ethics.net/forms/index.htm>

If you are required to file a financial disclosure report, you will need to submit the outside employment form to the Office of Ethics.

11. Waste Fraud and Abuse

You shall report waste, fraud,
abuse, and corruption to appropriate
authorities. (800) 424-9121
(202) 690-1622, (202) 690-1202 (TDD)



12. Satisfy good faith legal obligations.

You shall satisfy in good faith your obligations as citizens, including all just financial obligations, especially those such as federal, state or local taxes - that are imposed by law.



STATE TAX

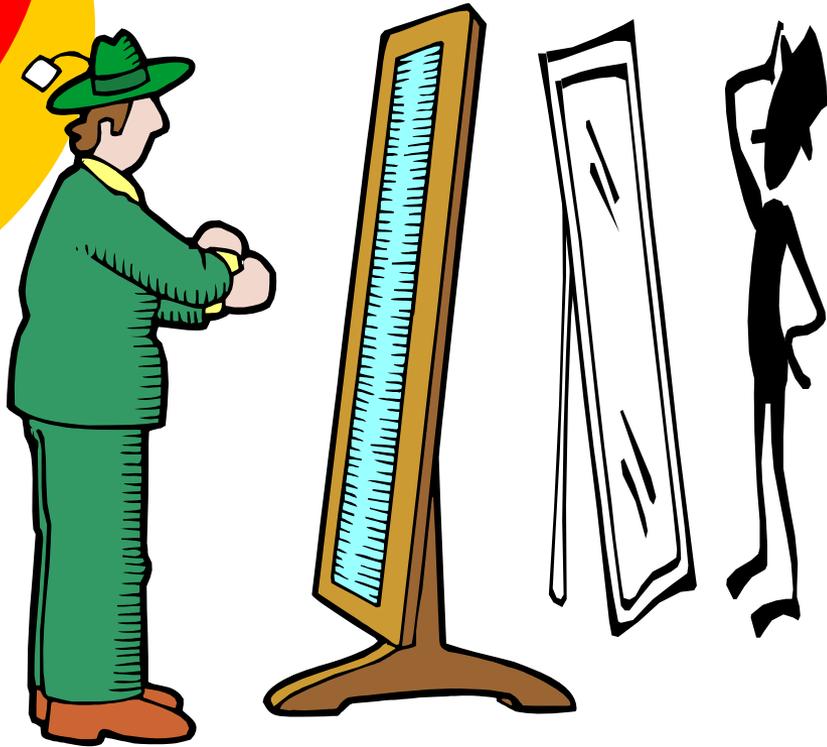
FEDERAL TAX

13. Equal Opportunity

You shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, gender, national origin, age or handicap.



14. Appearance of a Conflict



You should avoid doing anything that would give the **APPEARANCE** that you are violating the law, or the ethical standards that we have reviewed.



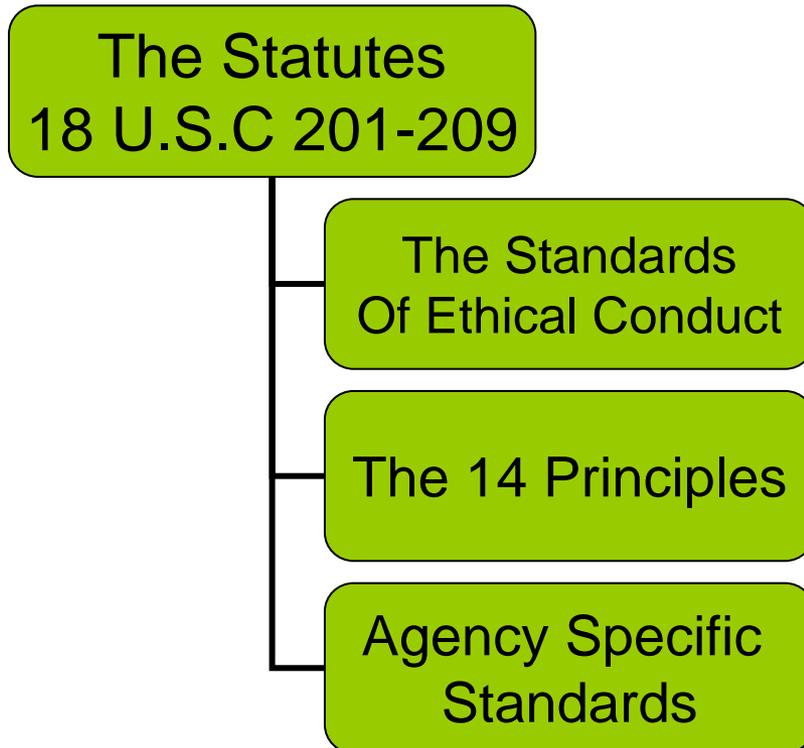
... AND ANOTHER THING:

The ability of Federal employees to participate in partisan political activities is governed by the Hatch Act. For most employees, the restrictions are simple:

- Do not participate on official time;
- Do not send political email;
- Do not participate at the office or GOV;
- Do not participate at Federal expense;
- Don't run for a partisan public office; and
- Don't engage in political fundraising.

Career SES, ALJs, BCA Members, and IG Officials may not participate in partisan political activities.

HIERARCHY OF ETHICAL PRINCIPLES



QUESTIONS???

What standards govern ethical behavior of employees of the executive branch?

What ethics-related materials do you have available for yourself and your staff?

Does your office conduct any training on ethics beyond the annual USDA requirement?

Who is your local Ethics Officer?

