

# JDVAC GOVERNMENT ETHICS TRAINING

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# Agenda

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- 14 General Principles
- Why Get Ethics Advice?
- Conflicts of Interest & Impartiality
- Outside Activities
- Use of Government Resources
- Seeking Employment
- Post-Government Employment
- Gifts

# 14 General Principles

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*Public service is a public trust, requiring employees to place loyalty to the Constitution, the laws, and ethical principles above private gain.*

Among other things, employees must...

- ❑ Disclose fraud, waste, and abuse
- ❑ Satisfy just financial obligations, including all taxes
- ❑ Avoid actions creating the appearance of a violation of law

# Why Get Ethics Advice?

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## The “Safe Harbor” Rule

*Disciplinary action for violating [the Standards of Ethical Conduct] will not be taken against an employee who has acted 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.*

# Conflicts of Interest & Impartiality

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- May not be paid by non-Federal source for your official duties
- May not participate in Government matters which would have a direct and predictable effect on your financial interests or those of certain others with whom you have close ties outside the Government
- May not participate in matters affecting person or organization with whom you have a “covered relationship”

# Conflicts of Interest & Impartiality

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## Other Interests to Consider

- ❑ Spouse, Child, Other Close Relative
- ❑ Member of Your Household
- ❑ Prospective Employer
- ❑ Organization you serve, or served, as...
  - ▣ Employee
  - ▣ Director, Officer, or Trustee
  - ▣ Agent, Attorney, Consultant, or Contractor
  - ▣ General Partner

# Conflicts of Interest & Impartiality

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What to  
do if  
faced  
with a  
potential  
conflict?

- ❑ **STOP!** Do not participate
- ❑ Identify potential conflict
- ❑ Seek advice from ethics official
- ❑ Possible remedies include...
  - ▣ Recusal
  - ▣ Authorization (Impartiality regulation only)
  - ▣ Sale of conflicting interest

# Outside Activities

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*Employees shall not engage in outside employment or activities ... that conflict with official Government duties...*

- Representation of Others
- Service as Expert Witness
- Teaching, Speaking & Writing
- Fundraising
- Political Activities

# Outside Activities

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## Restrictions When You Represent Others

- May not represent someone, or share in fees from representation, before a Federal court or Federal agency
  - ▣ Exception – May represent yourself, spouse, child, or parent without compensation
  - ▣ Behind-the-scenes assistance is okay
  - ▣ Representation before Legislative Branch okay

# Outside Activities

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Restrictions  
on Serving  
As Expert  
Witness

May not serve as an expert witness for a party opposing the Government without authorization of Designated Agency Ethics Official

# Outside Activities

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## Restrictions on Teaching, Speaking, & Writing

- ❑ May not be compensated by non-Federal source for teaching, speaking, or writing that “relates to your official duties”
- ❑ May include official title as one of multiple details
- ❑ May include official title in scientific or professional journal if accompanied by disclaimer

# Outside Activities

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Activity “relates to your official duties” if...

- Undertaken as part of official duties
- Invited based on position rather than expertise
- Invited by party whose interests affected by your duties
- Information conveyed draws on non-public VA information
- Subject deals substantially with...
  - Matter to which you are assigned
  - VA policy

# Outside Activities

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*The CFC is the only authorized solicitation of employees in the Federal workplace on behalf of charitable organizations*

- ❑ No unauthorized fundraising on VA premises
- ❑ Employee Association fundraising on VA premises only for benefit of membership
- ❑ No solicitation of subordinates
- ❑ No solicitation of “prohibited sources”

# Outside Activities

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A “Prohibited Source” is a person or organization...

- ❑ Seeking official action from VA
- ❑ Doing or seeking business with VA
- ❑ Conducting activities regulated by VA
- ❑ With interests that could be substantially affected by your duties
- ❑ With most members falling in these categories

# Outside Activities

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The Hatch Act restricts employee political activity

“Political Activity” is directed towards the success/failure of...

- ❑ Political party
- ❑ Candidate for partisan political office
- ❑ Partisan political group

# Outside Activities

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- ❑ No “political activity” while on duty, on VA premises, in Government vehicle, or wearing official ID card or uniform
- ❑ May not run for partisan office
- ❑ May not solicit/accept political contributions
- ❑ May engage in other political activity on personal time
- ❑ Additional restrictions for career SES employees

# Use of Government Resources

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What are Government resources?

- ❑ Supplies & Equipment
- ❑ Official Time
- ❑ Official Title & Position
- ❑ Communications Systems (phone, email, etc.)
- ❑ Official Travel
- ❑ Non-Public Information

# Use of Government Resources

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*Employees shall protect and conserve Federal property and shall not use it for other than authorized purposes.*

“Limited personal” use of VA resources permitted if...

- ❑ Not on duty time
- ❑ Minimal or no cost to VA
- ❑ Does not interfere with performance of official duties
- ❑ Does not violate other rules

# Use of Government Resources

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“Limited personal use” never permitted for...

- ❑ Gambling
- ❑ Pornography
- ❑ Fundraising Solicitations
- ❑ Political Activity
- ❑ Outside Business Activities
- ❑ Activities that would reflect adversely on VA

# Use of Government Resources

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- Travel authorization required for all official travel
- VA Form 0893 required when non-Federal source pays
- Government vehicles may only be used between places of business or on official travel
  - ▣ Mandatory 30-day suspension for violations

# Use of Government Resources

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- Employees may keep loyalty points or “miles” earned on official travel
- Employees may keep voluntary denied-boarding compensation if volunteering does not interfere with duties or create cost to Government

# Seeking Employment

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- Generally may not participate in VA matters that affect a prospective employer
- Restriction does not apply if simply requesting application
- Applies after sending resume/application materials
- Applies if unsolicited offer is not immediately rejected

# Post-Government Employment

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- Lifetime ban on representing party in a matter involving specific parties if you personally participated while a Federal employee
- 2-Year ban on representing party in a matter involving specific parties if matter was “under your official responsibility”
- 1-Year “cooling-off period” for “senior employees”
- Additional restrictions for employees involved in procurement activities

# Gifts

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A gift is “any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value.” Gifts do not include...

- Modest food/refreshments
- Greeting cards, plaques, or other presentation items
- Loans on terms available to general public
- Prizes from contests/drawings open to public
- **Commercial discounts available to all military personnel or all Federal employees**

# Gifts Between Employees

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- ❑ Generally may not accept gifts from subordinates
- ❑ Generally may not give gifts to supervisors
- ❑ Exception – Gifts valued at \$10 or less on an “occasional basis” when gifts are traditionally given, such as holidays, birthdays, or for office refreshments
  - ▣ No group gifts; no soliciting except for office refreshments
- ❑ Exception – Gifts on “special infrequent occasions,” such as marriage, serious illness, birth/adoption, departure of employee
  - ▣ Group gifts permitted
  - ▣ Gift must be appropriate to occasion

# Gifts from Outside Sources

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- Generally may not accept gifts that are given...
  - ▣ Because of official position, or
  - ▣ From a “prohibited source”
- Exception – \$20/50 Rule
- Exception – Gifts based on personal relationship
- Exception – Widely Attended Gatherings (VA approval)
- **Exception – Discounts based on...**
  - ▣ **Class membership unrelated to Federal employment**
  - ▣ **Organization membership unrelated to Federal employment**

# Where to Get Ethics Advice?

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## Designated Agency Ethics Official (DAEO)

Walter A. Hall, Assistant General Counsel

## Alternate DAEO

Renée L. Szybala, Associate General Counsel

## Field Facility Ethics Officials

**Contact Your Local Regional Counsel's Office**

## VACO Ethics Attorneys

James R. Dubois Jr.

Ellen A. Herr

Jonathan I. Gurland

Elizabeth (Anne) Kopley

Jane Gutcher